

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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JOEL DOE, a minor, by and through his Guardians:	:	
JOHN DOE and JANE DOE; MARY SMITH;	:	
JACK JONES, a minor, by and through his parents:	:	
JOHN JONES and JANE JONES; and MACY	:	
ROE	:	
	:	
Plaintiffs,	:	No. 17-cv-1249-EGS
	:	
v.	:	
	:	
	:	
BOYERTOWN AREA SCHOOL DISTRICT;	:	
DR. RICHARD FAIDLEY; DR. BRETT COOPER;	:	
and DR. E. WAYNE FOLEY,	:	
	:	
	:	
Defendants.	:	

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**DEFENDANTS’ SECOND SET OF PROPOSED FINDINGS OF FACT  
AND CONCLUSIONS OF LAW REGARDING  
PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

The Boyertown Area School District (the “District”), Dr. Richard Faidley, (“Faidley”), Dr. Brett Cooper (“Cooper”), and Dr. E. Wayne Foley (“Foley”) (together “Defendants”), by and through their attorneys, Levin Legal Group, P.C., hereby submit the following proposed findings of fact and conclusions of law regarding the Plaintiffs’ Motion for Preliminary Injunction. This set has been filed to supplement the set that was filed prior to the Preliminary Injunction hearing.

## **FINDINGS OF FACT**

1. Defendant Faidley was Superintendent of the District from August 1, 2013 through July 17, 2017. (Faidley resigned as Superintendent of the District after being appointed as Superintendent of the Wilson School District on Monday evening, July 17, 2017, effective July 18, 2017.) Faidley Dep. Tr., p. 12; July 31 Tr., p. 107.

2. Defendant Cooper has been principal of Boyertown Area Senior High School (“BASH”) since 2009. July 31 Tr., p. 106.

3. Defendant Foley is an Assistant Principal at BASH and is currently assigned to the senior class of 2018. Cooper Dep. Tr., p. 22.

4. In May 2016, the U.S. Departments of Education and Justice issued a “Dear Colleague Letter” (“the 2016 Letter”) stating that transgender students must be allowed to use the restrooms and locker rooms aligned with their gender identity. July 31 Tr., p. 109; Faidley Dep. Tr., pp. 24-25.

5. Based on the 2016 Letter and communications with the School District’s solicitor, since the beginning of the 2016-2017 school year, the School District has, upon request, permitted transgender students to use restrooms and locker rooms aligned with their gender identity on a case-by-case basis. This practice and its implementation have not been reduced to writing. July 31 Tr., pp. 108-10, 132-33; Faidley Dep. Tr., pp. 24-25, 34; Exh. P-49.

6. At least 41 Pennsylvania public school districts have adopted official school board policies referencing transgender students or gender identity. The majority prevent discrimination against transgender students in the provision of school services or through bullying. At least 12 districts have official policies permitting transgender students to use restrooms and/or locker rooms aligned with their gender identity. See list of policies, attached hereto as Exhibit 1.<sup>1</sup>

7. By the end of the 2016-2017 school year, permission had been granted to two transgender males and one transgender female to use restrooms aligned with their gender identity. One transgender male also requested, and was given, permission to use the boys' locker room. Cooper Dep. Tr., p. 86-91.

8. Also during the 2016-2017 school year, three other transgender male students requested permission to use different first names aligned with their gender identity, and to be addressed by male pronouns. However, none of these students requested to use restrooms and/or locker rooms aligned with their gender identity. Cooper Dep. Tr., p. 94-103.

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<sup>1</sup> The court may take judicial notice of these policies, which were adopted by resolutions of Pennsylvania school boards. See 42 Pa. C.S. § 6107 (“The ordinances of municipal corporations of this Commonwealth shall be judicially noticed.”); *Derry Tp. v. Swartz*, 61 Pa. D. & C.2d 670, (1973) (holding that school district resolutions “warrant comparable notice” as ordinances of municipal corporations).

9. Before a transgender student is granted permission to use the restrooms and/or locker room aligned with his or her gender identity, several conversations occur between the student and his or her guidance counselor regarding the student's situation and intentions. Permission is not granted automatically. July 31 Tr., p. 144, 148; Faidley Dep. Tr., p. 23.

10. The practice of allowing transgender students to use the restrooms and locker rooms aligned with their gender identity has not resulted in any disruption to the educational program or activities of the district. There have been no student or employee protests or walkouts regarding the practice. BASH students have been generally accepting of their transgender classmates. July 31 Tr., p. 116.

11. When a transgender student at BASH requests and is granted permission to use the restrooms and/or locker rooms aligned with their gender identity, they are no longer permitted to use the facilities of their biological sex. July 31 Tr., p. 112.

12. Any BASH student who enters a restroom or locker room of the opposite biological sex without prior permission is subject to discipline. This has occurred approximately five to ten times during Dr. Cooper's tenure as principal at BASH. July 31 Tr., p. 112.

13. In 2016, the School District reconstructed the showers in the locker rooms at the high school to remove gang showers and replace them with individual shower stalls with curtains. Cooper Dep. Tr., p. 44.

14. As part of ongoing renovations, BASH has added several bathrooms for both students and staff – both multi-user and single user – for the upcoming 2017-2018 school year. The additions bring the number of single-user bathrooms available to students to eight. July 31 Tr., pp. 107-08, 118-122; Faidley Dep Tr., pp. 16-17; Exhs. D-53, D-54.

15. All of the multi-user restrooms at BASH have individual toilet stalls, each with a locking door for privacy. July 31 Tr., pp. 118-19.

16. Four of the single-user restrooms for students will have lockers added for the 2017-2018 school year so that students changing in those restrooms can store their belongings. July 31 Tr., pp. 148-49.

17. The boys' locker room at BASH has individual bathroom stalls and shower stalls. Joel Doe Tr., p. 202-03; Jack Jones Dep. Tr., p. 34-35; July 31 Tr., pp. 125-26; Faidley Dep Tr., p. 20.

18. The girls' locker room at BASH has individual bathroom stalls and individual shower stalls with curtains. Smith Dep. Tr., p. 48; Roe Dep. Tr., p. 40; July 31 Tr., pp. 125-26; Faidley Dep Tr., p. 19.

19. No transgender has requested permission to shower in either of the BASH locker rooms, and Dr. Cooper is not aware of any transgender student ever showering in either of the BASH locker rooms. July 31 Tr., p. 125.

20. In addition to the gym locker rooms, there are “team” locker rooms near the gyms. These locker rooms have lockers, toilet stalls and showers. July 31 Tr., pp. 123-24.

21. The School District will permit the Plaintiff students and any other student who desires because of privacy concerns to use these team locker rooms. July 31 Tr., p. 125, 141-42.

22. There is no need for a student using the team locker rooms to walk into or through the gym locker rooms. July 31 Tr., p. 124.

23. The School District has hired an architectural firm to develop plans to increase privacy in the restrooms and locker rooms at BASH. July 31 Tr., pp. 126-27; Exh. D-36.

24. In February 2017, following the inauguration of President Trump, the U.S. Departments of Education and Justice issued another “Dear Colleague Letter” (the “2017 Letter”) rescinding the guidance in the 2016 Letter.

25. The District has anti-discrimination policies and a sexual harassment policy. Those policies contain complaint procedures. The Plaintiffs never filed any internal complaints in accordance with those policies. Doe Dep. Tr., p. 41.

26. The District has not discriminated against any of the Plaintiffs. The District is dedicated to ensuring a nondiscriminatory environment in every respect for all those who enter District buildings. Exh. P-49.

27. No injunction is needed to protect the privacy concerns of the Plaintiff students as single-user bathrooms may be used by them and alternative locker rooms are available for them. July 31 Tr., p. 149; Faidley Dep. Tr., pp. 63-66.

**Plaintiff Joel Doe (“Doe”)**

28. Doe was in the 11<sup>th</sup> grade at BASH during the 2016-2017 school year. July 17 Tr., pp. 81-82.

29. During the 2016-2017 school year, Doe attended a physical education class one day out of a six-day scheduling cycle. July 17 Tr., p. 84.

30. Doe has never taken a shower at school, and has never seen anyone take a shower at the school. Joel Doe Tr., p. 73.

31. On October 31, 2016, Doe witnessed Student A, a transgender boy, changing in the boys’ locker room at BASH. According to Doe, Student A was wearing shorts and a sports bra. July 17 Tr., p. 85, 88.

32. Doe was partially undressed, *i.e.*, in his underpants and a shirt, and in the process of changing into his gym clothes when he noticed Student A. July 17 Tr., p. 88.

33. Doe never saw another student's genitals while changing in the boys' locker room. July 17 Tr., p. 122.

34. Some time after the gym class,<sup>2</sup> Doe and four other boys from the same gym class went to the BASH main office to speak to an administrator to express concern about seeing a biological female in the boys' locker room. They spoke to Assistant Principal Foley. July 17 Tr., pp. 91-93; Exh. P-6.

35. Doe testified that he recorded the conversation with Dr. Foley on his cellular phone. July 17 Tr., p. 96.

36. When the boys asked if they could change somewhere other than with Student A, Dr. Foley stated, "There is nothing that I can do instantaneously." July 17 Tr., p. 118.

37. Before Doe ever had gym again – as he had gym only once every six school days – Dr. Foley met with Doe a few days later and offered him two alternative places to change for gym other than the boys' locker room. July 17 Tr., p. 121.

38. Doe is not aware of any time that his rights were allegedly violated by the Defendants other than on October 31, 2016. Joel Doe Tr., p. 184.

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<sup>2</sup> At his deposition, Doe testified that he and his friends went to complain between fifth and sixth period. Doe Dep. Tr., pp. 29-34. However, at the evidentiary hearing, Doe testified that he and his friends went to complain during eighth period. July 17 Tr., p. 91.



39. In early November 2016, Doe's guardians, John and Jane Doe, met with Cooper at BASH to discuss the locker room issue. Dr. Cooper explained the School District's practice and said that if Joel Doe was not comfortable changing in the locker room with a transgender male student, arrangements could be made for Joel to change in the nurse's office bathroom or a single-user restroom near the gym. July 17 Tr., pp. 118-19; July 31 Tr., pp. 114-15.

40. When Doe was next scheduled to have gym, he refused to change for gym. Instead he went to the office and stated that he would not return to class until an administrator called his legal guardian. Dr. Cooper called Jane Doe and again offered alternative changing arrangements for Joel. July 31 Tr., pp. 115-16; Joel Doe Tr., p. 58-59.

41. John and Jane Doe later met with Dr. Faidley to discuss the locker room issue. Dr. Faidley also offered to allow Joel to change in an alternate area. Faidley Dep. Tr., pp. 85-86.

42. The offer of an alternate changing area was not acceptable to John or Jane Doe. The only resolution that they wanted was to prohibit the transgender boy from being able to use the boys' locker room or boys' bathroom. Faidley Dep. Tr., p. 86.

43. Doe admitted that if he had changed for gym in a single-user bathroom, he could have stored his personal items in his hall locker. July 17 Tr., p. 119.

44. Doe did not ask Dr. Foley or Dr. Cooper whether he could change for gym in a single-user bathroom. Joel Doe Tr., p. 102-03.

45. Doe did not use the boys' locker room at BASH after October 31, 2016. July 17 Tr., p. 112.

46. Despite not changing for gym class, Joel Doe was permitted to participate in gym classes. July 17 Tr., pp. 110-11.

47. Doe is not aware of a biological girl ever using the boys' locker room with the exception of Student A on October 31, 2016. Joel Doe Tr., p. 74.

48. Doe has never witnessed a biological girl in a boys' bathroom at BASH. Joel Doe Tr., p. 74.

49. Doe used both the single-user and multi-user boys' bathrooms at BASH after October 31, 2016. July 17 Tr., p. 113.

50. Doe agreed that when using a single-user bathroom, his privacy was protected. July 17 Tr., p. 121-22.

51. Doe believes that someone who is born male is always male and that someone who is born female is always female, regardless of any sex-change surgery or hormone replacement therapy. Joel Doe Tr., p. 87-88, 157-58, 168.

52. Doe does not know how to determine whether any other student was born as a male or female. Joel Doe Tr., p. 88.

53. Doe has not seen any doctor, psychologist, psychiatrist or therapist since encountering Student A in the locker room on October 31, 2016. Joel Doe Tr., p. 111.

54. Doe has not experienced anxiety, embarrassment or stress requiring medical care. Joel Doe Tr., p. 197.

55. Doe is not aware of any threat, disturbance or disruption caused by transgender students using restrooms or locker rooms aligned with their gender identity. Joel Doe Tr., p. 123, 205.

56. Doe could not identify any action by any of the Defendants that shamed or intimidated him. Joel Doe Tr., p. 196.

57. Doe does not dispute that a large percentage of the BASH student body supports the school's transgender students.

58. Doe testified that the School District can decide who qualifies as a boy. Joel Doe Tr., p. 228, 247-49.

59. Doe testified that he does not have a problem sharing a bathroom with a transgender female student. July 17 Tr., p. 116.

60. Doe never filed any internal complaint pursuant to the School District's sexual harassment policy. Doe Dep. Tr., p. 41.

61. Doe and his guardians never claimed that they were subjected to sexual harassment until they filed the Complaint in court in this case.

**Plaintiff Mary Smith (“Smith”)**

62. Smith was in the 11<sup>th</sup> grade at BASH during the 2016-2017 school year. July 17 Tr., pp. 31-32.

63. Smith testified that in March 2017 she walked into a girls’ bathroom at BASH and saw Student B, a transgender female student, washing her hands. Smith then immediately ran out of the bathroom. July 17 Tr., pp. 43-44, 47-48, Exh. P-62.

64. Both Smith and Student B were fully dressed at the time Smith saw Student B in the girls’ bathroom. July 17 Tr., pp. 64-65.

65. Smith used the single-user restroom at the nurse’s office at times during the 2016-2017 school year. July 17 Tr., pp. 71-74.

66. After the incident in March 2017, Smith still used girls’ restrooms at BASH approximately three to four times per week. July 17 Tr., pp. 50-51.

67. Smith never saw any other biological male in the girls’ restrooms. Smith Dep. Tr., p. 30-31.

68. Smith has no knowledge of ever seeing a transgender female in the girls’ locker room. July 17 Tr., 65.

69. Smith has never taken a shower at school and has never seen anyone shower in the girls' locker room. July 17 Tr., pp. 58.

70. On March 24, 2017, Smith met with Foley and learned that transgender students were permitted to use the restrooms and locker rooms aligned with their gender identity. July 17 Tr., pp. 48-49.

71. Smith never discussed the transgender issue with either Faidley or Cooper. Smith Dep. Tr., p. 74.

72. Smith has no objection to a lesbian using the girls' locker room. July 17 Tr., p. 60.

73. Smith has no objection to transgender males using the girls' locker room. July 17 Tr., p. 60.

74. Smith would like the Court in this case to "accommodate everyone," but she does not know how that can be achieved. Smith Dep. Tr., p. 45-46.

75. When asked how to define sex for deciding who can use which restrooms, Smith testified, "[T]hat is up to the school to decide. . . . I don't know what the school needs to do. That is up to them." July 17 Tr., p. 74.

76. Smith is aware that there are single-user bathrooms for student use at BASH, and that she can utilize those restrooms. July 17 Tr., p. 71.

77. Smith believes that someone who is born male is always male and that someone who is born female is always female, regardless of any sex-change surgery or hormone replacement therapy. Smith Dep. Tr., p. 65-66.

78. Smith admitted that she would not be able to determine by appearance alone whether someone is transgender. July 17 Tr., p. 76.

79. Smith has not seen any doctor, psychologist, psychiatrist, therapist, or her school counselor since encountering Student B in the bathroom in March 2017. Smith Dep. Tr., p. 73-74.

80. Smith testified that she has never received treatment from a health-care professional for any embarrassment or humiliation she may have suffered. Smith Dep. Tr., p. 105.

81. Smith does not know whether transgender people experience clinically significant distress resulting from the disconnect between their gender identity and their biological sex at birth. Smith Dep. Tr., p. 85.

82. Smith is not aware of any threats, disturbance, or disruption caused by the School District's practice of allowing transgender students to use restrooms and locker rooms aligned with their gender identity. Smith Dep. Tr., p. 88.

**Plaintiff Jack Jones (“Jones”)**

83. Plaintiff Jones was in the 11<sup>th</sup> grade at BASH during the 2016-2017 school year. Jack Jones Dep. Tr., p. 14.

84. During the first week of November 2017, Jones was told by a classmate that a biological female was using the boys' locker room. Jack Jones Dep. Tr., p. 30-31.

85. A few days later, while changing in the BASH boys' locker room after gym class, a classmate alerted Jones to the presence of the biological female standing next to him. Jack Jones Dep. Tr., p. 16, 21.

86. Jones was wearing a shirt and underpants when he was alerted to the transgender student's presence. He then grabbed his belongings and moved toward a group of boys to be out of the transgender student's view. Jack Jones Dep. Tr., p. 23, 38.

87. Jones never saw the transgender student in the locker room again. Jack Jones Dep. Tr., p. 18.

88. Jones continued to change in the boys' locker room throughout the year after seeing the transgender student in the locker room. Jack Jones Dep. Tr., p. 32.

89. Jones testified that he did not see the transgender student's breasts or genitalia to try to determine whether she was a biological female. Jack Jones Dep. Tr., p. 39.

90. Jones has felt uncomfortable in the locker room since the November incident, but his comfort level has not risen enough for him to seek help from any

counselor, doctor, psychologist or psychiatrist since November. Jack Jones Dep. Tr., p. 41-42.

91. Jones never saw the transgender student in a boys' bathroom. However, he visited the restroom less frequently after the locker room incident. Jack Jones Dep. Tr., p. 42-43.

92. Jones never felt sick or needed medical attention for holding in his urine. Jack Jones Dep. Tr., p. 43.

93. Jones was aware that there was a single-user restroom in the BASH nurse's office but does not know if students can use it in non-emergency situations. Jack Jones Dep. Tr., p. 44-45.

94. Jones was unaware that there is a single-user restroom for student use near the gym. Jack Jones Dep. Tr., p. 45.

95. Jones admitted that some beachwear is more revealing than underwear, but that has not stopped him from going to beaches or pools. Jack Jones Dep. Tr., p. 46.

96. Jones does not shower after gym class and has never seen any other student do so. Jack Jones Dep. Tr., p. 47.

97. Jones believes that someone who is born male is always male and that someone who is born female is always female, regardless of any sex-change surgery or hormone replacement therapy. Jack Jones Dep. Tr., p. 49-50, 83.



98. Jones does not know which bathroom a person with a vagina and breasts but male chromosomes should use. Jack Jones Dep. Tr., p. 52.

99. Jones never asked anyone at the School District whether he could change for gym elsewhere. But even if he could, he feels this would not solve the issue. Jack Jones Dep. Tr., p. 60-61.

100. Jones never discussed any issue regarding transgender students with Faidley, Cooper or Foley. Jack Jones Dep. Tr., p. 62-63.

101. Jones does not know what the School District must do to verify the gender of a student as identified on that person's birth certificate. Jack Jones Dep. Tr., p. 64.

102. Jones admitted there could be situations in which a transgender male student uses a restroom or locker room but he would not know because he would have no way to verify the person's sex. Jack Jones Dep. Tr., p. 79-80.

103. Jones acknowledged that he could have changed his clothes in an individual bathroom stall. Jack Jones Dep. Tr., p. 90.

104. Jones is not aware of any threat, disturbance, or disruption of school activities caused by transgender students' use of the bathrooms or locker rooms aligned with their gender identity, other than his seeing a transgender student in the boys' locker room. Jack Jones Dep. Tr., p. 96.

105. Jones does not know whether prohibiting transgender students from using bathrooms and locker rooms aligned with their gender identity will cause distress, anxiety, discomfort and humiliation. Jack Jones Dep. Tr., p. 101.

106. Jones testified that his alleged irreparable harm in this case was having to “be the guy who has to go and say that there was a girl in the locker room.” Jack Jones Dep. Tr., p. 125.

**Plaintiff Macy Roe**

107. Plaintiff Macy Roe was in 12<sup>th</sup> grade at BASH during the 2016-2017 school year, and graduated in June 2017. Roe Dep. Tr., p. 10.

108. Roe does not know if she has ever seen a transgender student in a girls’ bathroom or locker room. Roe Dep. Tr., p. 20, 39, 49.

109. Roe did not shower at BASH during the 2016-2017 school year and did not see any other girl shower. Roe Dep. Tr., p. 40.

110. Roe does not know whether any transgender student showers at BASH. Roe Dep. Tr., p. 44.

111. Roe testified that swimwear is sometimes more revealing than underwear. However, it does not bother Roe for men and boys to see her in a bikini at a public pool or beach. Roe Dep. Tr., p. 42.

112. Roe never discussed any issue regarding transgender students with Faidley, Cooper, Foley, administrators or teachers. Roe Dep. Tr., p. 52-54, 61.

113. Roe does not know what bathroom someone should use if the person has the internal reproductive organs of one sex and the external reproductive organs of the opposite sex. Roe Dep. Tr., p. 56.

114. Roe has not received any medical attention, therapy, or counseling because of the District allowing transgender students to use the facilities aligned with their gender identity. Roe Dep. Tr., p. 60.

**Aidan DeStefano (“DeStefano”)**

115. DeStefano was a senior at BASH during the 2016-2017 school year and graduated at the end of the school year. July 17 Tr., pp. 211-12.

116. DeStefano is a transgender male, and despite being born biologically female has always identified as a male. July 17 Tr., p. 213.

117. On his first day at BASH in 10<sup>th</sup> grade, DeStefano used a girls’ bathroom and was “yelled at by literally everyone that was in there.” July 17 Tr., p. 216.

118. For the rest of his time at BASH, DeStefano used a single-user bathroom in the nurse’s office or boys’ bathrooms. July 17 Tr., p. 217, 238.

119. DeStefano has used men’s restrooms in public places for several years, including in the courthouse on the day that he testified. July 17 Tr., p. 235.

120. As a senior, DeStefano changed clothes for gym class in the boys' locker room. DeStefano did not experience any problems using the boys' locker room. He testified, "So literally everyone was okay with it." July 17 Tr., p. 220.

121. DeStefano testified that he "loved hearing" that he was allowed to use the boys' locker rooms as a senior, and that it would have been "disheartening" if the ability to use the boys' locker room would have been taken away. July 17 Tr., p. 229, 246.

122. After being on the girls' cross country and track teams in 10<sup>th</sup> grade, DeStefano competed on the boys' cross country team as a senior. July 17 Tr., p. 218.

123. After DeStefano's final race with the boys' cross-country team, his teammates lined up and cheered for him even though he was not among the top finishers. July 17 Tr., p. 222.

124. DeStefano's classmates voted him onto the King's (boys') Court for Homecoming at BASH. July 17 Tr., p. 223-24; July 31 Tr., pp. 116-17.

**Expert Testimony of Dr. Scott Leibowitz**

125. Dr. Scott Leibowitz has been retained as an expert witness by the intervenor, Pennsylvania Youth Congress. July 17 Tr., p. 185.

126. Dr. Leibowitz has specialized training and expertise in the diagnosis and treatment of children and adolescents with gender dysphoria and related psychiatric conditions. July 17 Tr., p. 133-34.

127. Dr. Leibowitz is currently medical director for the behavioral health component for the THRIVE gender and sex development program at Nationwide Children's Hospital in Columbus, Ohio, which is affiliated with the Ohio State University. He is also an associate clinical professor at the Ohio State University College of Medicine. July 17 Tr., p. 134, 136; Exh. I-6.

128. At the July 31, 2017 hearing, this Court accepted Dr. Leibowitz as an expert in gender dysphoria and gender identity issues in children and adolescents. July 31 Tr., p. 103.

129. Dr. Leibowitz's medical practice is one hundred percent (100%) related to gender-identity issues. July 17 Tr., p. 187.

130. Transgender individuals are those who gender identity – or sense of self – is incongruent with the gender associated with their assigned sex at birth as determined by external genitalia. There are an estimated 1.4 million American adults who identify as transgender. July 17 Tr., pp. 143-44.

131. Gender dysphoria is the clinical diagnostic classification used when an individual has clinically significant distress that results from a lack of alignment between an individual's gender identity and their assigned sex at birth that

characterizes a transgender identity or experience. July 17 Tr., pp. 144-45; July 31 Tr., p. 97.

132. Standards of care for treating gender dysphoria are scientifically well grounded. July 31 Tr., pp. 6-7.

133. Those standards of care are documented in, inter alia, the World Professional Association for Transgender Health (WPATH) Standards of Care and the Endocrine Society Guidelines. July 31 Tr., p. 62; Exh. I-19.

134. Clinical interventions for appropriately assessed children and adolescents with gender dysphoria include social role transition and potentially physical interventions in older and more mature youth, such as puberty blockers, hormone therapy, and sometimes surgery. July 17 Tr., pp. 152-53.

135. Social role transition refers to steps that one takes to present themselves as the gender with which they most identify. It typically includes the adoption of a different name, use of a different pronoun set, wearing clothes and hairstyles typically associated with their gender identity, and using sex-segregated spaces that correspond with their gender identity. July 17 Tr., pp. 153-54.

136. Social gender transition can help to alleviate gender dysphoria and is a useful and important tool use by clinicians to ascertain whether, and the extent to which, living in the affirmed gender improves the psychological and emotional functioning of the individual. July 17 Tr., p. 155, 162-63.

137. The risk of not treating gender dysphoria has significant ramifications, including potentially exacerbating psychiatric illness, and leading to self-injury, suicidal ideation, and suicidal behavior. July 17 Tr., p. 158; July 31 Tr., p. 73, 77-78.

138. Dr. Leibowitz testified, “[W]hen someone forces, or society forces, a nindividual to use a restroom based on the sex that they were assigned at birth, operative word being “forced,” that can erode their psychological wellbeing and it can reduce them to the presence of a genital.” July 31 Tr., p. 72.

139. Prohibiting a transgender youth from using restrooms aligned with their gender identity restroom can undermine the benefits of their social gender transition by sending the message that they are not really who they identify as. Data suggests that such youths have much higher rates of truancy and cutting class. July 17 Tr., pp.164-65.

140. Dr. Leibowitz has had “plenty” of adolescent patients who, after being permitted to use restrooms aligned with their gender identity, have expressed “this sense of relief, this sense of emotional alignment, this sense of happiness.” July 31 Tr., pp. 70-71.

141. The major professional medical organizations have come out against policies that bar transgender people from accessing restrooms and other sex-segregated facilities that correspond to their gender identity. Such policies are

harmful to the healthy psychological and emotional functioning of transgender youth, and these negative consequences can have ramifications through adulthood. July 17 Tr., p. 165.

### **PROPOSED CONCLUSIONS OF LAW**

1. A party seeking a preliminary injunction must show: “(1) a likelihood of success on the merits; (2) that it will suffer irreparable harm if the injunction is denied; (3) that granting preliminary relief will not result in even greater harm to the nonmoving party; and (4) that the public interest favors such relief.” *Kos Pharms., Inc. v. Andrx Corp.*, 369 F.3d 700, 708 (3d Cir. 2004). A plaintiff seeking an injunction must meet all four criteria, as “[a] plaintiff’s failure to establish any element in its favor renders a preliminary injunction inappropriate.” *NutraSweet Co. v. Vit-Mar Enters., Inc.*, 176 F.3d 151, 153 (3d Cir. 1999). Preliminary injunctive relief is “an extraordinary remedy” and “should be granted only in limited circumstances.” *American Tel. & Tel. Co. v. Winback & Conserve Program, Inc.*, 42 F.3d 1421, 1427 (3d Cir. 1994). “The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held.” *Univ. of Texas v. Camenisch*, 451 U.S. 390 (1981).

2. The Plaintiffs cannot establish that their right to relief is clear. Indeed, on the facts of this case, and based on a consideration of all of the current



law respecting the rights of transgender students to use the bathrooms and locker rooms that are consistent with their gender identities, the law currently favors the Defendants' position in this case. *See, e.g., Evancho v. Pine-Richland Sch. Dist.*, No. CV 2:16-01537, 2017 WL 770619, at \*17 (W.D. Pa. Feb. 27, 2017) (granting injunction based on Plaintiff transgender students' likelihood of success)<sup>3</sup>; *Whitaker v. Kenosha Unified School Dist. No. 1 Board of Educ.*, 858 F.3d 1034 (7th Cir. 2017) (holding that the statutory text of Title IX, as interpreted by the Supreme Court, protects transgender students from discrimination.); *see also Bd. of Educ. of the Highland Local Sch. Dist. v. United States Dep't of Educ.*, 208 F. Supp. 3d 850, 879 (S.D. Ohio 2016) (granting transgender student's motion for preliminary injunction and denying Plaintiff's motion).

3. Several district courts have found that a transgender plaintiff can state a claim under Title VII for sex discrimination based on a sex-stereotyping theory. *See Valentine Ge v. Dun & Bradstreet, Inc.*, No. 6:15-CV-1029-ORL-41GJK, 2017

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<sup>3</sup> The Pine-Richland School District has since settled the case, extending nondiscrimination protections to transgender students and allowing transgender student to use the restrooms aligned with their gender identities. See Balingat, Moriah, "Pennsylvania School District Settles With Transgender Teens Who Alleged Discrimination Over Bathroom Policy," WASH. POST (Aug. 9, 2017), available at [https://www.washingtonpost.com/news/education/wp/2017/08/09/pennsylvania-school-district-settles-with-transgender-teens-who-alleged-discrimination-over-bathroom-policy/?utm\\_term=.fadd6c8bfe3a](https://www.washingtonpost.com/news/education/wp/2017/08/09/pennsylvania-school-district-settles-with-transgender-teens-who-alleged-discrimination-over-bathroom-policy/?utm_term=.fadd6c8bfe3a).

WL 347582, at \*4 (M.D. Fla. Jan. 24, 2017); *Roberts v. Clark Cty. Sch. Dist.*, 215 F.Supp.3d 1001, 1014 (D. Nev. 2016), *reconsideration denied*, No. 2:15-CV-00388-JAD-PAL, 2016 WL 6986346 (D. Nev. Nov. 28, 2016); *Fabian v. Hosp. of Cent. Conn.*, 172 F.Supp.3d 509, 527 (D. Conn. 2016); *EEOC v. R.G. & G.R. Harris Funeral Homes, Inc.*, 100 F.Supp.3d 594, 603 (E.D. Mich. 2015); *Lopez v. River Oaks Imaging & Diagnostic Grp., Inc.*, 542 F.Supp.2d 653, 660 (S.D. Tex. 2008); *Schroer v. Billington*, 577 F.Supp.2d 293, 305 (D.D.C. 2008).

4. The United States Constitution does not mention an explicit right to privacy, and the United States Supreme Court has never proclaimed that a generalized right to privacy exists. *C.N. v. Ridgewood Bd. of Educ.*, 430 F.3d 159, 178 (3d Cir. 2005); *but see Sterling v. Borough of Minersville*, 232 F.3d 190, 193 (3d Cir. 2000) (stating that the Supreme Court “acknowledged the individual’s constitutional right to privacy” in *Griswold v. Connecticut*, 381 U.S. 479 (1965)).

5. The Supreme Court, however, has found certain constitutional “zones of privacy.” *C.N.*, 430 F.3d at 178 (*citing Roe v. Wade*, 410 U.S. 113, 152-53 (1973)). From these zones of privacy, the Third Circuit has articulated two types of privacy interests rooted in the Fourteenth Amendment. *Nunez v. Pachman*, 578 F.3d 228, 231 n.7 (3d Cir. 2009); *see also Malleus v. George*, 641 F.3d 560, 564 (3d Cir. 2011); *C.N.*, 430 F.3d at 178. The first privacy interest is the “individual interest in avoiding disclosure of personal matters,” and the second is the “interest

in independence in making certain kinds of important decisions.” *C.N.*, 430 F.3d at 178; *see also Malleus*, 641 F.3d at 564; *Hedges v. Musco*, 204 F.3d 109, 121 (3d Cir.2000).

6. The first privacy interest – an interest in avoiding disclosure of personal matters – is at issue in this matter. The Plaintiffs have claimed that allowing transgender students to use the restrooms and locker rooms at BASH violates the Plaintiffs’ “fundamental right to bodily privacy from persons of the opposite sex.” Memorandum in Support of Mot. For Prelim. Inj. [hereinafter “Plf. Brf.”], pp. 10-27. However, the Plaintiffs admit that alternate bathroom and changing facilities offered by the Defendants would provide them with complete privacy.

7. Plaintiffs in this case are not required by a state actor – in this case the School District – to use restrooms or locker rooms with any transgender student. The School District allows transgender students to use restrooms consistent with their gender identity; however, no cisgender student is compelled to use a restroom with a transgender student if he or she does not want to do so. BASH has eight single-user restrooms that can be used by students. In addition, the School District does not require any cisgender student to use a locker room with a transgender student if he or she does not want to do so. If the privacy stalls that the School District provides in restrooms and locker rooms are not sufficient for the comfort

of any student – whether cisgender, transgender, or otherwise – he or she can use the single-user restrooms as an alternative facility to satisfy his or her privacy needs. Dr. Cooper has also testified that the School District would be willing to make team rooms at BASH accessible to students seeking an alternate place to change for gym. The absence of any compulsion distinguishes this case from those cited by the Plaintiffs that involve involuntary invasions of someone’s privacy.

8. This is not a case of compelled government intrusion. The penumbral rights of privacy the Supreme Court has recognized in other contexts protect certain aspects of a person’s private space and decision-making from governmental intrusion. Even in the context of the right to privacy in one’s own body, cases deal with compelled intrusion into, or with respect to, a person’s intimate space or exposed body. No case recognizes a right to privacy such as the one Plaintiffs assert here that insulates a person from ever coming into any contact at all with someone who is different than they are, or who they fear will act in a way that causes them to be embarrassed or uncomfortable, when there are alternative means – in this case, private bathroom stalls or single-user bathrooms – for both individuals to protect themselves from such contact, embarrassment, or discomfort. Similarly, no cases address the right of someone to be in a state of undress with others of their same biological sex.

9. Courts are very careful in extending constitutional protection in the area of personal privacy. “Although the Supreme Court has recognized fundamental rights regarding some special liberty and privacy interests, it has not created a broad category where any alleged infringement on privacy and liberty will be subject to substantive due process protection.” *Doe v. Moore*, 410 F.3d 1337, 1343-44 (11th Cir. 2005). In other words, “privacy” is not a magic term that automatically triggers constitutional protection. Instead, the same rules that govern every other substantive due process analysis apply in the privacy context. *See Jenkins v. Rock Hill Local Sch. Dist.*, 513 F.3d 580, 591 (6th Cir. 2008). So, an asserted privacy right is not fundamental unless it is “objectively, deeply rooted in this Nation’s history and tradition, and implicit in the concept of ordered liberty such that neither liberty nor justice would exist if they were sacrificed.” *Washington v. Glucksberg*, 521 U.S. 702, 720-21 (1997). The list of rights that rise to this level is “a short one.” *Sung Park v. Indiana Univ. Sch. of Dentistry*, 692 F.3d 828, 832 (7th Cir. 2012). This list generally has been limited to “‘matters relating to marriage, family, procreation, and the right to bodily integrity.’” *Torres v. McLaughlin*, 163 F.3d 169, 174 (3d Cir. 1998) (quoting *Albright v. Oliver*, 510 U.S. 266, 272 (1994) (plurality opinion)); *see also Armbruster v. Cavanaugh*, 410 Fed. App’x 564, 567 (3d Cir. 2011). The Plaintiffs’ claims do not fit into any of these categories, nor do they rise to the level of being fundamental for

constitutional analysis. Accordingly, there is no reason to believe that the Plaintiffs' will ultimately be successful on their Fourteenth Amendment claim.

10. Rights must be balanced with schools' needs. In assessing the nature and scope of Plaintiffs' constitutional rights, and whether those rights have been infringed, the Court also must consider the need to preserve the discretion of schools to craft individualized approaches to difficult issues that are appropriate for their respective communities. Schools "have the difficult task of teaching 'the shared values of a civilized social order.'" *Doninger v. Niehoff*, 527 F.3d 41, 54 (2d Cir. 2008) (quoting *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 683 (1986)). The public education system "has evolved" to rely "necessarily upon the discretion and judgment of school administrators and school board members." *Wood v. Strickland*, 420 U.S. 308, 326 (1975). The Supreme Court "has repeatedly emphasized the need for affirming the comprehensive authority of the States and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools." *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 507 (1969). Therefore, our nation's deeply rooted history and tradition of protecting school administrators' discretion require that this Court not unduly constrain schools from "fulfilling their role as 'a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment.'" *Hazelwood*

*Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 287 (1988) (quoting *Brown*, 349 U.S. at 493.).

11. Constitutional privacy rights, whether rooted in the Fourth Amendment or the Fourteenth Amendment, “are different in public schools than elsewhere.” *Vernonia Sch. Dist. 47J v. Acton*, 515 U.S. 646, 656 (1995). “[I]t is well established that public school students enjoy a reduced expectation of privacy in comparison to the public at large.” *Dominic J. v. Wyoming Valley W. High Sch.*, 362 F. Supp. 2d 560, 570 (M.D. Pa. 2005). Of relevance to this case, public school locker rooms in this country traditionally have been and remain “not notable for the privacy they afford.” *Vernonia*, 515 U.S. at 657. Given these precedents, the School District’s decision to allow transgender students to use restrooms and locker rooms aligned with their gender identity should be given great deference.

12. Furthermore, the Plaintiffs likelihood of success on the merits is diminished because the Plaintiffs have failed to join required parties by not joining all transgender students who will attend BASH during the 2017-2018 school year.

The Federal Rules of Civil Procedure state:

“Required Party. A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if: (A) in that person’s absence, the court cannot accord complete relief among existing parties; or (B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person’s absence may: (i) as a practical matter impair or impede the person’s ability to protect the interest; or (ii) leave an existing

party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.”

Fed. R. Civ. P. 19(a)(1).

13. In this case, the transgender students have an interest in the outcome of the litigation. If a judgment were issued in favor of the Plaintiffs, the transgender students’ rights to access restrooms and locker rooms aligned with their gender identity would be compromised. Accordingly, the Defendants would be at a substantial risk of incurring double obligations because it would have to choose between violating the rights of the successful Plaintiffs or violating the rights of the transgender students. Accordingly, the Court must order that the transgender students be made parties or “determine whether, in equity and good conscience, the action should proceed among the existing parties or should be dismissed.” *See* Fed.R. Civ. P. 19(a).

14. Courts have dismissed cases where, as in this case, the failure to join indispensable parties would have potentially resulted in the indispensable parties’ rights being prejudiced. *See, e.g., Jenkins v. Reneau*, 697 F.2d 160, 163 (6th Cir. 1983) (“If Jenkins were permitted to proceed alone and lost this case, Mrs. Grant would be prejudiced.”); *Lewis v. Lewis*, 358 F.2d 495, 501 (9th Cir. 1966) (“[I]n the absence of the corporations, a determination involving relief of this kind would not be consistent with equity and good conscience because it would not protect the



rights of corporate creditors.”); *Allen ex rel. Allen v. Devine*, 726 F. Supp. 2d 240 (E.D.N.Y. 2010).

15. Public policy supports allowing transgender students to use restrooms and locker rooms aligned with their gender identities. Contemporary notions of liberty and justice are inconsistent with the existence of the exceedingly broad right to privacy asserted by Plaintiffs. Transgender people were once forced to hide their gender identities for fear of retribution, so there was little need to consider the rights of people who chose to remain hidden away. That is no longer the case. A transgender person today does not live his or her life in conformance with their sex assigned at birth, but rather lives consistent with his or her gender identity, and they are usually able to find acceptance among the cisgender community, especially among young people. Two examples at BASH are Student A, a transgender male, and Student B, a transgender female. BASH students who interact with Students A and B and other transgender students generally treat them respectfully and consistent with their gender identity. In fact, many people who interact with BASH transgender students on a daily basis may have no idea, and may not care, what sex they were assigned at birth. And the vast majority of BASH students have shared these facilities with Student A and Student B without incident or complaint. Cooper Decl., ¶ 16.

16. Title IX proscribes discrimination based on sex in the provision of educational programs funded by or with the assistance of the federal government. 20 U.S.C. § 1681(a). To establish a prima facie case of discrimination under Title IX, a plaintiff must allege (1) that he or she was subjected to discrimination in an educational program, (2) that the program receives federal assistance, and (3) that the discrimination was on the basis of sex. *See Bougher v. Univ. of Pittsburgh*, 713 F. Supp. 139, 143-44 (W.D. Pa. 1989) *aff'd*, 882 F.2d 74 (3d Cir. 1989).

17. To be actionable under Title IX, the offensive behavior must be “on the basis of sex.” *See Frazier v. Fairhaven School Community*, 276 F.3d 52, 66 (1st Cir. 2002); *Benjamin v. Metropolitan Sch. Dist. of Lawrence Township*, 2002 WL 977661, at \*3 (S.D. Ind. 2002). Neither Title IX nor the implementing regulations define the term “sex” or mandate how to determine who is male and who is female when a school provides sex-segregated facilities. And some of the Plaintiffs in this case admit that they do not know how the District should do so.

18. Plaintiffs complain that allowing transgender students to use restrooms and locker rooms based on gender identity creates a hostile environment. However, neither the male Plaintiffs nor the female Plaintiffs are being targeted or singled out by the School District because of their sex, nor are the School District’s male and female students being treated any differently. The School District’s decision to allow students to use facilities based on their gender identity applies to

both the boys' and girls' restrooms, as well as the boys' and girls' locker rooms. Therefore, the alleged discrimination and hostile environment that the Plaintiffs claim to experience is not because of their sex, and any discomfort Plaintiffs allege they feel is not the result of conduct that is directed at them because of their sex.

19. To establish a hostile environment under Title IX, "a plaintiff must establish sexual harassment . . . that is so severe, pervasive, and objectively offensive, and that so undermines and detracts from the victims' educational experience, that the victim-students are effectively denied equal access to an institution's resources and opportunities." *Davis, Next Friend LaShona D. v. Monroe County Bd. of Educ.*, 526 U.S. 629, 651-52 (1999); *Dejohn v. Temple Univ.*, 537 F.3d 301, 318 (3d Cir. 2008). Plaintiff Joel Doe alleges to having seen a transgender male student in the boys' locker room wearing a sports bra on one occasion. Plaintiff Jack Jones alleges to have seen a female (transgender male) student in a locker room one time while he was changing clothes for gym. Plaintiff Mary Smith alleges to have seen a male (transgender female) student in a girls' restroom one time while both were fully clothed. Plaintiff Macy Roe does not allege to have ever seen a male student in either the girls' restrooms or girls' locker room. Accordingly, three isolated instances can hardly be alleged to be pervasive.

20. Plaintiffs say they suffer anxiety, humiliation, embarrassment and distress and stress over the possibility of seeing or being seen by a transgender

student in a restroom or locker room. Am. Compl., ¶¶ 63, 93, 115, 126. Yet none of the Plaintiffs allege that they ever have witnessed a transgender student in a state of complete undress nor that they have been witnessed completely undressed. Furthermore, it has not been alleged that any transgender student has attempted to either expose himself or herself to other students or view other students in a state of undress. Moreover, the risk of that occurring is very low given the privacy protections in place and the alternative facilities available for any student who does not want to use the common restrooms or locker rooms. Generalized statements of fear and humiliation are not enough to establish severe, pervasive or objectively offensive conduct. General allegations have been held to be insufficient to establish a Title IX violation. *See, e.g., Trentadue v. Redmon*, 619 F.3d 648, 654 (7th Cir. 2010) (finding undeveloped allegations of student-on-student harassment cannot establish a Title IX claim). The mere presence of transgender students in restrooms or locker rooms is not severe, pervasive, or objectively offensive conduct, especially when the District allows students who are uncomfortable to use other facilities.

21. Title IX does not say schools cannot allow males and females to use the same restrooms or locker rooms under any circumstances. “Title IX is a broadly written general prohibition on [sex] discrimination, followed by specific, narrow exceptions to that broad prohibition.” *Jackson v. Birmingham Bd. of Educ.*,

544 U.S. 167, 175 (2005). One of those exceptions says that a school “*may* provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.” 34 C.F.R. § 106.33 (emphasis added). Nowhere does Title IX or its regulations say that schools must provide single-sex facilities. Furthermore, Title IX is written permissively with respect to single-sex facilities. Title IX does not require schools to provide separate facilities; it allows schools to do if they provide comparable facilities for males and females.

22. The mere presence of a transgender student in a restroom or locker room does not rise to the level of conduct that has been found to be objectively offensive, and therefore hostile, in other cases.<sup>4</sup> Plaintiffs have relied on *City of*

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<sup>4</sup> See, e.g., *Davis*, 526 U.S. at 653 (holding that over a period of five months, a fifth-grade male student harassed the plaintiff, a fifth-grade female student, by engaging in sexually suggestive behavior, including attempting to touch the plaintiff's breasts and genital area, rubbing against the plaintiff and making vulgar statements); *Vance v. Spencer County Public School Dist.*, 231 F.3d 253, 259-60 (6th Cir. 2000) (finding that a female student was repeatedly propositioned, groped and threatened and was also stabbed in the hand; during one incident, two boys held her hands while other male students grabbed her hair and started yanking off her shirt); *Murrell v. School Dist. No. 1, Denver, Colo.*, 186 F.3d 1238, 1243-44 (10th Cir. 1999) (finding that a disabled female student was sexually assaulted by a male student on multiple occasions); *Seiwert v. Spencer-Owen Community School Corp.*, 497 F. Supp. 2d 942, 953 (S.D. Ind. 2007) (holding that the alleged harassment suffered by a male eighth-grade student, which included being called “faggot,” being kicked by several boys during a dodge ball game, and receiving death threats, if proven, amounted to severe and pervasive conduct that was objectively offensive); *Bruning ex rel. v. Carrol County Sch. Dist.*, 486 F. Supp. 2d

*Phila. v. Pa. Human Relations Comm'n*, 300 A.2d 97 (Pa. Commw. 1973) for the proposition that being viewed naked by members of the opposite sex is harassment that is severe, pervasive and objectively offensive. Plf. Brf., p. 36. However, that case is inapposite, as it involved the qualifications to be hired as a youth center supervisor for troubled youths in 1973. The Court noted that supervisors were required to search youths' bodies for possible contraband and observe the youths naked as they showered. As such, the invasion of privacy in that case well exceeds the possible contact or observation of or by transgender and cisgender students in the locker rooms and restrooms at Boyertown High School.

23. Plaintiffs maintain that the presence of a transgender student in a restroom or locker room with cisgender students violates Title IX because it creates a risk that students will see each other in an unclothed or partially clothed state by their sharing these facilities, and that is a severe, pervasive and objectively offensive hostile environment. The risk of unwanted exposure in this case, however, is eliminated by the privacy protections that the School District provides

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892, 917 (N.D. Iowa 2007) (finding repeated acts of touching and sexual groping were objectively offensive); *Snelling v. Fall Mountain Regional Sch. Dist.*, 2001 WL 276975, at \*1-3 (D.N.H. 2001) (finding widespread peer harassment, both verbal and physical, which involved referring to the plaintiff as a homosexual, as well as some harassment by coaches); *see also Cruzan v. Special Sch. Dist. No. 1*, 294 F.3d 981, 983 (8th Cir. 2002) (finding mere presence of transgender female teacher in women's faculty restroom did not create a hostile environment for cisgender female teachers).

in the restrooms and locker rooms – in the form of individual stalls with doors (or curtains in the case of showers) – and by the alternative facilities it provides for students who do not want to use the common facilities.

24. The allegations in Amended Complaint are not comparable to the type of conduct that has been found to be severe, pervasive and objectively offensive in violation of Title IX. There is nothing objectively offensive about a transgender student being present in a restroom or a locker room when at no time is his or her unclothed body exposed to any Plaintiff, the risk of that happening is substantially mitigated by the various privacy options in place, and any Plaintiff who does not want to expose his or her body to a transgender student, or anyone else, is not compelled to do so. The risk of an unwanted exposure under these circumstances is minimal and not so severe, pervasive, or objectively offensive as to constitute a hostile environment, much less a hostile environment that denies any Plaintiff access to any educational benefits.

25. As to the interpretation of Title IX, its prohibition of discrimination based on sex is generally viewed as being parallel to the similar proscriptions contained in Title VII of the Civil Rights Act of 1964, which prohibits discrimination because of “sex” in the employment context. These statutes’

prohibitions on sex discrimination are analogous.<sup>5</sup> Courts have long interpreted “sex” for Title VII purposes to go beyond assigned sex as defined by the respective presence of male or female genitalia. For instance, numerous courts have held that Title VII’s prohibition of discrimination on the basis of “sex” includes discrimination on the basis of among other things transgender status, gender nonconformity, sex stereotyping, and sexual orientation.<sup>6</sup> Accordingly,

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<sup>5</sup> See, e.g., *Olmstead v. L.C. ex rel. Zimring*, 527 U.S. 581, 617, n.1 (1999) (“This Court has also looked to its Title VII interpretations of discrimination in illuminating Title IX.”) (collecting cases); see also *Davis v. Monroe County Bd. of Educ.*, 526 U.S.629, 651 (1999) (applying Title VII principles in a Title IX action).

<sup>6</sup> See *Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998) (Title VII proscribes male-on-male sexual harassment); *Betz v. Temple Health Systems*, 659 Fed. App’x. 137 (3d Cir. 2016) (Title VII and gender stereotyping); *Chavez v. Credit Nation Auto Sales, LLC*, 641 Fed. App’x. 883 (11th Cir. 2016) (sex discrimination includes discrimination against a transgender person based on gender nonconformity); *Glenn v. Brumby*, 663 F.3d 1312 (Title VII and transgender status); *Prowel v. Wise Bus. Forms, Inc.*, 579 F.3d 285 (3d Cir. 2009) (Title VII and gender stereotyping); *Kastl v. Maricopa Cty. Cmty. Coll. Dist.*, 325 Fed. App’x. 492 (9th Cir. 2009) (Title VII proscribes discrimination against transgender person based on gender nonconformity); *Smith v. City of Salem*, 378 F.3d 566 (6th Cir. 2004) (Title VII and gender nonconformity); *Bibby v. Phila. Coca-Cola Bottling Co.*, 260 F.3d 257 (3d Cir. 2001) (same); *Schwenk v. Hartford*, 204 F.3d 1187 (9th Cir. 2000) (transgender status); *Valentine Ge v. Dun & Bradstreet, Inc.*, 2017 WL 347582 (M.D. Fla. Jan. 24, 2017) (Title VII covers sex discrimination against a transgender person for gender nonconformity); *EEOC v. Scott*, 217 F. Supp. 3d 834 (W.D. Pa. 2016) (sexual orientation under Title VII); *Roberts v. Clark Cty. Sch. Dist.*, 2016 WL 5843046 (D. Nev. 2016) (Title VII and transgender status); *Fabian v. Hosp. of Cent. Conn.*, 172 F. Supp. 3d 509 (D. Conn. 2016) (same); *EEOC v. R.G. & G.R. Harris Funeral Homes, Inc.*, 100 F. Supp. 3d 594 (E.D. Mich. 2015) (Title VII applies to discrimination claims of transgender people based on alleged gender nonconformity); *Finkle v. Howard Cty., Md.*, 12 F.



discrimination based on transgender status would appear to be prohibited under Title IX, and therefore the definition of “sex” under Title IX would include gender identity.

26. The federal government’s issuance of the 2017 Letter does not favor Plaintiffs’ arguments. In February 2017, the U.S. Departments of Justice and Education issued the 2017 Letter rescinding prior guidance on Title IX, including the 2016 Letter. Importantly, the 2017 Letter did not reverse the departments’ positions, but at most left Title IX open for interpretation without changing the law. As noted above, recent interpretations of Title VII clearly support the School District’s view of “sex” as being more inclusive than simply biological sex at birth. By its own terms, the 2017 Letter stated that “the Departments believe that, in this context, there must be due regard for the primary role of the States and local school

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Supp. 3d 780 (D. Md. 2014) (Title VII and transgender status); *Lopez v. River Oaks Imaging & Diagnostic Grp., Inc.*, 542 F.Supp.2d 653 (S.D. Tex. 2008) (Title VII applies to sex stereotyping claim of transgender plaintiff); *Schroer v. Billington*, 577 F.Supp.2d 293 (D.D.C. 2008) (Title VII and failure to conform to sex stereotype); *Mitchell v. Axcán Scandipharm*, No. 05-243, 2006 WL 456173 (W.D. Pa. Feb. 17, 2006) (Title VII and failure to conform to gender stereotype by a transgender person); *but see Eure v. Sage Corp.*, 61 F.Supp.3d 651 (W.D. Tex. 2014) (neither Supreme court nor Fifth Circuit caselaw have held discrimination based on transgender status per se unlawful under Title VII); *Etsitty v. Utah Trans. Auth.*, 502 F.3d 1215 (10th Cir. 2007) (Title VII does not address transgender discrimination); *Johnston v. Univ. of Pittsburgh*, 97 F. Supp. 3d 657 (W.D. Pa. 2015) (same and collecting prior contrary authority).

districts in establishing educational policy.” 2017 Letter, p. 1 (emphasis added). Accordingly, the 2017 Letter does not support the Plaintiffs’ request for a preliminary injunction.

27. Plaintiffs will not suffer irreparable harm if the injunction is denied. The irreparable harm requirement is met if a plaintiff demonstrates a significant risk that he or she will experience harm that cannot adequately be compensated after the fact by monetary damages. *See Frank's GMC Truck Center, Inc. v. General Motors Corp.*, 847 F.2d 100, 102-03 (3d Cir. 1988). This is not an easy burden. *See, e.g., Morton v. Beyer*, 822 F.2d 364, 371-72 (3d Cir. 1987). Plaintiffs claim that if a preliminary injunction is not granted, they will suffer irreparable injury by being placed in situations where their bodies may be exposed to the opposite sex or where these students will use privacy facilities with someone of the opposite sex. However, the Plaintiffs – as well as any other cisgender students who express a desire not to share facilities with transgender student – can use single-person restroom/changing facilities.

28. Preliminary relief would result in greater harm to transgender students. If the preliminary injunction is not granted, the Plaintiffs will have to decide whether to: 1) use the locker rooms and restrooms of their biological sex, knowing that a transgender student might be using those same facilities, 2) use alternate facilities provided by the School District to segregate themselves from the

transgender students as well as other students of their own sex, or 3) avoid using any restroom, locker room or other changing facility. Meanwhile, if the preliminary injunction is granted, the transgender students will be harmed by being forced to use the locker rooms and restrooms of their biological sex and not their gender identity, or be relegated to using single-person facilities. So a transgender male student would be forced to choose between being a boy being forced to change in the girls' locker room, or be stigmatized by being one of the only students using single-user restrooms. Continuing to allow transgender students to use facilities aligned with their gender identity on a case-by-case basis would cause relatively little "harm" in the preliminary injunction sense – if any harm at all – to the Plaintiffs and the High School community. Other than the Plaintiffs' complaints based on personal embarrassment rather than any negative interaction with transgender students, there were no problems with the use of restrooms and locker rooms by transgender students during the 2016-2017 school year. Furthermore, the availability of private bathroom and shower stalls in the locker rooms, as well as the availability of single-user restrooms, fully protects any legitimate privacy interests of the Plaintiffs and any other students. Meanwhile the potential psychological damage to the transgender students, as outlined by Dr. Leibowitz in his declaration, is significant. It can be a difficult decision for a transgender student to progress to the point of being comfortable enough with

themselves and their peers to choose to use the facilities aligned with their gender identity rather than their biological sex. To remove students' ability to use the facilities of their gender identity could cause severe emotional difficulty for these students. Therefore, it is clear that when balancing potential harms, transgender students stand to be harmed much more by imposition of a preliminary injunction than the Plaintiffs would be by maintaining the status quo.

29. An Order prohibiting transgender students from using the bathroom or locker rooms that correspond with their gender identity would likely violate the Equal Protection rights of those students. *See, e.g., Bd. of Educ. of the Highland Local Sch. Dist. v. United States Dep't of Educ.*, 208 F. Supp. 3d 850, 877 (S.D. Ohio 2016) ("Under either standard of scrutiny, [the transgender student] has shown that she is likely to succeed on the merits of her equal-protection claim."); *Evancho v. Pine-Richland School Dist.*, 2017 WL 770619, at \*14-17.

30. Transgender people may have "gender dysphoria." *Enriquez v. W. Jersey Health Sys.*, 777 A.2d 365, 376 (N.J. App. Div. 2001). "Gender dysphoria" can be a disability as defined in the Americans with Disabilities Act. *Blatt v. Cabela's Retail, Inc.*, 5:14-CV-04822, 2017 WL 2178123, at \*4 (E.D. Pa. May 18, 2017). A student with gender dysphoria that qualifies as a disability, would be entitled to accommodations under such laws as the Individuals with Disabilities Act ("IDEA"), the American with Disabilities Act ("ADA"), Section 504 of the

Rehabilitation Act (“Section 504), and the Pennsylvania Human Relations Act (“PHRA”). Under the IDEA and Section 504, and their implementing regulations, a team of educators must convene to determine what accommodations are required. The requested injunction, if granted, has significant likelihood that it will interfere with the processes established at law for responding to requested accommodations by students who may be entitled to such accommodations under a variety of law.

31. Accordingly, the balancing of interests favor allowing the School District to continue to allow transgender students to use facilities aligned with their gender identities.

32. The Plaintiffs have not met their burden for the issuance of a preliminary injunction.

Respectfully submitted,

Date: August 10, 2017

/s/ David W. Brown

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of August, 2017, I caused the foregoing Defendants' Second Set of Proposed Findings of Fact and Conclusions of Law Regarding Plaintiffs' Motion for Preliminary Injunction to be filed using the Court's Electronic Case Filing system, and a Notice of Electronic Case Filing was served upon all counsel in accordance with Fed. R. Civ. P. 5(b).

*/s/ David W. Brown*

\_\_\_\_\_  
David W. Brown

# **EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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JOEL DOE, a minor, by and through his Guardians :  
JOHN DOE and JANE DOE; MARY SMITH; :  
JACK JONES, a minor, by and through his parents :  
JOHN JONES and JANE JONES; and MACY ROE: :  
 :  
Plaintiffs, : No. 17-cv-1249-EGS :  
 :  
v. :  
 :  
BOYERTOWN AREA SCHOOL DISTRICT; :  
DR. RICHARD FAIDLEY; DR. BRETT COOPER :  
and DR. E. WAYNE FOLEY, :  
 :  
Defendants. :  
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ABINGTON SCHOOL DISTRICT  
ABINGTON, PENNSYLVANIA

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SUPERINTENDENT'S  
ADMINISTRATIVE PROCEDURE

REGARDING:

**Nondiscrimination of  
Students in Classroom  
Practices – Gender  
Expansive and  
Transgender Students**

Section: **Curriculum**

Effective Date: May 20, 2016

Reissued: 2/28/17

See Also: Related Board Policy

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### **Definitions**

Terminology and language describing **transgender** and **gender expansive** individuals can differ based on region, language, race, ethnicity, age, culture and many other factors. Members of the Abington School District should inquire which terms individuals prefer. Many of the following definitions are intended as functional descriptors.

**Assigned Sex at Birth** - the sex designation, usually “male” or “female,” assigned to a person when they are born.

**Biological Sex** - the biological attributes such as anatomy, chromosomes, and hormones that inform whether a person is male, female, or intersex. Where sex refers to biology, *gender* refers to the cultural and social understandings that are layered on top of biology.

**Cisgender** - people whose sex assignment at birth corresponds to their **gender identity** and **expression**.

**Consistently Asserted Gender Identity** - a commitment to one's **gender identity** asserted across multiple settings from the time when a person begins to live as the gender with which they identify rather than the gender they were assigned at birth.

**Gender** - socially determined characteristics, roles, behaviors, and attributes a society expects from and considers appropriate for males and females; these characteristics are often referred to as “feminine” and “masculine.”

**Gender Identity or Expression** - Self-perception, or perception by others, as male or female, including an individual's appearance, behavior, or physical characteristics, that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or assigned sex at birth, and shall include, but is not limited to, persons who are undergoing or who have completed sex reassignment, are **transgender** or gender variant.

**Gender Expansive** - a term that conveys a wider, more flexible range of **gender identity** and/or expression than typically associated with the binary gender system. **Gender expansive** is not synonymous with **transgender**; not all **gender expansive** individuals identify as **transgender**.

**Gender Nonconforming** – describes people whose **gender expression** differs from stereotypic expectations. The terms **gender variant** or **gender atypical** are also used. **Gender nonconforming** individuals may identify as male, female, some combination of both, or neither.

**Gender Transition** - the process by which some people strive to more closely align their internal knowledge of gender with its outward appearance. Some people socially transition, whereby they might begin dressing, using names and pronouns and/or be socially recognized as another gender. Others may undergo physical transitions in which they modify their bodies through medical interventions. Not every person wants to transition from male to female or from female to male and other people believe they fall somewhere in between such binary definitions of gender.

**GET** - an acronym that stands for “**gender expansive and transgender**.”

**Intersex** - a person whose biological sex falls between the medical standards of male and female.

**LGBTQ** - an acronym that stands for “lesbian, gay, bisexual, **transgender**, and queer or questioning.” Questioning incorporates those who are uncertain or fluid about their sexual orientation and/or **gender identity**. Sometimes an “I” for intersex and “A” for asexual are added to the acronym.

**Preferred Gender Pronouns** - the pronoun a person prefers to have used when referred to in conversation. Please note that a person may choose to go by they, ze, or no pronouns.

**Preferred Name** - the name a person prefers to have used when referred to in conversation and/or on records.

**Queer** - a word used to describe people who transgress culturally imposed norms of heterosexuality and **gender identity**. Many individuals embrace the word today and use it as a more concise word rather than the acronym LGBTQ. Others do not use the word because of its previously derogatory connotation.

**Questioning** - a term that may be used to describe someone who is unsure of or undecided about their sexual orientation and/or **gender identity**.

**Sexual Orientation** - a person’s emotional, romantic and/or sexual attraction to people of the other and/or same gender. Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, bisexual and queer. Sexual orientation and **gender identity** are different. **Transgender** students may identify as gay, lesbian, bisexual, or heterosexual. Sexual orientation is different from **gender identity** or **gender expression**.

**Transgender** – A person whose **gender identity** and/or **gender expression** is different from that of the gender they were assigned at birth.

**Transition** - the process in which a person goes from living and identifying as one gender to living and identifying as another. Each **transgender** person has a unique process in which they go from living and identifying as one gender to living and identifying as another. Gender transition can occur at any age. It begins internally then expands to external expression. This can include social, medical and/or a legal transition.

## **Guidelines**

### **A. Privacy/Confidential Health or Educational Information**

All persons, including students, have a right to privacy. This includes keeping a student's actual or perceived **gender identity** and **expression** private. Disclosing such information to other students, their parents, or other third parties may violate privacy laws such as the federal Family Educational Rights and Privacy Act (FERPA). Therefore, school personnel should not disclose information about a **GET** student's **gender identity** and **expression** to others, including the student's parents/guardians and/or other school personnel, unless legally required to do so or unless the student has authorized such disclosure.

Students have the right to discuss and express their **gender identity** and **expression** openly and to decide when, with whom, and how much information to share.

District and school personnel may encounter situations where transgender students have not disclosed their **transgender** status. School personnel must be mindful of the confidentiality and privacy rights of students when communicating with others, so as to not reveal, imply, or refer to a student's **gender identity** or **expression**.

To ensure confidentiality when discussing a particular concern such as conduct, discipline, grades, attendance, or health, school personnel's focus should be specifically school-related and not on the student's **gender identity** or **expression**.

### **B. Official Records**

The District is required to maintain in perpetuity mandatory permanent pupil records ("official records") which include the legal name of the student and the student's gender as indicated on official government issued documents such as birth certificates, passports and identification cards/permits. The official records may include but are not limited to progress and grade reports, transcripts, assessment data, health records, discipline records, Individualized Education Programs (IEP), Gifted Individualized Education Programs (GIEP), and Section 504 Plans and cumulative folder.

The District will change a student's name and gender on official records when the name of the student is changed by the appropriate court action, such as by a change of name proceedings or through amendment of state or federally-issued identification. The new name is the official legal name of the student for all purposes, including school registration. Upon the submission of paper evidence of the court order, the student's official name in all school records shall be changed to reflect the legal name change.

### **C. Unofficial Records**

The District shall permit a student to use a preferred name on unofficial records. This request shall be made in writing to the student's principal using Attachment A, *Preferred First Name Change for ASD's Unofficial Pupil Records* Form. The unofficial records may include but are not limited to ID cards, classroom rosters, diplomas, certificates, programs, announcements, office communications, team and academic rosters, newspapers, newsletters, school directories, yearbooks and other site-generated unofficial records. The preferred name shall also appear on the student's cumulative folder (official record) as "Also Known As" (AKA).

The District shall input the student's preferred name in the appropriate field of the District's electronic data system to indicate how the student's name will appear on unofficial records.

The District shall permit a student or parent/legal guardian to request a change of name so that the student may be registered in school under a name that corresponds with the student's identity without obtaining court order or without changing the student's official records. This request shall be made in writing to the student's principal using Attachment A.

After the school receives and verifies the contents of the completed form, the school shall change the name of the student in the District's electronic data system and enter the preferred name AKA in the cumulative folder. In the cumulative folder and registration card, the AKA name should be cross-referenced.

#### **D. Names and Pronouns**

Students have the right to be addressed by the name and pronoun that corresponds to their consistently asserted **gender identity**. A court-ordered name or gender change is not required, and the student need not otherwise change his or her official records or obtain parent/legal guardian permission in order to be addressed by the name and pronoun that corresponds to the student's consistently asserted **gender identity**.

Students shall be known by their name and the gender in which the person identifies. However, there may be situations (e.g., communications with family, official state or federal records, and assessment data) where it may be necessary and recommended for staff to be informed of the student's legal name and gender. In these situations, staff should prioritize the safety, confidentiality, and respect of the student in a manner that affirms the law.

If school personnel are unsure how a student wants to be addressed in communications to the home or in conferences with parents/legal guardians, they may privately ask the student. For communications with a student's parent/legal guardian, school personnel should refer to this policy's prior section on "Privacy and Confidentiality."

Every effort should be made to use the preferred names and pronouns consistent with a student's **gender identity**. While inadvertent slips or honest mistakes may occur, the intentional and persistent refusal to respect a student's **gender identity** is a violation of District Policy.

#### **E. Restroom Accessibility**

Schools may maintain separate restroom facilities for male and female students. Where schools maintain separate restroom facilities for male and female students, **GET** students shall have access to the restroom that corresponds to their **gender identity** asserted at school.

Where available, a single stall restroom should be available to any student, **GET** or not, who desires increased privacy, regardless of the underlying reason.

If a student desires increased privacy, regardless of the underlying reason, the administrator or designee shall make every effort to provide the student with reasonable access to an alternative restroom such as a single-stall restroom. The use of such a single stall restroom should be a matter of choice for a student, and no student shall be compelled to use such restroom.

Administrators or designee may take steps to designate single stall “gender neutral” restrooms in the District.

#### **F. Locker Room Accessibility**

Schools may maintain separate locker room facilities for male and female students. Students shall have access to the locker room facility that corresponds to their **gender identity** asserted at school.

1. If there is a request for increased privacy, *any* student shall be provided access to a reasonable accommodation such as but not limited to:
  - a. Assignment of a student locker in near proximity to the coaches’ office or a supportive peer group.
  - b. Use of a private area within the public area of the locker room facility (e.g., nearby restroom stall with a door or an area separated by a curtain).
  - c. Use of a nearby private area (e.g., nearby restroom).

#### **G. Sport, Athletics, and Physical Education Classes**

Physical education classes and events are typically co-gender. In the event that the classes or activities are sex-segregated, **GET** students shall participate in physical education by their **gender identity** asserted at school.

Participation in competitive athletics, intramural sports, athletic teams, competitions, and contact sports shall be facilitated in a manner consistent with the student’s **gender identity** asserted at school (Griffin & Carroll, 2010) and in accordance with the Pennsylvania Interscholastic Athletic Association (PIAA) bylaws.

#### **H. School Activities and Programs**

Students have the right to equitable access to activities and programs in their school. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of **gender identity** in any program or activity. These activities and programs may include but are not limited to school day/after school activities/ programs and all extra- curricular activities.

Whenever students are separated by gender in school activities or are subject to and otherwise lawful gender specific rule, policy, or practice, students must be permitted to participate in such activities or conform to such rule policy or practice consistent with their **gender identity** (U.S. Department of Education Office of Civil Rights, 2014).

For overnight field trips, **GET** students can communicate their preferred sleeping arrangement to their teacher and/or a school administrator at least a month prior to the date of the field trip. As with any other student, the school should try to pair the **GET** student with peers with whom the student feels comfortable. In some cases, a **GET** student may want a room with fewer roommates or another alternative suggested by the student or their family. The District should honor these requests whenever possible and make adjustments to prevent the student from being marginalized because of those alternative arrangements.

Regardless of whether those roommates know about the student's gender identity, the District has an obligation to maintain the student's privacy and cannot disclose or require disclosure of the student to the other students or their parents.

#### **I. Course Accessibility and Instruction**

Students have the right to equitable learning opportunities in their school. Students shall not be required to take and/or be denied enrollment in a course on the basis of their gender identity in any educational and academic program.

#### **J. Dress Codes**

A school's dress code policy shall be gender-neutral. Schools cannot enforce specific attire based on gender.

GET students shall have the right to dress in a manner consistent with their gender identity or gender expression to the extent that such dress does not conflict with school rules or other Board policies or administrative regulations. Gender-neutral dress code guidelines apply to regular school days as well as any school sponsored activities.

#### **K. Student Safety**

School staff must ensure that students are provided with a safe school environment that is free of discrimination, harassment, bullying and/or intimidation.

School staff and families should work together to resolve complaints alleging discrimination, harassment, bullying and/or intimidation based on a student's actual or perceived gender identity or expression. Complaints of this nature are to be handled in the same manner as other complaints. Consideration should be given as to whether a Sexual Harassment investigation is warranted. For more information, see the District's policy prohibiting harassment by and of students and employees.

#### **L. Discrimination/Harassment**

Incidents or complaints of alleged discrimination, harassment, or violence against a transgender or gender nonconforming student shall be given prompt in the same manner as other discrimination/harassment complaints.

#### **M. Education and Training**

The District will conduct staff training and ongoing professional development in an effort to build the skills of all staff members to prevent, identify and respond to harassment and discrimination. In order to further a safe and supportive school environment for all students, the District will incorporate education and training about GET students into their anti-bullying curriculum, student leadership trainings and staff professional development. The content of such professional development/training should include, but not be limited to:

- Terms and concepts related to gender identify, gender expression, and gender diversity in children and adolescents;
- Appropriate strategies for communicating with students and parents about issues related to gender identity and gender expression, while protecting student privacy;



- Strategies for preventing and intervening in incidents of harassment and discrimination, including cyber-bullying;
- District and staff responsibilities under applicable laws and District policies regarding harassment, discrimination, and **gender identity** and **expression** issues.

Preferred First Name Change for Abington School District's Unofficial Pupil Records

Complete this form to request an update to your or your child's preferred name (first name only). Submit the form to the Principal of the school. The student's preferred name will appear on unofficial records as specified by the student below and as defined in the Superintendent's Administrative Procedures regarding Nondiscrimination of Students in Classroom Practices – Gender Expansive and Transgender Students. The student's legal name will appear on official records. These changes will be reflected in student records from point of request and moving forward; past unofficial records will not be updated unless required by law.

Phone: \_\_\_\_\_

Student's Legal Name (first and last): \_\_\_\_\_ Student's Date of Birth: \_\_\_\_\_

Student's Preferred First Name: \_\_\_\_\_

Please check the unofficial records you request be changed to have student's Preferred First Name appear:

- 
- |  |                                 |
|--|---------------------------------|
| _____ ID Cards   | _____ Team and Academic Rosters |
| _____ Classroom Rosters                                | _____ Diplomas                  |
| _____ Certificates                                     | _____ Newspapers                |
| _____ Programs   | _____ Newsletters               |
| _____ Announcements                                    | _____ School Directories        |
| _____ Office Communications<br>Yearbooks               | _____                           |
| _____ All district/school-generated unofficial records |                                 |

**Student Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Parent/Guardian(s) Signature  
(Required for students under 18\*):** \_\_\_\_\_

**Date:** \_\_\_\_\_

**\*Note:** If the signature of the Parent/Guardian cannot be obtained, Student is required to contact the District's Director of Pupil Services prior to submitting this request.

Office Use Only:

Date Form Received: \_\_\_\_\_

Form reviewed by Staff Name: \_\_\_\_\_ Staff Signature: \_\_\_\_\_

ABINGTON SCHOOL DISTRICT  
ABINGTON, PENNSYLVANIA

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BOARD POLICY STATEMENT

REGARDING: **Nondiscrimination of  
Students in Classroom  
Practices**

Section: **Curriculum**

Approved: February 28, 2017

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Supersedes/Amends Policy

See Also:

Related SAP  
22 Pa. Code §4.4(c)

Dated: 8/26/08, 8/9/11

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It is the policy of this District to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, national origin/ethnicity, ancestry, veteran status, gender, age, disability or handicap, sexual orientation, **gender identity/expression**, or religion.

As used in this policy, "nondiscrimination" refers to nondiscrimination with respect to students on the basis of race, color, national origin/ethnicity, ancestry, veteran status, gender, age, disability or handicap, sexual orientation, **gender identity/expression**, or religion. This includes review of curriculum materials for illegal discriminatory bias. The District shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics, and extracurricular activities.

The District shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of Federal and state laws and regulations. The Board encourages students who have been subject to discrimination and third parties who become aware of discrimination against a student or students to promptly report such alleged incidents to designated employees. The Board directs that complaints of discrimination shall be investigated promptly and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith charges of discrimination.

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Director of Pupil Services as the District's Compliance Coordinator. The Superintendent shall ensure that procedures for resolving complaints involving discrimination against students are developed and made part of the Superintendent's Administrative Procedures. The procedures shall be distributed periodically to all employees and students and posted in a prominent location in each school building.

Bethel Park School District

Policy

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Title

249 Student Bullying/Harassment

Section

200 Pupils

Adopted

Tuesday, December 9, 2008

Content

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**Purpose**

The purpose of this policy is to maintain a safe, positive environment for students and staff that is free from bullying and harassment. Bullying activities of any type (whether active or passive) are inconsistent with the educational goals of the district and are prohibited at all times.

**Definition**

For the purpose of this policy, **bullying** shall mean an intentional electronic, written, verbal or physical act, or a series of acts directed at another student or students, which occurs in a school setting, that is severe, persistent or pervasive and that has the effect of doing any of the following:

1. Substantially interfering with a student's education.
2. Creating a threatening environment.
3. Substantially disrupting the orderly operation of the school.

**Bullying or harassment** can take many forms and can include a variety of behavior such as any intentional or repeated written, verbal, graphic, or physical gesture/act (including electronically transmitted acts) that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as: race, color, religion, ancestry, national origin, gender, sexual orientation, **gender identity and expression**; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic.[1]

Such behavior is considered harassment or bullying when it interferes with educational opportunities and/or school-sponsored activities of one or more pupils. **Bullying**, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

**Cyberbullying** includes, but is not limited to, misuses of technology which have the effect of harassing, teasing, intimidating, threatening, or terrorizing another student,

teacher or employee carried out by means of sending or posting inappropriate e-mail messages, instant messages, text messages, pictures, images or other text by means of computers or electronic devices. Inappropriate or derogatory use of personal profiles on web sites or other web site postings, etc. is also considered cyberbullying.

The terms **bullying** and **cyberbullying** shall not be interpreted to infringe upon a student's right to engage in legally protected speech or conduct.

**School setting** shall mean in a school building, on school grounds, in school vehicles, at a designated bus stop or at any school-sponsored, supervised or sanctioned activity. Regardless of whether the bullying occurs in the school setting or outside the school setting, such bullying is prohibited if it impacts the school environment and otherwise meets the definition set forth above.[2]

### **Authority**

The Board does not condone any form of bullying as a part of any school-sponsored student activity.[2]

### **Delegation of Responsibility**

#### Students

Students are expected to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and adults.

Since bystander support of harassment or bullying can support these behaviors, the district prohibits both active and passive support for acts of bullying or harassment. Students should attempt to constructively stop these acts when possible and report them to an appropriate staff member.

#### Staff/Administrators

The Board directs that no administrator, teacher, coach, sponsor, volunteer or district employee shall permit, condone or tolerate any form of bullying or harassment. Anyone having any knowledge of bullying or harassment of any type is required to immediately report such to the principal or Superintendent.

#### Superintendent

The Superintendent or designee may develop administrative regulations to implement this policy.

The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed within ninety (90) days after its adoption and thereafter at least annually with students.[2]

#### District

District administration shall provide the following information with the annual Safe School Report:[2]

1. Board's Bullying Policy.
2. Report of bullying incidents.
3. Information on the development and implementation of bullying prevention, intervention or education programs.

### **Guidelines**

A student who witnesses or experiences an act of bullying should notify a school administrator or staff member.

A school employee who witnesses an act of bullying should intervene or report the incident to the designated administrator.

A school employee who receives information regarding bullying must report the incident to the appropriate administrator or bully prevention team in the school.

Administration will investigate the incident and proceed according to the district discipline code.

The Student Handbook and Code of Student Conduct will contain this policy and shall be disseminated annually to students.[2][3]

The policy shall be accessible in every classroom and will be posted in a prominent location in each school building as well as on the district web site.

### **Education**

The district may develop and implement bullying prevention and intervention programs. Such programs will provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.[2][4]

### **Consequences for Violations**

A student who violates this policy shall be subject to appropriate disciplinary action, consistent with the student discipline code, which may include:[2][6][7]

1. Counseling within the school.
2. Parental conference.
3. Loss of school privileges.
4. Transfer to another school building, classroom or school bus.

5. Exclusion from school-sponsored activities.
6. Detention.
7. Suspension.
8. Expulsion.
9. Counseling/Therapy outside of school.
10. Referral to law enforcement officials.

Review

The district shall review this policy at least every three (3) years in order to ensure compliance with applicable statutes.<sup>[2]</sup>

Burgettstown Area School District

Policy

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Title

819 Suicide Awareness and Prevention

Section

800 Operations

Adopted

Monday, May 20, 1991

Last Revised

Monday, March 21, 2016

Content

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**Purpose**

The district adopts this Policy in acknowledgment of the district's commitment to maintaining a school environment protective of the health, safety and welfare of its students and personnel, to promote healthy development, and to safeguard against suicide by school-aged youth. The impact of students' mental health on their academic performance and the effect of mental health issues and suicide on students and the entire school community are significant. Therefore, the district will work to educate school personnel and students on the actions and resources necessary to prevent suicide and promote mental well-being, and to appropriately respond to risk factors, warning signs, expressed suicidal thoughts or intentions/threats, and suicide attempts and completed suicides.

**Authority**

This Policy shall apply when a student exhibits any of the following or commits any of the following actions:

- risk factors
- warning signs
- expressed suicidal thoughts or intentions/threats
- a suicide attempt
- a completed suicide

The response and postvention procedures of this Policy shall also apply when school personnel attempt or complete suicide, as further set forth in Section 7 of this Policy. This Policy also applies when students report certain information pertaining to themselves or other individuals, as set forth at Section 6 of this Policy.



The Superintendent or his/her designee may promulgate additional regulations or protocols consistent with the protocols set forth in this Policy, in order to achieve the purposes of this Policy and Section 15-1526 of the Pennsylvania Public School Code of 1949, as amended.

#### Publication of Policy

The district will notify students and school personnel of this Policy and will post the Policy on the district's website.

#### **Definitions**

**Depression** shall mean a mental state characterized by dejection, lack of hope, and absence of cheerfulness, and/or aggressive behavior and impulsive outbursts characterized by expressions of anger.

**Expressed Suicidal Thought(s) or Intention(s)/Threat(s)** shall mean one or more verbal or nonverbal communication(s) indicating that an individual intends to harm him/herself with the intention to die. This term also includes a plan or threat to commit suicide.

**Postvention** shall mean an appropriate method to deal with the aftermath of a suicide or suicide attempt. This includes notification of staff, parents, students, and media as appropriate.

**Risk Factors** shall mean the personal or environmental characteristics associated with suicide. People affected by at least one, or more, of these risk factors have a greater probability of suicidal behavior. Risk factors include the following:

- depression
- substance abuse or dependence and/or increased alcohol or drug use
- previous suicide attempts
- self-injury (other than a suicide attempt)
- withdrawal from friends, family and/or society
- dramatic mood changes
- expressions of hopelessness, rage, anger, seeking revenge, feeling trapped, anxiety, agitation, or no sense of purpose or doubting sense of purpose to live
- bipolar disorder or other mental health issues
- loneliness/social alienation/isolation/lack of belonging

- poor problem-solving or coping skills
- adverse/stressful life circumstances
- gender identity/sexual orientation
- homelessness
- disciplinary or legal problems, including significant school disciplinary issues
- bullying (victim or perpetrator)
- physical, sexual or psychological abuse
- exposure to peer suicide
- family history of suicide or suicidal behavior
- family mental health problems, including alcoholism
- divorce/death of parent
- parent-child conflict
- impulsivity/risk-taking/recklessness

**School Personnel**, for purposes of this Policy, shall mean all district employees as well as mental health/behavioral services professionals or similar professionals who work under contract with the district. School personnel, for purposes of this Policy, shall also include the following, regardless of whether they are employees or independent contractors of the district: bus drivers, custodians, cafeteria workers, administrators, teachers, paraprofessionals, support staff, and coaches.

**School Setting** shall mean on school property, at any school-sponsored activity (regardless of whether the activity is taking place on school property), or on any school-district provided vehicle providing transportation to or from school or a school-sponsored activity.

**Student Assistance Program (SAP Team)** shall mean a multi-disciplinary team comprised of Burgettstown Area School District administrators, teachers, counselors, and nurses, and/or other employees and/or independent contractors which have been trained to observe behavior, to recognize the risk factors and warning signs of student suicide and depression, and to make appropriate referrals.

**Suicide** shall refer to death caused by self-directed injurious behavior with any intent to die as a result of the behavior.

**Suicide Attempt** shall mean potentially self-injurious behavior for which there is evidence that the person probably intended to kill him/herself; a suicide attempt may result in death, injuries, or no injuries.

**Warning Signs** are evidence-based indicators that someone may be in danger of suicide, either immediately or in the future.

In addition, the presence of more than one of the following warning signs may increase the individual's risk for engaging in suicidal behaviors:

1. Talking about committing suicide. (Note: If a student does more than talk about the idea of suicide in general, and instead makes a verbal or nonverbal communication that he or she intends to harm himself or herself with the intention to die, or makes a plan or threat to commit suicide, the same shall be treated as suicidal thoughts or intention/threats, and shall be responded to accordingly under this Policy. If the school personnel who hears or receives a report of such communications has an doubt as to whether the same constitutes suicidal thoughts or intentions/threats, the school personnel shall treat the same as expressed suicidal thoughts or intentions/threats, and respond accordingly under this Policy.)
2. Expressing hopelessness about the future.
3. Displaying severe or overwhelming emotional pain or distress.
4. Showing worrisome behavioral cues or marked changes in behavior, particularly in the presence of one or more of the risk factors or warning signs listed herein. Specifically, this includes significant:
  - a. Withdrawal from a change in social connections/situations;
  - b. Recent increased agitation or irritability;
  - c. Anger or hostility that seems out of character or out of context; and/or
  - d. Changes in sleep patterns (increased or decreased).

Risk is greater if a warning sign is new and/or has increased and/or seems related to an anticipated or actual painful event, loss or change. Warning signs are of particular concern for individuals who have attempted suicide in the past.

School personnel following the procedures of this Policy are not required to determine whether a warning sign is evidenced-based or not, in order to make referrals under this Policy. Referrals are required as set forth in Section 6 of this Policy.

### **SUICIDE AWARENESS AND PREVENTION**

As part of the district's Professional Development Plan, professional educators in all school buildings, serving students in grades six (6) through twelve (12), shall

participate in four (4) hours of youth suicide awareness and prevention training every five (5) years.[1][2]

"Professional educators" shall be those positions set forth at 24 P.S. Section 1205.2.[3]

In addition, all school personnel shall be informed of this Policy, and made aware of their obligations as set forth herein.

#### Prevention Education for Students

Students shall receive age-appropriate education on the importance of safe and healthy choices, coping strategies, how to recognize risk factors, and warning signs, and/or help-seeking strategies for self or others including how to engage school resources and refer friends for help.

The district's SAP Team is also available to provide students with guidance and information regarding problems that can lead to suicide, including but not limited to depression and other mental health issues, anger, and drug use.

#### Prevention Education for Parents/Guardians

The district may provide parents/guardians with resources including, but not limited to, health promotion and suicide risk, including characteristics and warning signs, and information about local behavioral/mental health resources.

### **EARLY IDENTIFICATION PREVENTION, AND INTERVENTION**

Note: School personnel following the procedures of this Policy are not required to have a professional background and/or certification in student behavior, mental health or related issues, nor are they directed to make a clinical determination of any kind, in order to make a referral when required under this Policy. All school personnel as defined herein are required to follow this Policy, even in the absence of said background and/or certification. School personnel are required by this Policy to be familiar with and identify that which constitutes a risk factor, a warning sign, an expressed suicidal thought or intention/threat, or suicide attempt, as defined by this Policy, and to make a referral and follow all other steps required under this Policy, as set forth in the subparagraphs below.

Any school personnel who believes that observed student behavior or behavior reported to him or her, may meet the definition of a risk factor, warning sign, expressed suicidal thought or intention/threat, and/or attempted suicide under this Policy, or who has any doubt as to whether any of the above definitions have been met, shall make a referral as required by this Policy.

#### Protocols: Students

1. In accordance with 22 Pa. Code Section 12.12 (b), the district deems all expressed suicidal thoughts or intentions/threats and attempted suicides to be issues which clearly place a student's or another individual's health, welfare or

safety in jeopardy, and thus directs school personnel to disclose information received in confidence from a student related to these issues to the parents/guardians of the student who disclosed the information, the parents/guardians of the student about whom the information was disclosed, the principal, and/or other appropriate authority.<sup>[4]</sup>

No school personnel shall make any promise of confidentiality when talking with any student or another individual, about his or her own, or another individual's, risk factor(s), warning sign(s), expressed suicidal thought(s) or intention(s)/threat(s), and/or suicide attempt(s). The district shall comply with all other relevant laws and regulations with respect to confidentiality and disclosure of information related to students and all other individuals.

2. School personnel shall make a referral to the guidance counselor or school nurse as soon as possible any time they observe, receive a report, or otherwise come to know, through any means or in any context, that a student has expressed suicidal thought(s) or intention(s)/threat(s) or engaged in a suicide attempt, or has exhibited warning signs or risk factor(s), regardless of whether the student exhibited or engaged in the same inside or outside of the school setting.
3. If a guidance counselor or school nurse is not available to receive a referral, school personnel shall make the referral to the first available social worker or administrator, who shall then follow up with a referral to the guidance counselor or school nurse as soon as possible.
4. The guidance counselor or school nurse shall take appropriate measures to follow up on all referrals received under this Policy as soon as possible. The guidance counselor or school nurse shall advise the parent or guardian as soon as possible after receiving a referral under this Policy of the fact that a referral was made. Parental notification may need to occur after emergency steps are taken, with first consideration given to secure the immediate safety of the student.
5. In the event of a suicide attempt or expressed suicidal thought(s) or intention(s)/threat(s) in the school setting, school personnel shall ensure that the student is not left alone. Emergency medical attention shall be secured, if necessary, and/or emergency contacts to suicide crisis line (1-800-Suicide, 1-800-273-TALK, or similar) shall be made as soon as possible (prior to referral to the SAP Team).
6. If a trip to the emergency room is necessary, the first available school personnel (or other responsible adult if school personnel are not available) shall accompany the student to the emergency room if possible. If possible, the first available school personnel will collect any item used in the suicide attempt and take/send such item to the emergency room.

7. In the event of a suicide attempt that occurs in the school setting, the school personnel who first learns of the same shall also activate the district's crisis response plan, depending on the time and place at which the attempt occurs.

The individual who makes a report under this Policy shall notify the building principal as soon as possible of the fact that the referral was made.

If the building principal has not already been advised of the matter, the responding staff member shall advise the building principal as soon as reasonably possible after receiving the referral. The building principal shall make any additional referrals to any administrator(s) as may be required by the Superintendent or designee.

8. A referral to the SAP Team is appropriate and recommended for any student in this form of crisis.
9. Any parent/guardian who has observed his or her child exhibiting any risk factor(s), warning sign(s), expressed suicidal thought(s) or intention(s)/threat(s), or suicide attempts, at any time, may also refer the student to the guidance counselor or school nurse.
10. If an assessment is performed by an outside entity or other health care provider, the building principal or his/her designee will attempt to confirm the results of the student assessment. A release of information regarding the assessment shall be sought from parents/guardians. Any student who has received a mental health assessment for reasons under this Policy shall be monitored by the guidance counselor as often as deemed necessary by the person who performed the assessment, to the extent that the district is aware of the results of the assessment. The building principal and/or guidance counselor will encourage the parents/guardians to comply with all recommendations of the mental health assessment. If it comes to the attention of the district that parents/guardians do not comply with the same, refuse to consent to a mental health assessment, or refuse to cooperate with any other action designed to protect a student's health, safety and welfare, a referral to Children and Youth Services, and/or Section 302 proceedings may be made.
11. Relevant school personnel shall be notified verbally or in writing by the guidance counselor to be alert for any additional issues in students on the basis that they have exhibited one, or more, of the following: risk factors, warning signs, expressed suicidal thoughts or intentions/threats or suicide attempts. Any such advisories which are given verbally shall thereafter be reduced to writing and kept confidential to the extent required by law. School personnel shall follow up with any such student as deemed appropriate by the guidance counselor, school nurse and/or administration.
12. When a student returns to school following an absence due to a suicide attempt, the guidance counselor or school nurse shall prepare a plan specifically related to that student's reintegration into the school environment,

and advise the administration and the parents of the same.

13. The district shall require a health professional's certification of fitness for the student's return to school, if the health professional previously indicated in writing, that the student was not medically capable of attending school. The district may also require such a certification (in the absence of a previous indication to the that the student was not medically capable of attending school), if doing so is not inconsistent with state and federal laws and regulations.
14. If a mandated reporter, as defined under Pennsylvania's Child Protective Services Law and district Policy No. 806, suspects that any risk factor, warning sign, expressed suicidal thought or intention/threat or suicide attempt is a result of or related to child abuse as defined under Pennsylvania's Child Protective Services Law, the mandated reporter shall comply with all reporting requirements of the Child Protective Services Law and district Policy.
15. All actions taken pursuant to this Policy shall be documented in writing by appropriate school personnel and kept confidential to the extent consistent with all requirements of federal and state laws and regulations.

#### Special Considerations

1. The provisions of paragraphs (1) through (15) above shall apply to all students, regardless of their status as students with disabilities eligible for special education, or protected handicapped students.
2. Concerns relating to students who have been identified as eligible students or as protected handicapped students, who exhibit one or more risk factors, warning signs, or expressed suicidal thoughts or intentions/threats, or who attempt suicide, may also be referred to the IEP Team or multi-disciplinary team, as appropriate. The student's needs shall then be further addressed in accordance with the IEP, positive behavior support plan, or Section 504 Plan, applicable law, regulations and Board Policy, and/or the student may be referred for a multidisciplinary evaluation or re-evaluation.

#### **ADDITIONAL PROTOCOLS FOR RESPONSE TO A SUICIDE ATTEMPT OR COMPLETED SUICIDE BY A STUDENT OR SCHOOL PERSONNEL**

1. If an attempted or completed suicide by a student or school personnel occurs in the school setting, the crisis response plan will be implemented, to the extent possible depending on the time and place at which it occurs. Parents/guardians of a student and any identified next-of-kin of the school personnel shall be notified as soon as possible.
2. The building principal shall, as soon as possible after receiving a report that a student or school personnel has attempted or completed suicide in or outside of the school setting, attempt to verify the report prior to making any announcements, contacts to law enforcement, notification of other individuals,

or engaging the SAP Team or other resources to assist anyone other than the person who made the attempt.

3. When a student or school personnel attempts or completes suicide within the school setting or outside the school setting and the same is or becomes known to and verified by the district under this Policy:
  - a. The Superintendent or his/her designee will be solely responsible for contacts, if any, with the media. In releasing information to the media, the Superintendent/designee will comply with all federal and state laws and regulations regarding the privacy of the student or school personnel.
  - b. School will be conducted as scheduled, with interferences only as necessary to provide counseling and support consistent with this Policy.
  - c. The Superintendent shall ensure that the guidance counselor, school nurse, building principal, and other school personnel who need to be advised of the incident are promptly advised.
  - d. Following a completed suicide by a student during the school day, the guidance counselor or administration will identify the locations of any siblings enrolled in the district and follow the wishes of the parents in terms of any notifications or other actions relative to the siblings.
  - e. In the event of a completed suicide by a student or school personnel in the school setting, the building principal will contact the police. As appropriate, the building principal may also notify law enforcement in the event of an attempted suicide by a student or school personnel in the school setting.
  - f. Members of the SAP Team will be ready to accept an increased number of formal referrals and to work actively in other ways to provide all necessary support to students, school personnel and parents.
  - g. The district will not allow any permanent memorials (ex., plaques, yearbook dedications) to the deceased.
4. Regardless of the location of the attempted or completed suicide, the following additional measures may be taken, to the extent that the Superintendent, in consultation with the SAP Team if necessary, believes they may be appropriate:
  - a. A general announcement or notice may be given, offering all students the support of the guidance counselor and/or school nurse and any other resources that the administration may deem appropriate, and offering appropriate resources to school personnel. The district shall generally advise students of the availability of such resources without violating confidentiality regarding the individual at issue. If a general



announcement or notice is not given, the guidance counselor and/or school nurse will, in consultation with the building principal, identify the students who may be primarily affected by the incident and offer and provide counseling to those students.

- b. The Superintendent may temporarily assign the guidance counselor or other relevant staff from the other district building to provide support as needed.
- c. The SAP Team, or other appropriate individuals, in consultation with the principal or designee, may refer affected students or school personnel to outside agencies, and/or mental health care practitioners, as appropriate. (For a student referral, the individual making the referral shall first explain the concern to the parents/guardians).
- d. The Superintendent or designee may bring in professionals from outside agencies to assist students and/or school personnel in postvention procedures and counseling as appropriate.
- e. The guidance counselor and/or school nurse and/or other relevant district employees or other individuals may contact the families of the student or school personnel who attempted or completed suicide to offer support and offer referrals to outside agencies and/or professionals when appropriate.

### **RESOURCES FOR YOUTH SUICIDE AWARENESS AND PREVENTION**

A comprehensive set of resources for youth suicide awareness and prevention is accessible through the Department at [www.education.pa.gov](http://www.education.pa.gov)

In addition, the following resources are available:

PA Youth Suicide Prevention Initiative - <http://payspi.org/>

Oct. 2014 Dear Colleague Letter related to peer harassment of students with disabilities: <http://www2.ed.gov/about/offices/list/ocr/publications.html#Section504>

Suicide Prevention Resource Center - <http://www.sprc.org/>

American Foundation for Suicide Prevention - <http://www.afsp.org/>

Burrell School District

Policy

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Title

252 Dating Violence

Section

200 Pupils

Adopted

Tuesday, May 15, 2012

Content

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**Purpose**

The Burrell School District strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the school to maintain a school climate in which dating violence is not tolerated and to promptly address dating violence when it is reported or observed.

The Burrell School District adopts this policy to:

1. Provide additional guidance and to supplement the school's harassment and nondiscrimination policies, as well as other relevant school policies.
2. Apply the rights of students and responsibilities of school employees in the context of dating violence within the school system.
3. Promote prevention of dating violence in the school entity.
4. Respond when there are cases of dating violence within the school entity.

This policy shall not abrogate any civil and/or criminal remedies that may otherwise be available to the victim under state or federal law.

**Authority**

The Burrell School District declares that dating violence will not be tolerated.

This policy shall apply in any situation where a student is experiencing dating violence on school property, at any school-sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity.<sup>[1]</sup>

The school entity encourages students who have been a victim of dating violence to promptly report such incidents to school district employees.

The school entity intends this policy to be construed and applied in a manner that is consistent with applicable state and federal laws, regulations and Board policies.

## **Definitions**

**Alleged Perpetrator** shall mean an individual who is accused of committing any act or threat of dating violence as defined in this policy.

**Dating Partner** shall mean a person, regardless of gender, sexual orientation or **gender identity**, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long-term.

**Dating Violence** shall mean the use of abusive behaviors, including, but not limited to, Internet, electronic, written, verbal, sexual or physical contact by a person to harm, threaten, intimidate or control a current or former dating partner, regardless of sex, sexual orientation or **gender identity**. Dating violence may be an isolated incident or a repeated course of conduct. Dating violence includes, but is not limited to:

- *Physical Abuse* – Any intentional unwanted contact with the victim’s body by either the perpetrator or an object within the perpetrator’s control, regardless of whether such contact causes pain or injuries to the victim.
- *Emotional Abuse* – The intentional infliction of mental or emotional distress by threat, coercion, stalking, humiliation, harassment, or other unwanted verbal or nonverbal conduct.
- *Sexual Abuse* – Any sexual behavior or contact by the perpetrator that is unwanted by the victim and/or interferes with the victim’s ability to consent to or control the circumstances of sexual behavior.

**Dating Violence Response Team (DVRT)** shall be made up of the BEST (Burrell Educational Support Team) or Student Assistance Team. The DVRT will be specifically trained, with a victim-centered focus on dating violence, safety planning and making appropriate referrals, by either a state coalition against domestic violence or rape, or a local domestic violence or rape crisis program. The Hope Center in Tarentum, PA or the Blackburn Center in Greensburg, PA is equipped to in-service members of the DVRT.

**Domestic Violence Program** shall mean a program whose primary purpose is the provision of direct services to victims of domestic violence and their children, including, but not limited to, victim advocacy, counseling, shelter, information and referral, victim-witness, accompaniment, community education and prevention.[2]

**Educational Records** shall mean those records, files, documents, and other materials that contain information directly related to the student and are maintained by the school entity or party acting for the school entity.[3]

**Modification** shall mean a reasonable adjustment to a student’s educational environment, or participation in school-related activities, which increases access to a meaningful education for a student who is experiencing dating violence and is reasonably intended to end the dating violence.

**Perpetrator** shall mean an individual who has committed any act or threat of dating violence as defined in this policy.

**Protection From Abuse Order** shall mean a civil court order issued for the protection of a victim of dating violence that restricts the conduct of an individual toward the victim.

**Rape Crisis Program** shall mean a program whose primary purpose is the provision of direct services to victims of sexual assault, including, but not limited to, crisis intervention, counseling, victim advocacy, information and referral, victim-witness and assistance, accompaniment through the medical, police and judicial systems, as well as providing education and prevention programs on rape and sexual assaults.[2]

**School Climate** shall mean the quality and character of school life. School climate shall be based on patterns of students', parents'/guardians' and school employees' experience of school life reflecting the norms, goals, values, interpersonal relationships, teaching and learning practices, and organizational structures of the school environment.

**Safety Plan** shall mean an individualized set of actions, strategies, and resources that address a student's safety with regard to dating violence.

**School Employee** shall mean any employee, independent contractor or volunteer of the school entity, including student teachers.

**Student** shall mean any individual who is enrolled in any school entity.

**Victim** shall mean the student who is experiencing dating violence as defined in this policy.

### **Delegation of Responsibility**

The Burrell School District will maintain a Dating Violence Response Team (DVRT) that shall be responsible for receiving complaints and responding in accordance with this policy.

The school will designate one (1) or more school employees to be members of the DVRT.

If a student notifies a Burrell School District employee who is not a member of the DVRT of the dating violence, that school employee should immediately notify a designated member of the DVRT. In that regard, school employees will be aware of the proper protocol, including contact information for the designated DVRT member to follow in order to respond to incidents of dating violence between students on school property, at any school-sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity.

The Superintendent or a designee shall develop administrative regulations regarding protocols for investigating complaints of dating violence.

## **Guidelines**

### Complaint Form

The complaint form shall be made available to all students.

The DVRT member who is notified of the dating violence incident may offer the student assistance in completing the complaint form.

The DVRT member shall file completed complaint forms in a secure location in the school and district administrative offices.

### Investigation

Once a complaint has been referred, the DVRT shall initiate an investigation. The investigation shall be conducted in a manner that is designed to maintain confidentiality to the extent allowed by state and federal law and with a full and fair investigation.

If the DVRT determines that abusive behavior has occurred on school property, at any school-sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity, the DVRT shall make recommendations for a prompt and effective response. This may include disciplinary actions for the alleged perpetrator if s/he is a student and modifications for the victim/student is deemed necessary to reasonably ensure the victim's safety.

Recommendations in response to a determination that the abusive behavior has occurred should minimize the burden on the victim, and thus should not, as a matter of course, remove the victim from classes or prompt a change in the victim's class schedule while allowing the perpetrator's class schedule to remain intact.

If the dating violence did not occur on school property, at any school-sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity, the DVRT may still provide modifications to the victim that are reasonably intended to ensure the victim's safety. Consultation with local law enforcement, juvenile probation, and the juvenile justice system will be a consideration for school officials.

### Documentation

Because of safety concerns, the Burrell School District shall maintain a system for documenting each complaint and investigation of dating violence. The district shall maintain a complete file for each case of dating violence and shall preserve the case file consistent with district record retention policies.

The file shall contain written documentation of actions taken by a DVRT member on behalf of a student experiencing dating violence. Burrell School District employees acting with regard to a dating violence incident shall document the action in writing and provide the documentation to the DVRT. The DVRT's files shall be kept in a secure, locked filing cabinet under the control of the building principal.

In order to protect the safety and confidentiality of the victim and to comply with state and federal law, access to the DVRT files shall be consistent with the Burrell School District's confidentiality policy pertaining to the protection of student records.

In addition to state law, the Federal Family Educational Rights and Privacy Act (FERPA) applies in order to protect the privacy of a student's educational records.[3]

#### Confidentiality of School-Related Information

Information received in confidence from a student may be revealed to the student's parent/guardian, the building principal or other appropriate authority when the health, welfare or safety of the student or other persons is clearly in jeopardy.[4]

#### *Parental Notification –*

The DVRT shall encourage the victim to tell his/her parent/guardian about the dating violence and shall provide support to the victim.

#### *Mandatory Child Abuse Reporting –*

Under no circumstances is this policy intended to abrogate the requirements related to mandatory child abuse reporting.[5]

#### Protection From Abuse Orders

When Burrell School District is notified by the court, victim, parent/guardian, or otherwise provided a copy of the Protection From Abuse Order, the school, in consultation with the solicitor, will take appropriate actions to comply with the Protection From Abuse Order.[5]

When the Burrell School District is notified of the Protection From Abuse Order, the DVRT shall hold separate meetings with the victim/student and perpetrator/student to:

1. Review the Protection From Abuse Order, the specific prohibitions under the order and ramifications for violating the order, including juvenile court for minors and criminal consequences for anyone eighteen (18) years of age or older.
2. Clarify what the victim/student is asking of the DVRT, if anything, to keep him/her safe from the perpetrator.
3. Review the school day, classes, lunch, and activities, paying attention to potential conflicts and opportunities for face-to-face contact between the victim/student and the perpetrator/student.
4. Identify schedule overlaps, such as arrival/dismissal times, classes, lunch, activities, etc.
5. Identify a plan to include safety precautions that eliminate or substantially diminish the opportunity for the victim and the perpetrator to come into

contact on school property, at any school-sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity.

In meeting with the victim/student, the DVRT shall:

1. Help the victim/student identify adults within the school setting with whom s/he feels comfortable.
2. Assist the victim in developing a safety plan or refer the victim to a local domestic violence or rape crisis program.

If the school knows or reasonably should have known that the perpetrator/student violated the Protection From Abuse Order on school property, the building principal or DVRT member shall contact law enforcement.

#### Notice of Policy

In addition to the established process for publicizing school policies, the policy regarding dating violence shall be:

1. Disseminated in the student handbook at the beginning of each school year. The student handbook shall include the names of the DVRT members and a sign-off sheet to be signed and returned to the school office indicating that the parent/guardian and student have read and understand the policy.[1]
2. Published on the school entity's publicly accessible Internet website, if available.[1]
3. Posted at a prominent location within each school building where such notices are usually posted.
4. Be made available in every classroom within the school entity.

#### Prevention, Training and Education

The Burrell School District will use the following strategies and techniques to create a school climate that encourages and sustains respectful interpersonal relationships, healthy youth development, and a feeling of safety:

##### *Ongoing and/or Annual Training of the Dating Violence Response Team –*

The school district will maintain a DVRT made up of school personnel who have received specialized and ongoing training on relevant issues. These trainings shall be designed to prepare DVRT members to:

1. Conduct investigations and assessments.
2. Respond appropriately to disclosures of dating violence.

3. Assist victims with safety planning.
4. Make appropriate referrals.
5. Decide and implement appropriate disciplinary action.
6. Monitor compliance of disciplinary action.
7. Evaluate and recommend changes in teen dating violence policy, regulations, and programs.

It is important to ensure that members of the response team serve willingly and exhibit sensitivity to the issue.

*Training for Teachers, Administrators and Staff –*

Workshops related to dating violence will be provided to school administrators, teachers, health educators, school nurses, and other staff. Agencies such as the Hope Center, Saint Vincent College, and the Blackburn are agencies that can provide training for dating violence.

*Prevention and Education for the School Community –*

School-wide, universal dating violence prevention education will be provided for students and parents/guardians on the following topics:

1. Developing youth-led awareness and prevention activities that engage the school community.
2. Early interventions with students in response to incidents of dating violence.
3. Community collaboration.

In creating a safe school climate, the Burrell School District will develop an advisory team of local experts from community organizations to assist in the school's efforts and to familiarize the schools with the roles, responsibilities and constraints of their agencies. These may include, but are not limited to, local domestic violence agencies and rape crisis centers, police department or Sheriff's Office, District Attorney's Office, probation, mental health services, child protective and social services staff, clergy and local faith leaders, media, and civic groups.

Burrell School District may incorporate age-appropriate dating violence education into the annual health curriculum framework for students in grades nine (9) through twelve (12). The district shall consult with at least one (1) local domestic violence program or rape crisis program when developing the educational program.<sup>[1]</sup>

A parent/guardian of a student under the age of eighteen (18) shall be permitted to examine the instructional materials for the dating violence education program.<sup>[1]</sup>



At the request of the parent/guardian, the student may be excused from all or part of the dating violence education program.[1]

Central Valley School District

Policy

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Title

819 Suicide Prevention

Section

800 Operations

Adopted

Wednesday, July 20, 2011

Last Revised

Thursday, December 1, 2016

Content

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**Purpose**

The district recognizes the need to protect the health, safety and welfare of its students; to promote healthy development; to safeguard against the threat or attempt of suicide among school-aged youth and to address barriers to learning.

This policy corresponds with and supports other federal, state and local efforts to provide youth with prevention education, early identification and interventions, and access to local resources to promote health and prevent personal harm or injury.<sup>[1][2][3][4][5]</sup>

**Authority**

Recognizing that suicidal behavior among school age children is a societal problem and realizing the school district's role in the community, the Board directs the school administration to develop and implement appropriate guidelines for intervention when a suicide attempt or threat occurs while the student is on school property and under school jurisdiction. The Board directs the school administration to create and implement suicide prevention awareness within our school buildings.

**Guidelines**

The school district shall utilize a multifaceted approach to suicide prevention which integrates school and community-based supports.

Publication

The district will notify its school personnel, age-appropriate students and all parents/guardians of this policy and will post the policy on the district website.<sup>[1]</sup>

Prevention

The school entity shall establish a crisis response team for each building. The crisis response team(s) may include, but is not limited to, administrators, guidance counselors, the school nurse, school psychologist, school resource officer, and/or teachers and other members of the school's Student Assistance Program team.

The school entity shall utilize a multifaceted approach to suicide awareness and prevention, which includes the following:

#### Staff Development

All school personnel, including, but not limited to, administrators, teachers, paraprofessionals, support staff, coaches, bus drivers, custodians, and cafeteria workers, shall receive information regarding the school's protocols for suicide awareness and prevention. Education will be provided for all school personnel about the importance of suicide prevention and recognition of suicide risk factors, as well as strategies to enhance protective factors, resilience, and school connectedness.

Additionally, all school personnel will be educated about the warnings signs and risk factors for youth depression and suicide. As part of the school entity's Professional Development Plan, professional staff in all school buildings serving students in grades six (6) through twelve (12) shall participate in four (4) hours of youth suicide awareness and prevention training every five (5) years.<sup>[1][6]</sup>

#### Prevention Education for Students

Students shall receive age-appropriate lessons in their classrooms through health education or other appropriate curricula on the importance of safe and healthy choices, as well as help seeking strategies for self and/or others. Lessons shall contain information on comprehensive health and wellness, including emotional and behavioral coping strategies and supports. Students shall be informed of the limits of confidentiality when they are concerned about a peer or significant other. These lessons may be taught by health and physical education teachers, community service providers, classroom teachers or student services staff. Students who are in need of intervention shall be referred in accordance with the school entity's referral procedures for screening and recommendations.

#### Early Identification Procedures

Early identification of individuals with one (1) or more suicidal risk factors is vital to a school entity's suicide prevention efforts. Risk factors refer to personal or environmental characteristics that are associated with suicidal behavior including, but not limited to:

1. Behavioral Health Issues/Disorder, specifically but not exclusively:
2. Depression.
3. Bipolar disorder or other mood disorder.

4. Substance abuse or dependence.
5. Previous suicide attempts.
6. Self-injury.
7. Hopelessness/Low self-esteem.
8. Loneliness/Social alienation/isolation/lack of belonging.
9. Poor problem-solving or coping skills.
10. Decrease in attendance.
11. Impulsivity/Risk-taking/recklessness.
12. Adverse/Stressful life circumstances.
13. Gender identity/Sexual orientation.
14. Homelessness.
15. Interpersonal difficulties or losses.
16. Disciplinary or legal problems, including school disciplinary issues.
17. Bullying (victim or perpetrator; target, aggressor and/or witness).
18. School or work issues.
19. Physical, sexual or psychological abuse.
20. Exposure to family or peer suicide.
21. Family characteristics - lots of conflict, few activities.
22. Family history of suicide or suicidal behavior.
23. Family mental health problems, including alcoholism.
24. Divorce/Death of parent/guardian.
25. Parent-child conflict.

**Warning signs** are evidence-based indicators that someone may be in danger of suicide, either immediately or in the future. These signs may mean that a youth is at risk for suicide, particularly for youth who have attempted suicide in the past. Risk is greater if the warning sign is new and/or has increased and if it seems related to an

anticipated or actual painful event, loss, or change. Finally, the presence of more than one (1) of the following warning signs may increase a youth's risk for engaging in suicidal behaviors.

1. Talking about or making plans for suicide;
2. Expressing hopelessness about the future;
3. Displaying severe/overwhelming emotional pain or distress;
4. Showing worrisome behavioral cues or marked changes in behavior, particularly in the presence of the warning signs above. Specifically, this includes significant:
  - a. Withdrawal from or changing in social connections/situations;
  - b. Recent increased agitation or irritability;
  - c. Anger or hostility that seems out of character or out of context; and/or
  - d. Changes in sleep (increased or decreased).

#### Referral Procedures

Any district employee who has identified a student with one (1) or more risk factors or who has an indication that a student may be contemplating suicide, shall refer the student to the SAP team for further assessment and intervention.

#### Documentation

The district shall document the reasons for referral, including specific warning signs and risk factors identified as indications that the student may be at risk.

#### Intervention/Prevention[1]

In compliance with state regulations and in support of the school's suicide prevention methods, information received in confidence from a student may be revealed to the student's parents/guardians, the building principal or other appropriate authority when the health, welfare or safety of the student or other persons is at risk.[13]

Any school personnel who has identified a student with one (1) or more risk factors, or warning signs, or who has an indication that a student may be contemplating suicide, shall refer the student for further assessment and intervention in accordance with the school entity's referral procedures.

The school entity shall create an emotional or mental health safety plan to support a student and the student's family if the student has been identified as being at increased risk of suicide.

For students with disabilities who are identified as being at-risk for suicide or who attempt suicide, the appropriate team shall be notified and shall address the student's needs in accordance with applicable law, regulations and Board policy. If a student is identified as being at-risk for suicide or attempts suicide and requires special education services or accommodations, the Director of Special Education shall be notified and shall take action to address the student's needs in accordance with applicable law, regulations and Board policy.[10][2][7][8][9]

Any school personnel who are made aware of any threat or witnesses any attempt towards self-harm that is written, drawn, spoken, or threatened shall immediately notify the principal or designee. Any threat in any form shall be treated as real and dealt with immediately. No student should be left alone, nor confidences promised. In cases of life-threatening situations, a student's confidentiality will be waived. The school entity's crisis response procedures shall be implemented.

If an expressed suicidal thought or intention is made known to any school personnel during an afterschool program and the principal or designee are not available, call (724)371-8060 (WPIC Beaver County CRISIS), 1-800-400-6180 (WPIC Beaver County CRISIS), 1-800-SUICIDE, or 1-800-273-TALK for help. Thereafter, immediately inform the principal of the incident and actions taken.

#### Procedures for Parental Involvement

Parent/Guardian of a student identified as being at risk of suicide must be immediately notified by the school and must be involved in consequent actions. If any mandated reporter suspects that a student's risk status is the result of abuse or neglect, that individual must comply with the reporting requirements of the Child Protective Services Law. If the parent/guardian refuse to cooperate and there is any doubt regarding the child's safety, the school personnel who directly witnessed the expressed suicidal thought or intention will pursue a 302 involuntary mental health assessment by calling County Emergency Services at (724)371-8060 (WPIC Beaver County CRISIS), 1-800-400-6180 (WPIC Beaver County CRISIS) and ask for a delegate. The delegate will listen to concerns and advise on the course of action. If a 302 involuntary mental health assessment is granted, the first-hand witness will need to be the petitioner, with support from the principal or other central office administrator.[5]

#### **METHODS OF RESPONSE TO SUICIDE OR SUICIDE ATTEMPT[1]**

The methods of response to a suicide or a suicide attempt utilized by the district include, but are not limited to:

1. Identifying and training the school crisis response/crisis intervention team.
2. Determining the roles and responsibilities of each crisis response team member.
3. Notifying students, employees, and parents/guardians.

4. Working with families.
5. Responding appropriately to the media.
6. Collaborating with community providers.

The Superintendent or designee shall develop administrative regulations with recommended guidelines for responding to a suicidal act or attempt on school grounds during a school-sponsored event.

#### Re-Entry Procedures

Excusing a student from school attendance after a mental health crisis and the student's return to school shall be consistent with state and federal law regulations.<sup>[11][12][2][7][8][9]</sup>

The district school psychologist, school counselor, and the building principal will meet with the parent/guardians of a student returning to school after a mental health crisis. The school counselor or school psychologist will meet with the student to discuss re-entry and applicable next steps to ensure the student's readiness to return to school, as well as review or develop a safety plan.

When authorized by the student's parent/guardian, the designated district employee shall coordinate with the appropriate mental health care providers to ensure continuity of care and support.

The designated district employee will periodically check in, as needed, with the student to facilitate the transition back into the school community and address any concerns.

#### Report Procedures<sup>[1]</sup>

Effective documentation assists in preserving the safety of the student and ensuring communication among school staff, parents/guardians and mental health service providers.

When a district employee takes notes on any conversations or situations involving or relating to an at-risk student, the notes should contain only factual or directly observed information, not opinions or hearsay.

As stated in this policy, district employees shall be responsible for effective documentation of incidents involving potential suicide prevention, intervention, and response. All notes and reports involving potential suicide prevention, intervention, and response shall immediately be provided to the building principal.

The building principal will share the documentation of at-risk students with school counselor and school psychologist.

### **SUICIDE AWARENESS AND PREVENTION RESOURCES<sup>[1]</sup>**

A listing of resources regarding the suicide awareness and prevention is listed below:

Resources for Youth Suicide Awareness and Prevention

A comprehensive set of resources for youth suicide awareness and prevention is accessible through the Department at [www.education.pa.gov](http://www.education.pa.gov) PA

Youth Suicide Prevention Initiative - <http://payspi.org/>

Oct. 2014 Dear Colleague Letter related to peer harassment of students with disabilities: <http://www2.ed.gov/about/offices/list/ocr/publications.html#Section504>

Suicide Prevention Resource Center - <http://www.sprc.org/>

American Foundation for Suicide Prevention - <http://www.afsp.org>

### **Definitions**

**At-Risk for Suicide** shall mean any youth with risk factors or warning signs that increase the likelihood of suicidal behavior.

**Chief School Administrator** shall mean the Superintendent of the school district.

**Crisis Response Team** shall include, but may not be limited to, the administrators, guidance counselors, the school nurse, school psychologist, and school resource officers, and/or other members of the Student Assistance Program (SAP), as designated, and may include other members as deemed appropriate by the chief school administrator.

**Expressed Suicidal Thoughts or Intentions** shall mean a verbal or nonverbal communication that an individual intends to harm him/herself with the intention to die, but has not acted on the behavior.

**Prevention** refers to efforts that seek to reduce the factors that increase the risk for suicidal thoughts and behaviors and increase the factors that help strengthen, support, and protect individuals from suicide.

**Protective Factors** shall refer to characteristics (biological, psychological, and social) that reduce risk and the likelihood of the individual developing a mental illness.

**Resilience** shall refer to an individual's innate ability to persevere in the face of adversity and reduce the risk of unhealthy outcomes.

**Risk Factors** shall mean the personal or environmental characteristics associated with suicide. People affected by one (1) or more of these risk factors have a greater probability of suicidal behavior.

**School Connectedness** shall mean the belief by students that adults and peers in the school care about their learning as well as about them as individuals.



**School Personnel** include, but may not be limited to, administrators, teachers, paraprofessionals, support staff, coaches, bus drivers, custodians, and cafeteria workers.

**Suicide** shall refer to death caused by self-directed injurious behavior with any intent to die as a result of the behavior.

**Suicidal Act or Suicide Attempt** shall mean a potentially self-injurious behavior for which there is evidence that the person probably intended to kill him/herself; a suicidal act may result in death, injuries, or no injuries.

**Warning Signs** are evidence-based indicators that someone may be in danger of suicide, either immediately or in the very near future.

Central Valley School District

Policy

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Title

249 Bullying/Cyberbullying

Section

200 Pupils

Adopted

Wednesday, July 20, 2011

Last Revised

Thursday, June 20, 2013

Content

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**Purpose**

The Board is committed to providing a safe, positive learning environment for district students. The Board recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying by district students.

**Definitions**

**Bullying** means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting and/or outside a school setting, that is severe, persistent or pervasive and has the effect of doing any of the following:<sup>[1]</sup>

1. Substantial interference with a student's education.
2. Creation of a threatening environment.
3. Substantial disruption of the orderly operation of the school.

**Bullying or harassment** can take many forms and can include a variety of behavior such as any intentional or repeated written, verbal, graphic, or physical gesture/act (including electronically transmitted acts) that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as: race, color, religion, ancestry, national origin, gender, sexual orientation, **gender identity and expression**; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic.

Such behavior is considered harassment or bullying when it interferes with educational opportunities and/or school-sponsored activities of one or more pupils. **Bullying**, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

**Bullying**, as defined in this policy, includes cyberbullying. **Cyberbullying** includes, but is not limited to, misuses of technology which have the effect of harassing, teasing, intimidating, threatening, or terrorizing another student, teacher or employee carried out by means of sending or posting inappropriate e-mail messages, instant messages, text messages, pictures, images or other text by means of computers or electronic devices. Inappropriate or derogatory use of personal profiles on web sites or other web site postings, etc. is also considered cyberbullying.

The terms **bullying** and **cyberbullying** shall not be interpreted to infringe upon a student's right to engage in legally protected speech or conduct.

**School setting** means in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school. Regardless of whether the bullying occurs in the school setting or outside the school setting, such bullying is prohibited if it impacts the school environment and otherwise meets the definition set forth above.<sup>[1]</sup>

### **Authority**

The Board prohibits all forms of bullying by district students.<sup>[1]</sup>

### **Students**

Students are expected to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and adults.

Since bystander support of harassment or bullying can support these behaviors, the district prohibits both active and passive support for acts of bullying or harassment. Students should attempt to constructively stop these acts when possible and report them to an appropriate staff member.

The Board encourages students who have been bullied to promptly report such incidents to the building principal or designee. (See Attachment 249.1 – Report Form)

### **Staff/Administrators**

The Board directs that no administrator, teacher, coach, sponsor, volunteer or district employee shall permit, condone or tolerate any form of bullying or harassment. Anyone having any knowledge of bullying or harassment of any type is required to immediately report such to the principal or Superintendent.

The Board directs that complaints of bullying shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith reports of bullying.

### **Delegation of Responsibility**

Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying.

The Superintendent or designee shall develop administrative regulations to implement this policy.

The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed annually with students.[1]

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the Board.[1]

District administration shall annually provide the following information with the Safe School Report:[1]

1. Board's Bullying Policy.
2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention or education programs.

### **Guidelines**

A student who witnesses or experiences an act of bullying should notify a school administrator or staff member.[1][2][3]

A school employee who witnesses an act of bullying should intervene or report the incident to the designated administrator.

A school employee who receives information regarding bullying must report the incident to the appropriate administrator or bully prevention team in the school.

Administration will investigate the incident according to the below Complaint procedure and proceed according to the district discipline code.

The Student Handbook and Code of Student Conduct will contain this policy and shall be disseminated annually to students.

The policy shall be accessible in every classroom and will be posted in a prominent location in each school building as well as on the district web site.

### **Education**

The district may develop and implement bullying prevention and intervention programs. Such programs will provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.[1][4]

## **Complaint Procedure**

### **Step 1 – Reporting**

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal, teacher, or counselor.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.[1][4][6]

### **Step 2 – Investigation**

Upon receiving a complaint of bullying, the building principal shall immediately investigate the complaint. (See Report Form 249.1)

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation. Parents of all parties will be immediately notified of the allegations/investigation within the same school day of when the complaint has been received.

### **Step 3 – Investigative Report**

The building principal shall prepare a written report within five (5) business days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

### **Step 4 – District Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur, including taking appropriate safeguards for the victim(s) of the harassment. The corrective action plan shall include the signatures of all appropriate parties.[1][3][7]

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct; repeated violations will result in progressively more severe consequences, which may include one or more of the following:

1. Counseling within the school.
2. Parental conference.
3. Loss of school privileges.

4. Transfer to another school building, classroom or school bus.
5. Exclusion from school-sponsored activities.
6. Detention.
7. Suspension.
8. Expulsion.
9. Counseling/Therapy outside of school.
10. Referral to law enforcement officials.

NOTE: More severe disciplinary consequences may be imposed immediately based upon the severity or repetitiveness of the infraction as determined by the administration.

#### Appeal Process

If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Superintendent or designee within five (5) business days.

Columbia Borough School District

Policy

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Title

815 Use of Technology

Section

800 Operations

Adopted

Thursday, August 20, 2009

Last Revised

Tuesday, December 3, 2013

Content

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**Purpose**

Due to the evolutionary nature of technology, it is imperative for students to realize that our policies regarding the use of technology in our community will also be evolutionary. We ask all students to employ their best judgment when it comes to the use of school technology, and keep in mind that our policies related to technology are not meant to supersede our other school policies, but rather to compliment them. Although our school provides certain technologies, we recognize that members and guests of our community also have their own technology devices that they bring to our campus and school events. Our policies address the appropriate use of both technologies provided by the school and personally owned technological devices. Please read the policies below before using our network and computers, because by using our technology you agree to be bound by the terms, conditions and regulations below.

This acceptable use policy applies to all students, faculty and staff members, and all visitors to campus (both adults and minors), including parents/guardians and subcontractors.

All children and teens visiting our campus are also subject to the terms and conditions of this technology use policy.

The district shall inform staff, students, parents/guardians and other users about this policy through employee and student handbooks, posting on the district website, and by other appropriate methods. A copy of this policy shall be provided to parents/guardians, upon request.<sup>[1]</sup>

All students and their parent/guardian must sign a permission form before they can utilize any school technologies. This permission slip must be signed on an annual basis at the beginning of every school year.

The use of school and personally owned technology comes with personal responsibilities and if you violate the responsible use of any school technologies, access may be limited, revoked and/or suspended.

Our school provides sufficient information technology resources for each student for regular academic pursuits. If a particular research project requires additional resources, the information technology department works with students on a case-by-case basis to provide additional resources.

### **Authority**

#### Privacy

The Board declares that computer and network use is a privilege, not a right. The district's computer and network resources are the property of the district. Users shall have no expectation of privacy in anything they create, store, send, receive or display on or over the district's Internet, computers or network resources, including personal files or any use of the district's Internet, computers or network resources. The district reserves the right to monitor, track, and log network access and use; monitor fileserver space utilization by district users; or deny access to prevent unauthorized, inappropriate or illegal activity and may revoke access privileges and/or administer appropriate disciplinary action. The district shall cooperate to the extent legally required with the Internet Service Provider (ISP), local, state and federal officials in any investigation concerning or related to the misuse of the district's Internet, computers and network resources.[2][3][4]

#### Filtering

The district reserves the right to restrict access to any Internet sites or functions it deems inappropriate through established Board policy, or the use of software and/or online server blocking. Specifically, the district operates and enforces a technology protection measure(s) that blocks or filters access to inappropriate matter by minors on its computers used and accessible to adults and students. The technology protection measure shall be enforced during use of computers with Internet access.[1][5][6]

Upon request by students or staff, the Superintendent or designee shall expedite a review and may authorize the disabling of Internet blocking/filtering software to enable access to material that is blocked through technology protection measures but is not prohibited by this policy.[1]

Upon request by students or staff, building administrators may authorize the temporary disabling of Internet blocking/filtering software to enable access for bona fide research or for other lawful purposes. Written permission from the parent/guardian is required prior to disabling Internet blocking/filtering software for a student's use. If a request for temporary disabling of Internet blocking/filtering software is denied, the requesting student or staff member may appeal the denial to the Superintendent or designee for expedited review.[7][5]

#### Right to Update

Since technology is continually evolving, our school reserves the right to change, update, and edit its technology policies at any time in order to continually protect the



safety and well-being of our students and community. To this end, the school may add additional rules, restrictions, and guidelines at any time.

#### Termination of Accounts and Access

Upon graduation or other termination of your official status as a student at our institution, you will no longer have access to the school network or files stored on the school network. Prior to graduation, we recommend contacting the technology staff to request a copy of projects and materials.

#### **Definitions**

**Bandwidth** - bandwidth is a measure of the amount of data that can be transmitted in a fixed amount of time.

The term child pornography is defined under both federal and state law.

**Child pornography** - under federal law, is any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:[15]

1. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
2. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
3. Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

**Child pornography** - under state law, is any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of eighteen (18) years engaging in a prohibited sexual act or in the simulation of such act.[16]

**Cyberbullying** - cyberbullying is when someone sends derogatory or threatening messages and/or images through a technological medium in an effort to ridicule or demean another. Cyberbullying also takes place when someone purposefully excludes someone else online. For example, a group of students create a group on Facebook that many would like to join, but the student creators purposefully exclude one individual or certain individuals and do not let them join their group. Cyberbullying also takes place when someone creates a fake account or website criticizing or making fun of another.[9][10]

The term **harmful to minors** is defined under both federal and state law.

**Harmful to minors** - under federal law, is any picture, image, graphic image file or other visual depiction that:[5][6]

1. Taken as a whole, with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
2. Depicts, describes or represents in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or lewd exhibition of the genitals; and
3. Taken as a whole lacks serious literary, artistic, political or scientific value as to minors.

**Harmful to minors** - under state law, is any depiction or representation in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:[17]

1. Predominantly appeals to the prurient, shameful, or morbid interest of minors;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
3. Taken as a whole lacks serious literary, artistic, political, educational or scientific value for minors.

**Internet** - the Internet connects millions of computers together globally, forming a network in which any computer can communicate with any other computer as long as they are both connected to the Internet.

**Network** - the school's network is defined as our computers and electronic devices, such as printers, fax machines, scanners, etc., that are connected to each other for the purpose of communication and data sharing.

**Obscene** - any material or performance, if:[17]

1. The average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest;
2. The subject matter depicts or describes in a patently offensive way, sexual conduct described in the law to be obscene; and
3. The subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

**Technology** - under this policy, technology is a comprehensive term including, but not limited to, all computers, projectors, televisions, DVD players, stereo or sound systems, digital media players, gaming consoles, gaming devices, cell phones, personal digital assistants, CDs, DVDs, camcorders, calculators, scanners, printers, cameras, external and/or portable hard drives, modems, Ethernet cables, servers, wireless cards, routers, and the Internet.

**School technology** refers to all technology owned and/or operated by the school.

**Technology protection measure** - a specific technology that blocks or filters Internet access to visual depictions that are obscene, child pornography or harmful to minors.[6]

**User** - for the purposes of this policy, user is an inclusive term meaning anyone who utilizes or attempts to utilize, whether by hardware and/or software, technology owned by the school. This includes students, faculty members, staff members, parents/guardians, and any visitors to the campus.

**Personally owned device user** - for the purposes of this policy, personally owned device user refers to anyone who utilizes their own technology on property owned or controlled by the school or at a school-sponsored event.

**PDA** - PDA stands for personal digital assistant which is an electronic device which provides some of the functions of a computer, a cell phone, a music player, and a camera.

## **Guidelines**

### Acceptable Uses

#### *Purposes And Use Expectations For Technology –*

The use of all school-owned technologies, including the school network and its Internet connection, is limited to educational purposes. **Educational purposes** include classroom activities, career development, communication with experts, homework, and limited high quality self-discovery activities. Commercial and recreational use of school technology resources is prohibited. Students may not utilize school technology to sell, purchase, or barter any products or services. Students may not resell their network resources to others, including, but not limited to, disk storage space. Students may not utilize school technology to play games, visit social networking websites, or send instant messages or e-mails unrelated to the educational purposes stated above. The school is not responsible for any damages, injuries, and claims resulting from violations of responsible use of technology.

Students and staff may utilize school technologies for some recreational uses, keeping in mind that school technology resources are both shared and finite. These resources include, but not limited to, disk space, bandwidth, CPU time and effort, printers, faxes, software and workstations.

#### *Personal Responsibility –*

We expect our students to act responsibly and thoughtfully when it comes to using technology. Technology is a finite, shared resource offered by the school to its students. Students bear the burden of responsibility to inquire with the IT department or other school administrator when they are unsure of the permissibility of a particular use of technology prior to engaging in the use.

#### *School-Provided Technology Resources –*

Network storage is a finite school resource and we expect students to be respectful of other users and limit the amount of space and memory taken up on school computers and on the school network.

*Wireless Network –*

This institution has wireless Internet that is protected by a password. If you desire to connect your laptop or handheld device to the Internet, you must contact a member of the technology department. Unauthorized access is forbidden.

*Responsibilities Of The User –*

The school provides individual technology accounts for students to keep track of their technology use. Users must log off when they are finished using a school computer. Failing to log off may allow others to use your account, and students are responsible for any activity that occurs through their personal account.

Unacceptable Uses

*Cell Phones And PDAs –*

Cell phones and PDAs are permitted on campus, but are not to be used during academic hours unless monitored by a teacher for academic purposes.[11]

Students may only have one (1) cell phone or a PDA.

Students are not permitted to send text messages with their phones, PDAs or other similar devices.

Students are not permitted to access the Internet with their phones, PDAs or other similar devices except for academic purposes.

Students are not permitted to stream files or data of any type except voice with their phones, PDAs or other similar devices.

Pagers are only permitted on campus in accordance with Board policy.[11]

*Recording, Video And Photography –*

Students are not permitted to send or take photographs or video with their phones on school property or at school events without advanced permission from the school.

Web cams are not permitted on campus. Do not install a web cam onto any school-owned computer. Do not bring a laptop with a built-in web cam on campus. Web cams and cameras are allowed to be used by staff, media classes, and other students for educational purposes only.

Students may not bring or utilize recording devices or similar data-capturing devices or technology on campus without specific permission from a school administrator.

*Social Networking And Website Usage –*

Students are not permitted to use district technology to create blogs, accounts, or profiles on any social networking websites including, but not limited to, MySpace, Facebook, Xanga, Live Journal, and Diaryland. When in doubt as to whether a website qualifies as a social networking site, please contact a school administrator or IT professional.

Students may access photography sharing websites, such as Photo Bucket, Webshots, or Flickr, on district-owned equipment with permission and/or supervision of staff.

Students are not permitted to access from the school's technology any rating or dating websites, including, but not limited to, Match.com, eHarmony, \_Mate, Black Planet, Hot or Not, RateMyTeacher.com, RateMyCoach.com or JuicyCampus.com.

Students are not permitted to access material that is inappropriate or harmful to minors, offensive, profane, or obscene, including pornography and hate literature. **Hate literature** is anything written with the intention to degrade, intimidate, incite violence, or incite prejudicial action against an individual or a group based on race, ethnicity, nationality, gender, **gender identity**, age, religion, sexual orientation, disability, language, political views, socioeconomic class, occupation, or appearance (such as height, weight, and hair color).

*Communication: Instant Messaging, E-Mail, Posting, Blogs –*

Students are not permitted to access from the school's technology any instant messenger services, including, but not limited to, AOL, AIM, Skype, and Yahoo! Messenger, MSN Messenger, and Gtalk.

Students are prohibited from accessing personal e-mail accounts, such as gmail, Yahoo, Hotmail or similar accounts. All 7-12 grade students will be provided with a district-supplied e-mail account to be used for academic purposes only.

Inappropriate communication is prohibited in any public messages, private messages, and material posted online by students. **Inappropriate communication** includes, but is not limited to, the following: obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language or images typed, posted, or spoken by students; information that could cause damage to an individual or the school community or create the danger of disruption of the academic environment; personal attacks, including prejudicial or discriminatory attacks; harassment (persistently acting in a manner that distresses or annoys another person) or stalking of others; knowingly or recklessly posting false or defamatory information about a person or organization; and communication that promotes the destruction of property, including the acquisition or creation of weapons or other destructive devices. If you are told by another person to stop sending communications, you must stop.

Students may not utilize any technology to harass, demean, humiliate, intimidate, embarrass, or annoy their classmates or others in their community. This is unacceptable student behavior known as cyberbullying and will not be tolerated. Any

cyberbullying, on or off campus, that is determined to substantially disrupt the safety and/or well-being of the school is subject to disciplinary action.[10]

Do not post or send chain letters or spam. **Spamming** is sending an unnecessary and unsolicited message to a large group of people. Spamming can occur through e-mails, instance messages, or text messages.

*Intellectual Property, Academy Honesty, Personal Integrity And Plagiarism –*

Do not claim or imply that someone else's work, image, text, music, or video is your own. This is plagiarism and will not be tolerated. **Plagiarism** is also when you incorporate a piece of someone else's work into your own without giving them appropriate credit. All students are expected to maintain academic honesty. Do not pretend to be someone else online or use someone else's identity without express permission from that person and/or his/her parent/guardian if s/he is a minor. Do not use, post, or make accessible to others the intellectual property, including, but not limited to, text, photographs, and video or someone other than yourself. This includes intellectual property that you were given permission to use personally but not publically. This behavior violates school policy as well as state and federal laws.

A work or item is copyrighted when, among other issues, one person or one group owns the exclusive right to reproduce the work or item. Songs, videos, pictures, images, and documents can all be copyrighted. **Copyright infringement** is when you violate copyright law and use or reproduce something without the authority to do so. Make sure to appropriately cite all materials used in your work. Do not utilize someone else's work without proper permission.[12]

*Data And Gaming Devices –*

Students are allowed to bring their personal MP3 players, CD players, DVD players, personal videogame systems or other similar data-accessing devices onto campus, but are not allowed to utilize these devices during academic hours and must keep them in their lockers.

Students may not use school-owned computers to play computer games.

*Downloads And File Sharing –*

Students may never download, add, or install new programs, software, or hardware onto school-owned computers. Downloading sound and video files onto school-owned computers is also prohibited. This prohibition applies even if the download is saved to a removable hard drive.

Students may never configure their school computer or personally owned computer to engage in illegal file sharing. The school will cooperate fully with the appropriate authorities should illegal behavior be conducted by students.

The likelihood of accidentally downloading a virus or spyware when downloading music and movies is very high; therefore, students may not download any sound or video files onto their personally owned technological devices through the school's technology.

Students also may not download any computer game files or attachments from unknown senders.

*Commercial And Political Use –*

Commercial use of school technology is prohibited. Students may not use school technology to sell, purchase, or barter any products or services. Students may not resell their network resources to others, including, but not limited to, disk storage space. The school is not responsible for any damages, injuries, and/or claims resulting from violations of responsible use of technology. Students who are engaged in fundraising campaigns for school-sponsored events and causes must seek permission from their advisor before using technology resources to solicit funds for their event.[13]

*Respect For The Privacy Of Others And Personal Safety –*

Other's privacy – Our school is a community and as such, community members must respect the privacy of others. Do not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to others. Do not misrepresent or assume the identity of others. Do not repost information that was sent to you privately without the permission of the person who sent you the information. Do not post private information about another person. Do not use another person's account. If you have been given an account with special privileges, do not use that account outside of the terms with which you were given access to that account.

Personal privacy and safety – Do not voluntarily post private information about yourself online, including your name, age, school name, address, phone number, or other identifying information.

Our institution prides itself on its reputation for excellence; therefore, you may not use the school's name, logo, mascot or other likeness or representation on a nonschool website without express permission from our institution. This includes pictures of anyone wearing clothes with the school name, crest, emblem, or logo. This also includes listing our school name or our employees on a social networking profile, a dating website profile, or a rating website, such as RateMyTeacher.com or RateMyCoach.com.

*Computer Settings And Computer Labs –*

Students are only allowed to alter, change, modify, repair, or reconfigure settings on school-owned computers with the express prior permission of the technology department. This includes deleting cookies and history and resetting the time and/or date on the computer.

Purposefully spreading or facilitating the spread of a computer virus or other harmful computer program is prohibited.

Food and drink are prohibited from school computer labs. Students may not eat or drink while using any school-owned computers or other technologies.

Students may not circumvent any system security measures. The use of websites to tunnel around firewalls and filtering software is expressly prohibited. The use of

websites to anonymize the user is also prohibited. The use of websites, both domestic and international, to circumvent any school policy is prohibited. Students may not alter the settings on a computer in such a way that the virus protection software would be disabled. Students are not to try to guess passwords. Students may not simultaneously log in to more than one (1) computer with one (1) account. Students are not to access any secured files, resources, or administrative areas of the school network without express permission or the proper authority.

No policy can detail all possible examples of unacceptable behavior related to technology use. Our school technology users are expected to understand that the same rules, guidelines, and policies that apply to nontechnology-related student behavior also apply to technology-related student behavior. Our school technology users are expected to use their best judgment when it comes to making decisions related to the use of all technology and the Internet. If there is ever an issue about which you are unsure, ask a librarian or a member of the technology department for assistance.

### **Delegation of Responsibility**

Building administrators shall make initial determinations of whether inappropriate use has occurred.

The Superintendent or designee shall be responsible for recommending technology and developing procedures used to determine whether the district's computers are being used for purposes prohibited by law or for accessing sexually explicit materials. The procedures shall include but not be limited to:[5][6][14]

1. Utilizing a technology protection measure that blocks or filters Internet access for minors and adults to certain visual depictions that are obscene, child pornography, harmful to minors with respect to use by minors, or determined inappropriate for use by minors by the Board.
2. Maintaining and securing a usage log.
3. Monitoring online activities of minors.

The Superintendent or designee shall develop and implement administrative regulations that ensure students are educated on network etiquette and other appropriate online behavior, including:[6]

1. Interaction with other individuals on social networking websites and in chat rooms.
2. Cyberbullying awareness and response.[9][10]

### **Response**

The school's network and other administrators shall have broad authority to interpret and apply these policies. Violators of our technology policies will be provided with notice and opportunity to be heard in the manner set forth in the School Handbook, unless an issue is so severe that notice is either not possible or not prudent in the determination



of the school administrators. Restrictions may be placed on violator's use of school equipment pending any hearing to protect the safety and well-being of our community. Violations may also be subject to discipline of other kinds within the school's discretion. Our school cooperates fully with local, state, and/or federal officials in any investigations related technologies, and privileges related to technology use may be revoked entirely to illegal activities conducted on school property or through school technologies.[2][4]

School authorities have the right to confiscate personally owned technological devices that are in violation or used in violation of school policies. The network user shall be responsible for damages to the equipment, systems, and software resulting from deliberate or willful acts.[1]

If you accidentally access inappropriate information or if someone sends you inappropriate you should immediately tell a staff member so as to prove that you did not deliberately access inappropriate information.

The school retains the right to suspend service, accounts, and access to data, including student files and any other stored data, without notice to the student if it is deemed that a threat exists to the integrity of the school network or other safety concern of the school.

#### School Liability

The school cannot and does not guarantee that the functions and services provided by and through our technology will be problem free. The school is not responsible for any damages students may suffer, including, but not limited to, loss of data or interruptions of service. The school is not responsible for the accuracy or the quality of the information obtained through school technologies. Although the school filters content obtained through school technologies, the school is not responsible for student's exposure to unacceptable information nor is the school responsible for misinformation. The school is not responsible for financial obligations arising through the use of school technologies.

#### Internet Safety

Internet safety measures shall effectively address the following:[6][14]

1. Control of access by minors to inappropriate matter on the Internet and World Wide Web.
2. Safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications.
3. Prevention of unauthorized online access by minors, including "hacking" and other unlawful activities.
4. Unauthorized disclosure, use, and dissemination of personal information regarding minors.

5. Restriction of minors' access to materials harmful to them.

General Safety and Security Tips for the Use of Technology

Never post personal information about yourself online. **Personal information** includes your phone number, address, full name, siblings' names, and parents'/guardians' names. When creating an account on a social networking website, make sure to set your privacy settings so only your friends can view your pictures and your profile. Avoid accepting a friend you do not already know. If possible, set up your account so that you are notified of any postings onto your wall or page. If possible, set up your account so that you have to approve all postings to your wall or page. If possible, set up your account to notify you when someone else has posted and tagged you in a picture. If you have a public profile, be careful about posting anything identifiable, such as a sports team number or local park where you spend your free time.

Think before you send all forms of communication, including e-mails, IMs, and text messages. Once you send the data, it is not retrievable and those who receive it may make it public or send it along to others, despite your intentions.

Do not feel bad about ignoring instant messages or e-mails from unknown people. Save all contacts from known or unknown people who are repeatedly contacting or harassing you. These saved messages will help authorities track, locate, and prosecute cyberstalkers and cyberbullies. If you have been speaking with a stranger online and make plans to meet the stranger in person, notify your parents/guardians first.

Do not share your passwords with your friends. When creating a password, do not make it anything obvious such as your pet's name or favorite sports team. Also remember to include both letters and numbers in your password, if possible.

Do not open or run files on your computer from unknown or suspect senders and sources. Many viruses and other undesirable consequences can result from opening these items.

Do protect your own computer and devices by keeping antivirus and antispyware up to date. Keep your operating system and application software up to date. Turn off file sharing as an option on your computer.

Conestoga Valley School District

Policy

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Title

239 Acceptable Use Policy – Students

Section

200 Students

Adopted

Monday, June 18, 2012

Content

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**239.100 Introduction and Overview**

Access to information technologies is integral to the educational mission and purpose of Conestoga Valley School District. The district utilizes technology to facilitate student instruction, district-sponsored activities, district services, research, and district operations. The purpose of this policy is to ensure district technology is used for its intended purposes; to protect the integrity of the district computer network, district technology and electronic data and to prohibit activities that undermine or are inconsistent with the intended use of technology within the district setting.

This policy sets forth the district's expectations for its students who use district technology, as well as the use of personal technology by both students and other individuals while on district property or accessing the district's computer network. Because the district's use of technology is constantly changing, it is imperative that all students understand that the district's Acceptable Use Policy will be interpreted in a manner to fulfill the stated purpose of the policy. The district expects all students to utilize their best judgment when it comes to the use of district technology and keep in mind that this policy does not supersede other district policies, but rather addresses the appropriate use of both technology provided by the district and personally owned technological devices by students, but also community members, vendors and guests that use district and/or personal technology.

**239.110 Introduction**

**239.111 Supervision and Personal Responsibility**

All students utilizing district technology are also subject to the terms and conditions of this Acceptable Use of Technology Policy.

All students and their parents/guardians must sign an agreement stating that they have read and agree to the terms and conditions in this policy before they are given access to any district technologies. This permission form must be signed when the student is enrolled in the district or when they change buildings within the district.

Students may use the district technology in their regular courses and student activities in compliance with this policy. The failure to comply with the terms of this policy may result in the temporary and/or permanent revocation of technology privileges and other forms of disciplinary action deemed warranted by the district.

The district provides sufficient information technology resources for each student for regular academic pursuits. If a particular project requires additional resources, the information technology department may work with students on a case by case basis to provide additional resources.

Students are not authorized to allow another individual (i.e., family member, other students) to use district technology resources entrusted to them for any reason, unless prior approval is obtained from the Supervisor of Technology Services.

### **239.120 Privacy**

The district reserves the right to monitor and track all behaviors and interactions that take place online or through the use of district technology. Therefore, students have no expectation of privacy while using district technology on or off district property. The district also reserves the right to investigate any reports of inappropriate actions involving or relating to the use of district technology or personal technology that is used while on district property.

All emails and messages sent through the district's network or accessed on a district computer may be inspected at anytime for any reason. Any files saved onto a district technology or the district's network may also be inspected. Students have a limited expectation of privacy when using their own technology on district property or at district events so long as no activity violates policy, law and/or compromises the safety and well-being of the school community.

### **239.130 Filtering**

The district adheres to the requirements set forth by the federal Children's Internet Protection Act (CIPA) and Pennsylvania's Child Internet Protection Act. This means that all district-provided access to the internet is filtered and monitored. The district cannot monitor every user's internet activity at all time, but it retains the right to monitor such user activities that via district technology. By filtering internet access, the district intends to block pornographic, offensive, obscene, and inappropriate images and content, which undermines and is otherwise inconsistent with the district's educational mission.

### **239.140 Right to Update**

Since technology is continually changing, the district reserves the right to change, update, and edit this policy at any time in order to continually protect the safety and well-being of the district's community. Additionally, the district may establish additional rules, issue administrative directives and/or guidelines to fulfill the purposes of this policy.

### **239.150 Termination of Accounts and Access**

Upon termination of official status as a student with the school district, students will no longer have access to the district network, files stored on the district network, or district-provided email accounts. The district strongly recommends that students save their own purely personal data on their own personnel technology throughout their enrollment.

### **239.200 Acceptable Uses Section**

#### **239.210 Purposes and Use Expectations for Technology**

The use of all district technology, including the district network and its Internet connection is limited to educational purposes and minimal incidental use. Educational purposes include classroom activities, career development, exploring post-secondary educational opportunities, and limited high quality educational activities. Commercial and recreational use of district technology resources is prohibited.

#### **239.220 Personal Responsibility**

The district expects its students to act responsibly and thoughtfully when it comes to using technology. Students bear the burden of responsibility to inquire with the IT Department or district administrators when they are unsure of the permissibility of a particular use of technology prior to engaging in the use.

#### **239.230 District Provided Technology Resources**

Network storage is a finite district resource and we expect students to be respectful of other users and limit the amount of space and memory taken up on district computers and on the district network.

All students are provided with a district email account for school-related communications. All emails sent from this account are representative of the district and students must comply with district policies and expectations regarding appropriate language and content of emails when sending and receiving them. Abusing these resources can result in the loss of this privilege. The district has wireless Internet that has security protection enabled. Permission must be obtained from the Supervisor of Technology Services in the Technology Department to connect personal laptops or hand held devices to the Internet.

Only Technology Department personnel or persons designated to do so may connect computers and devices to the district's Ethernet ports and/or disconnect computers and devices currently connected to the district's network.

Users will follow guidelines provided by the technology department to assure that access to district technology is protected by proper account authentication (e.g., password security and syntax requirements).

### **239.300 Unacceptable Uses of Technology Section**

### **239.310 Cell Phones and Personal Digital Assistants (PDAs)**

Cell phones and PDAs are permitted on campus, but are not to be used during the school day by students without prior authorization and in compliance with Policy 239.1.

Students are only permitted to access facets of the district network that they have authorization for with their phones, PDAs or other similar devices and only for school district purposes.

Students are not permitted to create, display or transmit inappropriate content as defined by the Children's Internet Protection Act on their phones, PDAs or other similar devices while on district property.

Pagers are permitted on campus for students serving in volunteer fire or ambulance companies, but should not interrupt classes, work or other district activities.

### **239.320 Recording, Video, and Photography**

Web cams may not be installed onto district computers. The installation of webcams on district computers shall only be done by district computer services personnel.

District-owned laptops with built in cameras and/or web cams may be used for educational activities, if the proposed use is approved by an instructional employee the building principal.

Webcams on personal computers shall not be used on district property, unless their use is for educational activities and approved by the students teacher and building principal.

### **239.330 Social Networking and Website Usage**

While the district respects the rights of its students to establish and use social network profiles or accounts (i.e.: Facebook.com, MySpace, com, etc.), outside of school, these social networking websites should not be accessed using district's technology or while at school. Students using social networking website shall do so outside of school on their own personal technology devices and should not have content on their website that would material disrupt the educational environment.

Students may not access their electronic photography through websites such as Photo Bucket, Webshots, or Flickr, from district technology, unless such access is approved by the student's teacher as part of a course project.

Students are not permitted to use the district's technology to access any rating or dating websites including, but not limited to: Match.com, eHarmony, JDate, Black Planet, Hot or Not, RateMyTeacher.com, RateMyCoach.com, or Juicy Campus.com.

Do not access material that is offensive, profane, or obscene, including pornography and hate literature. Hate literature is anything written with the intention to degrade, intimidate, incite violence, or incite prejudicial action against an individual or a group

based on race, ethnicity, nationality, gender, **gender identity**, age, religion, sexual orientation, disability, language, political views, socioeconomic class, occupation, or appearance (such as height, weight, and hair color).

### **239.340 Communication: Instant Messaging, Email, Posting, Blogs**

Inappropriate communication is prohibited in any public messages, private messages, and material posted online by students while using district technology. Inappropriate communication includes, but is not limited to the following: obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language or images typed, posted, or spoken by others ; information that could cause damage to an individual or the school community or create the danger of disruption of the academic environment; personal attacks, including prejudicial or discriminatory attacks; harassment (persistently acting in a manner that distresses or annoys another person) or stalking of others; knowingly or recklessly posting false or defamatory information about a person or organization; and communication that promotes the destruction of property including the acquisition or creation of weapons or other destructive devices. If students are told by another person to stop sending communications, students must stop. Communication with others should be of a respectful nature only and should relate to school academics or school events.

### **239.350 Intellectual Property, Academy Honesty, Personal Integrity and Plagiarism**

Students shall not claim or imply that someone else's work, image, text, music, or video is their own. This is plagiarism and will not be tolerated. Plagiarism is also when a piece of someone else's work is incorporated into students work without giving appropriate credit. All students are expected to maintain academic honesty. Students should not pretend to be someone else online or use someone else's identity without express permission from that person and/or his/her parent/guardian if he/she is a minor. Students may not use, post or make accessible to others the intellectual property; including, but not limited to text, photographs, and video; of someone other than themselves. This includes intellectual property that students were given permission to use personally, but not publically. This behavior violates district policy as well as state and federal laws.

Copyright infringement is when students violate copyright law and use or reproduce something without the authority to do so. Students should appropriately cite all materials used in their work.

### **239.360 Gaming Devices**

Students may not bring personal video game systems onto campus unless permission is obtained from the building administrators. These devices may only be turned on and played during non-school hours. Students may not use school technology to access, download or play non-educational computer games.

### **239.370 Downloads and File Sharing**

Students may never download, add, or install new programs, software, or hardware onto school technology. Downloading sound and video files for personal use or entertainment onto school-owned computers is also prohibited. This prohibition applies even if the download is saved to a removable hard drive, CD or DVD.

Students may never configure school computers (or personally owned computers while on district property) to engage in illegal file sharing (i.e.: Kazaa, Napster or Limewire).

The likelihood of accidentally downloading a virus or spyware when downloading music and movies is very high; therefore, students may not download any sound or video files onto their personally-owned technological devices through the school's technology. Students also should not download any files or attachments from unknown senders.

### **239.380 Commercial and Political Use**

Commercial use of district technology is prohibited. Students may not use district technology to sell, purchase, or barter any item or service.

Political use of district technology is prohibited. Students may not use district technology to campaign for/against, fundraise for, endorse, support, criticize or otherwise be involved with political candidates, campaigns or causes unless such activity is part of an academic course.

### **239.390 Respect for the Privacy of Others and Personal Safety**

The district expects students to respect the privacy of others when using district technology. Students are prohibited from seeking information on, obtaining copies of, or modifying files and other data, using district technology. Students are prohibited from using the passwords belonging to others to gain access to electronic information accessing.

The district prides itself on its reputation for excellence; therefore, employee student may not use the name, logo, mascot or other likeness or representation of a district school on a non-school website without express permission from the School Board. This includes pictures of anyone wearing clothes with the name, crest, emblem, or logo of the district or district school.

### **239.3100 Computer Settings and Computer Labs**

Students are not allowed to alter, change, modify, repair, or reconfigure settings on district technology.

Purposefully spreading or facilitating the spread of a computer virus or other harmful computer program is prohibited.

Students may not circumvent any system security measures. The use of websites to tunnel around firewalls and filtering software is expressly prohibited. The use of websites to anonymize the user is also prohibited. The use of websites, both domestic and international, to circumvent any district policy is prohibited. Students may not alter



the settings on a computer in such a way that the virus protection software would be disabled. Students should not attempt to guess passwords. Students may not simultaneously log in to more than one computer with one account unless required to do so as part of a job function.

No policy can detail all possible examples of unacceptable behavior related to technology use. District technology users are expected to understand that the same rules, guidelines and policies that apply to non-technology related student behavior also apply to technology-related student behavior. District technology users are expected to use their best judgment when it comes to making decisions related to the use of all technology and the Internet. Students should consult their teachers or the Technology Department for assistance if there are questionable issues.

### **239.400 Consequences for Inappropriate Use of District Technology**

The district provides its student with access to district technology in order to enhance their education. Student access to these resources is a privilege, not a right. The district reserves the right to restrict, suspend or otherwise terminate a student's access to district technology as deemed warranted.

Violations of this policy may result in the temporary or permanent revocation of a student's access right to district technology. Additionally, a student may be subject to other forms of disciplinary action for violations of this policy. The district will cooperate fully with local, state, and/or federal officials in any investigations related to illegal activities conducted using district technology. If a student accidentally accesses inappropriate information or if someone sends a student inappropriate information, the student should immediately tell a teacher or a member of the Technology Department so as to document that the student did not deliberately access the inappropriate information.

If a student witnesses someone else deliberately accessing inappropriate information or use technology in a way that violates this policy, the student is required to report the incident to a teacher as soon as possible. Failure to do so could result in disciplinary action.

The district retains the right to suspend service, accounts, and access to data, including student files and any other stored data, without notice to the student if it is deemed that a threat exists to the integrity of the district network or other safety concerns of the district. The district reserves the right to confiscate personally-owned technological devices that create a threat to the integrity of the district network or other safety concern of the district.

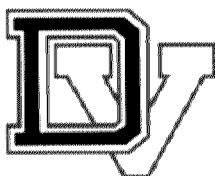
### **239.500 District Liability**

The district makes no warranties of any kind, either express or implied, in connection with its provision of, access to, or use of the district computer network and/or district technology. The district will not be responsible for any claim, loss, damages or costs of any kind suffered by, directly or indirectly, students or other individuals arising from a user's use of district technology of district computer network. The district is not responsible for any loss of data or interruption of service.

The district is not responsible for ensuring the acceptability, accuracy or quality of the information obtained through district technology, and the access to the same does not imply the district's endorsement of such content.

**239.600 Educate**

The district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.



Book	Policy Manual
Section	200 Pupils
Title	Student Discipline
Number	218
Status	Active
Adopted	July 14, 2016
Last Revised	June 16, 2016
Last Reviewed	June 16, 2011

### **Purpose**

The Board finds that student conduct is closely related to learning. An effective educational program requires a safe and orderly school environment.

### **Authority**

The Board shall establish fair and reasonable and nondiscriminatory rules and regulations regarding the conduct and deportment of all students in the school district during the time they are under the supervision of the school or at any time while on school property, while present at school-sponsored activities, and while traveling to or from school and school-sponsored activities.[2][1]

The Board shall adopt a Code of Student Conduct to govern student discipline, and students shall not be subject to disciplinary action because of race, sex, color, religion, sexual orientation, gender identity, gender expression, national origin or handicap/disability.[1]  
Each student must adhere to Board policies and the Code of Student Conduct governing school discipline.[1]

The Board prohibits the use of corporal punishment by district staff to discipline students for violations of Board policies and district rules and regulations.

Any student disciplined by a district employee shall have the right to notice of the infraction.

Suspensions and expulsions shall be carried out in accordance with Board Policy 233.

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, and Board policies.

### **Off-Campus Activities**

This policy shall also apply to student conduct that occurs off school property and would violate the Code of Student Conduct if any of the following circumstances exist:

1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, whether or not via school district furnished transportation.
2. There is a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.

2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.[3][4]
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, such as an agreement to complete a transaction outside of school that would violate the Code of Student Conduct.
5. The conduct involves the theft or vandalism of school property.

### **Guidelines**

Any student disciplined by a district employee shall have the right to notice of the infraction.[6]

When a violation of the Code of Student Conduct involves student expression, Policy 220 shall be followed. [5]

Suspensions and expulsions shall be carried out in accordance with Policy 233.[6]

### **Corporal Punishment**

The Board prohibits the use of corporal punishment as a form of discipline for students in the district.

Reasonable force may still be used by teachers and school authorities under any of the following circumstances: to quell a disturbance, to obtain possession of weapons or other dangerous objects, for the purpose of self-defense, and for the protection of persons or property.[7]

### **Delegation of Responsibility**

The Superintendent or designee shall ensure that reasonable and necessary rules and regulations are developed to implement Board policy governing student conduct.

The Superintendent or designee shall publish and distribute to all staff, students and parents/guardians the rules and regulations for student behavior contained in the Code of Student Conduct, the sanctions that may be imposed for violations of those rules, and a listing of students' rights and responsibilities. A copy of the Code of Student Conduct shall be available in each school library and school office school district website, and may be printed in the student handbook.[1]

The building principal or designee shall have the authority to assign discipline to students, subject to the policies, rules and regulations of the district and to the student's due process right to notice, hearing, and appeal.[8]

Teaching staff and other district employees responsible for students shall have the authority to take reasonable actions necessary to control the conduct of students in all situations and in all places where students are within the jurisdiction of this Board and when such conduct interferes with the educational program of the schools or threatens the health and safety of others.[8][5]

Reasonable force may be used by teachers and school authorities under any of the following circumstances: to quell a disturbance, obtain possession of weapons or other dangerous objects, for the purpose of self-defense, and for the protection of persons or property.

### **Referral To Law Enforcement And Reporting Requirements**

For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.

In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the Office for Safe Schools on the required form.

The Superintendent shall report to the Board the methods of discipline imposed by administrators and incidences of student misconduct, in the degree of specificity required by the Board.

#### Legal

1. 22 PA Code 12.3

2. 24 P.S. 510

3. Pol. 122

4. Pol. 123

5. Pol. 220

6. Pol. 233

7. 22 PA Code 12.5

8. 24 P.S. 1317

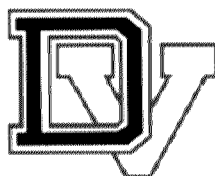
24 P.S. 1318

22 PA Code 12.2

22 PA Code 12.6

22 PA Code 403.1

20 U.S.C. 7114



Book	Policy Manual
Section	200 Pupils
Title	Unlawful Harassment
Number	248
Status	Active
Adopted	July 14, 2016
Last Revised	June 16, 2016
Last Reviewed	June 16, 2016

### **Purpose**

The Board strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the district to maintain an educational environment in which harassment in any form is not tolerated.

### **Authority**

The Board prohibits all forms of unlawful harassment of students and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages students and third parties who have been harassed to promptly report such incidents to the designated employees.[1][5]

The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of harassment.

### **Definitions**

For purposes of this policy, harassment shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, **gender identity, gender expression**, age, disability, sexual orientation or religion when such conduct:  
[5]

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment.
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.

3. Otherwise adversely affects an individual's learning opportunities.

For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; quid pro quo; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:[6]

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.
2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.
3. Such conduct deprives a student of educational aid, benefits, services or treatment.
4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive educational environment.

Examples of conduct that may constitute sexual harassment include but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with a student's ability to work or learn or creates an intimidating, hostile or offensive learning or working environment.

### **Delegation of Responsibility**

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Equal Rights and Opportunities Director as the district's Compliance Officer.[4]

The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of their fellow students and district employees and to ensure an atmosphere free from all forms of unlawful harassment.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.

3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

## **Guidelines**

### Complaint Procedure – Student/Third Party

#### Step 1 – Reporting

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal or a district employee.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

#### Step 2 – Investigation

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

#### Step 3 – Investigative Report

The building principal shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

The findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

#### Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur.



Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.

If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

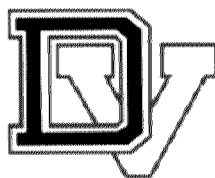
#### Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

Legal            1. 42 U.S.C. 1681  
                     4. Pol. 103  
                     5. 29 CFR 1606.8  
                     6. 29 CFR 1604.11

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248 Unlawful Harassment-Attachment.pdf (5 KB)



Book	Policy Manual
Section	800 Operations
Title	Food Services
Number	808
Status	Active
Adopted	June 16, 2016
Last Revised	June 16, 2016

### **Purpose**

The Board recognizes that students require adequate, nourishing food and beverages in order to grow, learn and maintain good health. The Board directs that students shall be provided with adequate space and time to eat meals during the school day.

### **Authority**

The food service program shall be operated in compliance with all applicable state and federal laws and regulations, as well as federal guidelines established by the Child Nutrition Division of the United States Department of Agriculture (USDA).[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)

The district shall ensure that, in the operation of the food service program, no student, staff member, or other individual shall be discriminated against on the basis of race, color, national origin, age, sex, **gender identity, gender expression** or disability.[\[11\]](#)

Food sold by the school may be purchased by students and district employees but only for consumption on school premises. The price charged to students shall be established annually by the district in compliance with state and federal laws.[\[4\]](#)[\[12\]](#)

Nonprogram food shall be priced to generate sufficient revenues to cover the cost of such items. A nonprogram food shall be defined as a food or beverage, other than a reimbursable meal or snack, that is sold at the school and is purchased using funds from the child nutrition account. Nonprogram foods include but are not limited to adult meals and a-la-carte items. All revenue from the sale of nonprogram food shall accrue to the child nutrition program account.[\[12\]](#)

### **Delegation of Responsibility**

Operation and supervision of the food service program shall be the responsibility of the Food Services Director.

The individual responsible for the operation and supervision of the food service program shall present to the Board each month for its approval a statement of receipts and expenditures for cafeteria funds.[4]

Cafeterias shall be operated on a nonprofit basis. A periodic review of the cafeteria accounts shall be made by the business administrator monthly and by the auditor annually.[3][4]

The individual responsible for the operation and supervision of the food service program shall ensure that school meals meet the standards required by the School Breakfast Program, the National School Lunch Program and the Special Milk Program (if applicable).[2][3][4][6][7][8][9][10]

The Superintendent or designee shall comply with state and federal requirements for conducting cafeteria health and safety inspections and ensuring employee participation in appropriate inspection services and training programs.[13][14][15][16]

The Superintendent or designee shall annually notify students, parents/guardians, and employees concerning the contents of this policy and applicable administrative regulations. Notification shall include information related to nondiscrimination.[11]

### **Guidelines**

To reinforce the district's commitment to nutrition and student wellness, foods served in school cafeterias shall:[17]

1. Be carefully selected to contribute to students' nutritional well-being and health.
2. Meet the nutrition standards specified in law and regulations and approved by the Board.
3. Be prepared by methods that will retain nutritive quality, appeal to students, and foster lifelong healthy eating habits.
4. Be served in age-appropriate quantities, at reasonable prices.
5. The district shall use USDA Foods for school menus available under the Child Nutrition USDA Foods Programs.

All funds derived from the operation, maintenance or sponsorship of the food service program shall be deposited in the separate cafeteria fund, in the same manner as other district funds. Such funds shall be expended in the manner approved and directed by the Board, but no amount shall be transferred from the cafeteria fund to any other account or fund; however, district advances to the food service program may be returned to the district's general fund from any surplus resulting from its operation.[4]

Surplus accounts shall be used only for the improvement and maintenance of the cafeteria. [4]

### **Procurement**

Procurement of goods or services for the food service program shall meet the requirements of applicable law, regulations and Board policy and procedures.[18][19]

### **Free/Reduced-Price Meals and Free Milk**

The district shall provide free and reduced-price meals and/or free milk to students in accordance with the terms and conditions of the National School Lunch Program, the School Breakfast Program, and the Special Milk Program (if applicable).20[21]

#### Accommodating Students With Special Dietary Needs

The district shall make appropriate food service and/or meal accommodations to students with special dietary needs in accordance with applicable law, regulations and Board policy. [22][23][24][25]

#### School Food Safety Inspections

The district shall obtain two (2) safety inspections per year in accordance with local, state, and federal laws and regulations.[14][15][26]

The district shall post the most recent inspection report and release a copy of the report to members of the public, upon request.

#### School Food Safety Program

The district shall comply with federal requirements in developing a food safety program that enables district schools to take systematic action to prevent or minimize the risk of food borne illness among students.[8][10][14]

The district shall maintain proper sanitation and health standards in food storage, preparation and service, in accordance with applicable state and local laws and regulations and federal food safety requirements.[15][26][27]

#### **Professional Standards for Food Service Personnel**

The district shall comply with the professional standards for school food service personnel who manage and operate the National School Lunch and School Breakfast Programs. For purposes of this policy, professional standards include hiring standards for new food service program directors and annual continuing education/training for all individuals involved in the operation and administration of school meal programs. Such professional standards shall apply to both district-operated food service programs and contracted food service programs. [6][7][16]

#### School Meal Accounts

Individual accounts shall be assigned to each student for accounting purposes for the purchase of meals served in school cafeterias.

The Superintendent or designee shall develop and disseminate administrative regulations that establish procedures to control school meal accounts. Administrative regulations should include the following:

1. Procedures for collecting money for individual student accounts which ensure that the identity of each student is protected.
2. Method in which students and parents/guardians are notified when the student's account reaches a specified level. At least one (1) advance written warning shall be given to the student and parent/guardian.

3. Procedures for providing students with meals when the student forgets or loses his/her money or when his/her account has insufficient funds.

Summer Food Service – 42 U.S.C. Sec. 1751 et seq  
7 CFR Part 225

PSBA Revision 4/16 © 2016 PSBA

- Legal
1. 2 CFR Part 200
  2. 24 P.S. 1335
  3. 24 P.S. 1337
  4. 24 P.S. 504
  5. 24 P.S. 807.1
  6. 42 U.S.C. 1751 et seq
  7. 42 U.S.C. 1773
  8. 7 CFR Part 210
  9. 7 CFR Part 215
  10. 7 CFR Part 220
  11. FNS Instruction 113-1 (USDA)
  12. 42 U.S.C. 1760
  13. 3 Pa. C.S.A. 5713
  14. 42 U.S.C. 1758(h)
  15. 7 CFR 210.13
  16. 7 CFR 210.30
  17. Pol. 246
  18. Pol. 610
  19. Pol. 626
  20. 42 U.S.C. 1758
  21. 7 CFR Part 245
  22. 7 CFR 15b.40
  23. Pol. 103.1
  24. Pol. 113
  25. Pol. 209.1
  26. 7 CFR 220.7
  27. 7 CFR 210.9
  - P.L. 111-296
  - 7 CFR Part 15
  - Pol. 103

Dover Area School District

Policy

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Title

249 Bullying/Cyberbullying

Section

200 Pupils

Adopted

Monday, December 1, 2008

Last Revised

Monday, October 20, 2014

Content

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**Purpose**

The Board is committed to providing a safe, positive learning environment for district students. The Board recognizes that bullying/cyberbullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. The Board also recognizes that **cyberbullying** allows people to use of the disguise of "anonymity" to harass potential victims and such platforms as Facebook, Instagram, Twitter, YouTube, Pinterest, and Foursquare and other similar social media platforms. To that end, the school district has put in place policies, practices and procedures that are designed to reduce and eliminate bullying and cyberbullying when they occur. Therefore, the Board prohibits bullying/cyberbullying by students.

**Definitions**

**Bullying/Cyberbullying** means an intentional electronic, written, verbal or physical series of acts directed at another student or students, which occurs in a school setting or disrupts the school environment, that is severe, persistent or pervasive and has the effect of doing any of the following:[1]

1. Substantial interference with a student's education;
2. Creation of a threatening environment;
3. Substantial disruption of the orderly operation of the school;

and is motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, **gender identity**, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability.

**Electronic communication** is a communication transmitted by means of an electronic

device, including, but not limited to a telephone, cellular telephone, computer, pager, text messaging, internet, email, blogs, chat rooms, instant messaging, or social media.

**School setting** means in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school, whether on or off of school grounds.[1]

### **Authority**

The Board prohibits all forms of bullying/cyberbullying by students.[1]

The Board prohibits reprisal or retaliation against individuals who report acts of bullying/cyberbullying or who are victims, witnesses, bystanders, or others with reliable information about an act of bullying/cyberbullying.

The Board encourages students who have been bullied/cyberbullied to promptly report such incidents to the building principal or designee.

The Board encourages parents/guardians of students that report being bullied/cyberbullied to report such incidents to the building principal or designee.

The Board encourages parents/students to utilize the district's electronic reporting form to report an incident of bullying/cyberbullying.

The Board directs that complaints of bullying/cyberbullying shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

### **Delegation of Responsibility**

Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying/cyberbullying.

Each staff member shall be responsible for maintaining an educational environment free from bullying. Staff members who observe or become aware of an act of bullying shall take immediate, appropriate steps to intervene unless the intervention would be a threat to staff members' safety. In that case, or if the bullying persists, s/he shall report the bullying to the school principal for further investigation. This investigation may include interviews with students, parents/guardians, and school staff; review of school records; and any other appropriate means of investigation.

The Superintendent or designee shall develop administrative regulations to implement this policy.

The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed annually with students.[1]

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the

Board.[1]

District administration shall annually provide the following information with the Safe School Report:[1]

1. Board's Bullying Policy.
2. Report of bullying/cyberbullying incidents.
3. Information on the development and implementation of any bullying/cyberbullying prevention, intervention or education programs.

### **Guidelines**

The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.[1][2][3]

This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district web site.

### **Education**

The district will develop and implement bullying/cyberbullying prevention and intervention programs. Such programs shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.[4][1][6]

### **Consequences for Violations**

A student who violates this policy will be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include: counseling within the school, parental conference, loss of school privileges, transfer to another school building, classroom or school bus, exclusion from school-sponsored activities, detention, suspension, expulsion, counseling/therapy outside of school and referral to law enforcement officials. Any bullying/cyberbullying behavior that is a violation of the PA Crimes Code will be reported to the appropriate legal authorities.[1][3][7]



East Pennsboro Area School District

Policy

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Title

819 Suicide Prevention and Interventions/Student Crisis Management

Section

800 Operations

Adopted

Monday, September 15, 2014

Content

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**Purpose**

The purpose of this policy is to protect the health and well-being of all district students by having procedures in place to prevent, assess the risk of, intervene in, and respond to suicide. The district:

1. Recognizes that physical, behavioral, and emotional health is an integral component of a student's educational outcomes,
2. Further recognizes that suicide is a leading cause of death among young people,
3. Has an ethical responsibility to take a proactive approach in preventing deaths by suicide, and
4. Acknowledges the school's role in providing an environment which is sensitive to individual and societal factors that place youth at greater risk for suicide and one which helps to foster positive youth development.

Specifically, this policy is meant to be applied in accordance with the district's Child Find obligations.

**Definitions**

1. **At risk** - A student who is defined as high risk for suicide is one who has made a suicide attempt, has the intent to die by suicide, or has displayed a significant change in behavior suggesting the onset or progression of a deteriorating mental health condition. The student may have contemplated suicide including potential means of death. In addition, the student may exhibit feelings of isolation, hopelessness, helplessness, and the inability to cope with any variety of stressors. This situation would necessitate a referral, as documented in the following procedures.
2. **Student Assistance Program Team (SAP)** -  
  
A multidisciplinary team of primarily administrative, mental health, safety professionals, and support staff whose primary focus is to address crisis

preparedness, intervention/response and recovery. These professionals have been specifically trained in crisis preparedness through recovery and take the leadership role in developing crisis plans, ensuring school staff can effectively execute crisis protocols, and may provide mental health services for effective crisis interventions and recovery supports.

3. **Mental health** A state of mental and emotional being that can impact choices and actions that affect wellness. Mental health problems include mental and substance use disorders.
4. **Postvention** Suicide postvention is a crisis intervention strategy designed to reduce the risk of suicide and suicide contagion, provide the support needed to help survivors cope with a suicide death, address the social stigma associated with suicide, and disseminate factual information after a suicide death of a member of the school community.
5. **Risk assessment** An evaluation of a student who may be at risk for suicide and conducted by the appropriate school staff (e.g., school psychologist, school counselor, or school social worker). This assessment is designed to elicit information regarding the student's intent to die by suicide, previous history of suicide attempts, presence of a suicide plan and its level of lethality and availability, presence of support systems, and level of hopelessness and helplessness, mental status, and other relevant risk factors.
6. **Risk factors for suicide** Characteristics or conditions that increase the chance that a person may try to take his or her life. Suicide risk tends to be highest when an individual possesses several risk factors. Risk factors may encompass biological, psychological, and/or social factors in the individual, family, and environment. The most frequently cited risk factors for suicide are:
  - a. Major depression or bipolar disorder(severe mood swings).
  - b. Abuse of alcohol or drugs.
  - c. Unusual thoughts/behaviors or confusion about reality.
  - d. Personality traits that create a pattern of intense, unstable relationships or trouble with the law.
  - e. Impulsivity and aggression, especially along with a mental disorder.
  - f. Previous suicide attempt or family history of a suicide attempt or mental disorder.
  - g. Serious medical condition and/or pain.
7. **Self-harm** Behavior that is self-directed and deliberately results in injury or the potential for injury to oneself. Can be categorized as either nonsuicidal or suicidal. Although self-harm often lacks suicidal intent, youth who engage in

self-harm are more likely to attempt suicide.

8. **Suicide** Death caused by self-directed injurious behavior with any intent to die as a result of the behavior. **Note:** The coroner's or medical examiner's office must first confirm that the death was a suicide before any school official may state this as the cause of death.
9. **Suicide attempt** A self-injurious behavior for which there is evidence that the person had at least some intent to kill himself or herself. A suicide attempt may result in death injuries or no injuries. A mixture of ambivalent feelings regarding a wish to die and desire to live are common experiences with most suicide attempts. Therefore, ambivalence is not a sign of a less serious or less dangerous suicide attempt.
10. **Suicidal behavior** Suicide attempts, intentional injury to self associated with at least some level of intent, developing a plan or strategy for suicide, gathering the means for a suicide plan, or any other overt action or thought indicating intent to end one's life.
11. **Suicide contagion** The process by which suicidal behavior or a suicide influences an increase in the suicidal behaviors of others. Guilt, identification, and modeling are each thought to play a role in contagion. Although rare, suicide contagion can result in a cluster of suicides.
12. **Suicidal ideation** Thinking about, considering, or planning for self-injurious behavior which may result in death. An impulsive desire to die without a plan is still considered suicidal ideation and should be taken seriously.
13. **Protective Factors for Suicide** are characteristics or conditions that may help to decrease a person's suicide risk. Protective factors for suicide include:
  - a. Receiving effective mental health care.
  - b. Positive connections with family, peers, community, and/or faith-based institutions that foster resilience.
  - c. The skills and ability to solve problems.

## **Guidelines**

### **I. Prevention**

1. District Policy Implementation A district level suicide prevention coordinator shall be designated by the Superintendent. This may be an existing staff person. The district suicide prevention coordinator will be responsible for planning and coordinating implementation of this policy for the school district.

Each school principal shall designate a school suicide prevention coordinator to act as a point of contact in each school for issues relating to suicide

prevention and policy implementation. This may be an existing staff person. All staff members shall report students they believe to be at elevated risk for suicide to the school suicide prevention coordinator.

2. Staff Professional Development All staff will receive annual professional development on risk factors, warning signs, protective factors, response procedures, referrals, postvention, and resources regarding youth suicide prevention.

The professional development will include additional information regarding groups of students at elevated risk for suicide, including those living with mental and/or substance use disorders, those who engage in self-harm or have attempted suicide, those in out-of-home settings, those experiencing homelessness, American Indian/Alaska Native students, LGBTQ (lesbian, gay bisexual, transgender, and questioning) students, students bereaved by suicide, and those with medical conditions or certain types of disabilities.

## **II. Assessment and Referral**

When a student is identified by a staff person as potentially suicidal, i.e., verbalizes about suicide, presents overt risk factors such as agitation or intoxication, the act of self-harm occurs, or a student self-refers, the student will be seen by a school employed mental health professional within the same school day to assess risk and facilitate referral. If there is no mental health professional available, a school nurse or administrator will fill this role until a mental health professional can be brought in.

For youth at risk:

1. School staff will continuously supervise the student to ensure their safety.
2. The principal and school suicide prevention coordinator will be made aware of the situation as soon as reasonably possible.
3. The school employed mental health professional or principal will contact the student's parent or guardian, as described in the "Parental Notification and Involvement" section of this policy, and will assist the family with urgent referral when appropriate, this may include calling emergency services or bringing the student to the local Emergency Department. However, most cases will involve setting up an outpatient mental health or primary care appointment and communicating the reason for referral to the healthcare provider.
4. Staff will ask the student's parent or guardian for written permission to discuss the student's health with outside care, if appropriate.

## **III. In-School Suicide Attempts**

In case of an in-school suicide attempt, the health and safety of the student is paramount. In these situations:

1. First aid will be rendered until professional medical treatment and/or transportation can be received, following district emergency medical procedures.
2. School staff will supervise the student to ensure their safety.
3. Staff will move all other students out of the immediate area as soon as possible.
4. If appropriate, staff will immediately request a mental health assessment for the youth.
5. The school employed mental health professional or principal will contact the student's parent or guardian, as described in the "Parental Notification and Involvement" section.
6. Staff will immediately notify the principal or school suicide prevention coordinator regarding in-school suicide attempts.
7. The school will engage, as necessary, the SAP team to assess whether additional steps should be taken to ensure student safety and well-being.

#### **IV. Out-of-School Suicide Attempts**

If a staff member becomes aware of a suicide attempt by a student that is in progress at an out-of-school location, the staff member will:

1. Call the police and/or emergency medical services, such as 911.
2. Inform the student's parent or guardian.
3. Inform the school suicide prevention coordinator and principal.

If the student contacts the staff member and expresses suicidal ideation, the staff member should maintain contact with the student (either in person, online, or on the phone). The staff member should then enlist the assistance of another person to contact the police while maintaining verbal engagement with the student.

#### **V. Re-Entry Procedure**

For students returning to school after a mental health crisis(e.g., suicide attempt or psychiatric hospitalization), a school employed mental health professional, the principal, or designee will meet with the student's parent or guardian, and, if appropriate, meet with the student to discuss re-entry and applicable next steps to ensure the student's readiness for return to school.

1. A school employed mental health professional or other designee will be identified to coordinate with the student, their parent or guardian, and any outside mental health care providers.

2. The parent or guardian will provide documentation from a mental health care provider that the student has undergone examination and that they are no longer a danger to themselves or others.
3. The designated staff person will periodically check in (on an as needed basis) with student to transition back into the school community and address any ongoing concerns.

## **VI. Parental Notification and Involvement**

In situations where a student is assessed at risk for suicide or has made a suicide attempt, the student's parent or guardian will be informed as soon as possible by the principal, designee, or mental health professional. If the student has exhibited any kind of suicidal behavior, the parent or guardian should be counseled on "means restriction," limiting the child's access to mechanisms for carrying out a suicide attempt. Staff will also seek parental permission to communicate with outside mental health care providers regarding their child.

Through discussion with the student, the principal or school employed mental health professional will assess whether there is further risk of harm due to parent or guardian notification. If the principal, designee, or mental health professional believes, in their professional capacity, that contacting the parent or guardian would endanger the health or well-being of the student, they may delay such contact as appropriate. If contact is delayed, the reasons for the delay should be documented.

## **VII. Postvention**

1. Development and Implementation of an Action Plan. The SAP team will develop an action plan to guide school response following a death by suicide. A meeting of the SAP team to implement the action plan should take place immediately following news of the suicide death. The action plan may include the following steps:
  - a. **Verify the death.** The principal will confirm the death and determine the cause of death through communication with a coroner's office, local hospital, the student's parent or guardian, or police department. Even when a case is perceived as being an obvious instance of suicide, it should not be labeled as such until after a case of death has been confirmed as suicide but the parent or guardian will not permit the cause of death to be disclosed, the school will not share the cause of death but will use the opportunity to discuss suicide prevention with students.
  - b. **Assess the situation.** The SAP team will meet to prepare the postvention response, to consider how severely the death is likely to affect other students, and to determine which students are most likely to be affected. The SAP team will also consider how recently other traumatic events have occurred within the school community and the time of year of the suicide. If the death occurred during a school vacation, the need for or scale of postvention activities may be

reduced.

- c. **Share information.** Before the death is officially classified as a suicide by the coroner's office, the death can and should be reported to staff, students and parents/guardians with an acknowledgement that its cause is unknown. Inform the faculty that a sudden death has occurred, preferably in a staff meeting. Write a statement for staff members to share with students. The statement should include the basic facts of the death and known funeral arrangements (without providing details of the suicide method), recognition of the sorrow the news will cause, and information about the resources available to help cope with grief. Public address system announcements and school wide assemblies should be avoided. The SAP team may prepare a letter to send home with students that includes facts about the death (inclusive of the input and permission from parents or guardians/crisis parent or guardian involved), information about the school's support plan for students, the warning signs of suicidal behavior, and a list of resources available.
  - d. **Avoid suicide contagion.** It should be explained in the staff meeting described above that one purpose of trying to identify and give services to other high risk students is to prevent another death. The SAP team will work with teachers to identify students who are most likely to be significantly affected by the death. In the staff meeting, the SAP team will review suicide warning signs and procedures for reporting students who generate concern.
  - e. **Initiate support services.** Students identified as being more adversely affected by the death will be assessed by a school employed mental health professional to determine the level of support needed. In collaboration with parents or guardians, SAP team members will refer to community mental healthcare providers to ensure a smooth transition from the crisis intervention phase to meet underlying or ongoing mental health needs.
  - f. **Develop memorial plans.** The school should not create on-campus physical memorials (e.g. photos, flowers), funeral services, or fly the flag at half-mast because it may sensationalize the death and encourage suicide contagion. School should not be canceled for the funeral. Any school-based memorials (e.g., small gatherings) will include a focus on how to prevent future suicides. Prevention resources will be available.
2. External Communication The school superintendent will designate a sole media spokesperson. Staff will refer all inquiries from the media directly to the spokesperson. The spokesperson will:

- a. Keep the district suicide prevention coordinator and superintendent informed of school actions relating to the death.
- b. Prepare a statement for the media including the facts of the death, postvention plans, and available resources. The statement will **not** include confidential information, speculation about victim motivation, means of suicide, or personal family information.
- c. Answer all media inquiries. If a suicide is to be reported by news media, the spokesperson should encourage reporters not to make it a front page story, not to use pictures of the suicide victim, not to use the word suicide in the caption of the story, not to describe the method of suicide, and not to use the phrase "suicide epidemic" as this may elevate the risk of suicide contagion. They should also be encouraged not to link bullying to suicide and not to speculate about the reason for suicide. Media should be asked to offer the community information on suicide risk factors, warning signs, and resources available.

Please refer to the District postvention plan for additional information.



**EAST PENNSBORO AREA SCHOOL DISTRICT**  
**TRANSGENER STUDENT GUIDELINES**

| INTRODUCTION.

East Pennsboro Area, a diverse school district, provides safeguards for all students to experience a challenging and dynamic curriculum preparing them for success in a global society by stimulating lifelong learning in a caring, collaborative community. Preserving this type of school community involves a culture that respects and values all students in an environment that is protected from any form of harassment or discrimination.

The District recognizes and respects that students may identify or express themselves in a way that is outside of the traditional gender binary. The Board of School Directors have adopted these guidelines in order to provide the best support possible for our transgender student population, as well as guidance for school personnel. Each transgender student's experience and expectations will be distinctive, and therefore these guidelines, as they apply to students, should be reviewed and adapted on a case-by-case basis. As such, these guidelines will continue to grow and evolve over time.

DEFINITIONS

1. **Gender Identity** is a person's inner sense of being male or female, regardless of the person's sex assigned at birth.
2. **Transgender** is an umbrella term which describes a person whose gender identity or gender expression is incongruent with his/her assigned sex at birth.
3. **Gender expression** refers to the external characteristics and behaviors that are socially defined as either masculine or feminine, such, clothing, grooming, activities, voice, mannerisms, or social interactions.
4. **Gender non-conforming** people are those whose gender-related identity and/or gender expression does not conform to the social expectations or norms for a person of that sex assigned at birth.
5. **Gender fluid** people are those who gender identity and/or expression moves on a continuum between the traditional gender binary.
6. **Gender binary** is a term for a social construction or classification system with the recognition of only two genders: male and female.
7. **Sexual orientation** is the emotional, romantic, or sexual attraction felt by a person toward another person. Sexual orientation has nothing to do with gender identity and will not be included further in these guidelines.
8. **Bullying** shall mean unwelcome verbal, written, electronic, or physical contact directed at a student by another student or students, or by an adult in school or school sponsored activities. Bullying is

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| March 2016

occurring when there exists an imbalance of physical, psychological, or social power between the aggressor and the victim, favoring the aggressor.

9. **Harassment** consists of verbal, written, graphic, electronic or physical conduct relating to, but not limited to, an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, **gender identity or expression**, or religion when such conduct is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates and intimidating, threatening or abusive education environment; has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or otherwise adversely affects an individual's learning opportunities.
10. **Transition** is the process of changing one's external gender presentation permanently to align with one's internal sense of gender. A transition may include a change in **gender expression**, cross hormone therapy, or sex reassignment surgery.

#### GENERAL GUIDELINES

When a student discloses **transgender** identification to District personnel, the school personnel should engage in a dialogue with the student and his/her parents, providing supports as needed for the student's academic and social well-being.

If the student is under the age of 14, the student's parent or guardian must be involved in the communications with District regarding the student's **transgender** status. A student 14 years of age or older, may act on his/her own behalf. However, before a student is officially identified as **transgender** in the school district, the student must have worked with a designated school district official, as outlined in these guidelines.

There may be situations where the parent/guardian of the **transgender** student is unaware or unsupportive of the student's **gender identification**. Statistics show that **transgender** students with unsupportive parents have a significantly increased risk of homelessness, attempted suicide, and other negative outcomes. These situations must be cautiously addressed and actively monitored by district personnel on a case-by-case basis.

All staff must be aware and understand the guidance provided in this policy. If staff have questions or are unable to adhere to the provisions contained in this policy, they must contact the Administration so that each student is properly supported.

#### NAMES AND PRONOUNS

District personnel shall address **transgender** students by the name and pronoun that corresponds to the student's **gender identity**. This should be used regardless of whether the parent recognizes the student's **transgender** identification, so long as this is the most supportive and appropriate means of address. Each case will be determined on the particular facts and the extent possible in consultation with the student and family. This includes meetings where both the **transgender** student and parent are in attendance.

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Students are not required to legally change their name or gender through the court system or other formal process as a prerequisite to being addressed correspondingly.

#### PRIVACY

Except as set forth herein, school personnel should not disclose information that may reveal a student's transgender status. Under the Family Education Rights Privacy Act (FERPA), only those school employees with a legitimate educational need should have access to a student's records or the information contained within those records. Disclosing confidential student information to other employees, students, parents, or other third parties may violate privacy laws, including but not limited to FERPA. Transgender students have the ability, as do all students, to discuss and express their gender identity and expression openly and decide when, with whom, and how much of their private information to share with others.

Schools should work closely with the student and family in devising an appropriate plan regarding the confidentiality of the student's transgender status that works for both the student and the school. Privacy considerations may also vary with the age of the student.

In some cases, transgender students may feel more supported and safe if other students are aware that they are transgender. In these cases, school staff should work closely with the student, families and other staff members on a plan to inform and educate the student's peers. It may also be appropriate to engage external resources to assist with educational efforts. A list of support organizations for transgender students is listed at the end of this document.

School staff shall not disclose information that may reveal a student's transgender status to others unless legally required to do so, or the student has authorized such disclosure.

#### STUDENT RECORDS

The district will accommodate the student's desire to address him/her in the name and pronoun corresponding with the student's gender identity. However, transgender students must understand that there are some documents which will still require use of the student's legal name and gender. These documents include the Commonwealth of Pennsylvania's secure ID, Keystone testing, and PSSA testing, to name a few. Other documents, including but not limited to, truancy, criminal charges, or other documentation required to be filed with the court must be filed in the student's legal name and gender. The district will make reasonable efforts to ensure that test proctors address the student appropriately during examinations.

The district will take reasonable actions to ensure all relative documents including but not limited to student schedules, IDs, report cards, food service accounts, transportation information, etc. are in the name and gender corresponding with the student's gender identity.

To the extent that the district is legally required to use a student's legal name and/or gender on school records, as well as other documents, the school should use the name and gender preferred by the student.

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A student's permanent pupil record should be changed to reflect a change in legal name or gender only upon receipt of documentation that such legal name and/or gender have been changed pursuant to applicable law.

The documentation required by the district for a legal name change is a court order or a state issued birth certificate demonstrating the student's new name. If the student requests a legal change of gender, the student must provide a state issued birth certificate indicating the student's legal gender, or a valid passport indicating the student's legal gender.

IEP documents as well as student discipline and incident reports should be written in the name and gender corresponding with the student's gender identity.

#### EXTRACURRICULAR ACTIVITIES, SPORTS, PHYSICAL EDUCATION, FIELD TRIPS

Transgender students will be provided the same opportunities to participate in extracurricular activities, sports, physical education, and field trips as are all students. Their participation will be in accordance with their gender identification. Transgender students will either room alone or with students consistent with their gender identification on overnight field trips.

Regarding interscholastic sports teams, the district will follow the Pennsylvania Interscholastic Athletic Association's (PIAA) rules regarding mixed-gender participation. Under these rules, the PIAA will accept the school principal's decision as to the student's gender. In this situation, the principal will identify the student in accordance with his/her gender identity, unless the student requests otherwise.

#### RESTROOMS/LOCKER ROOMS

Any transgender student who has properly identified himself/herself to the appropriate school personnel under these guidelines will not be required to use a restroom or locker room that conflicts with his/her gender identification. Transgender students will have access to unisex facilities (faculty bathroom, nurse's office bathroom); those who desire to use the facilities correlating to their gender identity may not do so solely on the basis of self-declaration as a transgender student, without the appropriate discussion with school personnel. Students under 14 years of age must have parental permission to identify themselves as a transgender student. Students 14 years of age or older must have approval/confirmation by one other adult, whether that be a parent, guardian or school district personnel.

#### TRANSITIONING STUDENTS

Where the student indicates an intention to transition, the school will be supportive of the transitioning youth and parents. The district and its professionals should work to accommodate the needs of the transitioning student as they would any student with a specific need. Specifically, the district will develop a transition plan. The plan can include:

- 1) Provide resources to parents and transitioning youth to answer additional questions or address concerns.

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March 2016

- 2) Work with community organizations and medical professionals to develop age appropriate lessons for students. This can also include developing appropriate professional development activities for teachers and staff to answer any questions about the process to assist transgender students.
- 3) Be aware of any medical considerations as raised by the transgender student or his/her family.
- 4) Be especially vigilant for any bullying or harassment issues that may arise for transgender students. Pursuant to district and PDE policy, schools must work to prevent bullying and harassment, and respond promptly when allegations of bullying and harassment arise.

#### HANDLING QUESTIONS AND CONCERNS

All students—including non-transgender students—should be encouraged to discuss concerns related to these guidelines or their application with appropriate school personnel to avoid escalation of problems. Keeping lines of communication open is crucial, and allows the district to adapt this policy as the case may be.

All questions, concerns, or comments should be directed to the student’s building principal, who may be reached by calling the appropriate school office. It is the expectation the principal, or designees, will respond to the student’s concerns by the end of the school day. Should the request come in when the principal is not available, the expectation is the principal, or designees, will respond during the next school day.

#### RESOURCES

American Psychology Association. Answers to Your Questions About Transgender People , Gender Identity, and Gender Expression. <http://www.apa.org/topics/lgbt/transgender.pdf>

National Central for Transgender Equality. <http://www.transequality.org/>

Human Rights Campaign. <http://www.hrc.org/topics/transgender>

Gay, Lesbian & Straight Education Network. <http://www.glsen.org/article/about-transgender-student-rights>

PFLAG (Parents, Family and Friends of Lesbian and Gays). <http://community.pflag.org/transgender>

Central Dauphin School District Transgender Student Guidelines

New York City Department of Education, Transgender Student Guidelines.  
<http://schools.nyc.gov/RulesPolicies/Transgender StudentGuidelines>

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March 2016

Great Valley School District

Policy

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Title

808 Food Services

Section

800 Operations

Adopted

Monday, September 21, 1998

Last Revised

Monday, June 12, 2017

Content

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**Purpose**

Food service programs of the District shall be directed at meeting the needs of the students in accordance with all applicable state and federal laws and regulations, as well as federal guidelines, established by the Child Nutrition Division of the United States Department of Agriculture (USDA).[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)

**Authority**

The Board shall provide food service for breakfast and lunch in all District schools that meet the nutritional standards required by state and federal guidelines.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

Unless they have been excused by the principal, all students are expected to remain in school for lunch.

Food sold by the school may be purchased by students, teachers, and other employees and only for consumption on school premises or at approved school functions. The charge to the student must be set at a level so that the charge to the student, plus any local, state and federal reimbursement, does not materially exceed the cost of operation.[\[1\]](#)[\[17\]](#)

Nonprogram food shall be priced to generate sufficient revenues to cover the cost of such items. A **nonprogram food** shall be defined as a food or beverage, other than a reimbursable meal or snack, that is sold at the school and is purchased using funds from the child nutrition program account. **Nonprogram foods** include but are not limited to adult meals and a-la-carte items. All revenue from the sale of nonprogram food shall accrue to the child nutrition program account.[\[17\]](#)[\[18\]](#)

**Delegation of Responsibility**

The operation and supervision of the food services program, including the responsibility for control, storage and safekeeping of food and food equipment and the proper

accounting and depositing of funds generated by the food services program, shall be the responsibility of the Food Services Supervisor.

The Board authorizes the Food Services Supervisor to purchase perishable food supplies for cafeterias without advertising for bids.[1]

The cafeterias are to be operated on a nonprofit basis. A periodic review of the child nutrition program account shall be made by the Director of Business Affairs and/or the District's auditor.[1][3]

The Food Services Supervisor shall be responsible for ensuring compliance with state and federal requirements for conducting cafeteria health and safety inspections and ensuring employee participation in appropriate inspection services and training programs.[6][11][3][19]

To reinforce the District's nutrition education program, foods served in school cafeterias shall:[7]

1. Be carefully selected to contribute to students' nutritional well-being and health.
2. Meet the nutritional standards specified in laws and regulations and approved by the Board.
3. Be prepared by methods that will retain nutritive quality, appeal to students, and foster lifelong healthy eating habits.
4. Be served in age-appropriate quantities at reasonable prices.

### **Guidelines**

Surplus accounts shall be used only for the improvement and maintenance of the food service program.[1]

All funds derived from the operation, maintenance or sponsorship of the food service facilities shall be deposited in the child nutrition program account, a special bank account, in the same manner as other funds belonging to the District. Such funds shall be expended in such manner as may be approved and directed by the Board, but no amount shall be transferred from the child nutrition program account to any other account or fund, except that District advances to the food services program may be returned to the District's general fund from any surplus resulting from its operation.[1]

The District shall participate in the Federal School Breakfast and Lunch Program. Funds received in support of this program shall be paid into the child nutrition program account. The financial records of all federal programs shall be kept separate from the general fund accounting.[4][5][12][13]

The District shall offer meals to all students without regard to actual or perceived race, color, age, creed, religion, gender, sexual orientation, gender identity, gender

**expression**, ancestry, national origin, marital status, pregnancy or handicap/disability.[8]

Provisions shall be made for free and reduced price lunches as prescribed by federal and state law, in accordance with these guidelines.[2]

#### School Food Safety Inspections

The District shall obtain two (2) safety inspections per year in accordance with all local, state, and federal laws and regulations.[6][9][11]

The District shall post the most recent inspection report and release a copy of the report to members of the public, upon request, to the extent required by law.

#### School Food Safety Program

The District shall comply with federal requirements in developing a food safety program that enables the District to take systematic action to prevent or minimize the risk of foodborne illness among students.[11][12][13]

The District shall maintain proper sanitation and health standards in food storage, preparation and service, in accordance with all applicable state and local laws and regulations and federal food safety requirements.[6][9][10]

#### Professional Standards for Food Service Personnel

The District shall comply with the professional standards for school food service personnel who manage and operate the National School Lunch and School Breakfast Programs. For purposes of this Policy, **professional standards** include hiring standards for new food service program directors and annual continuing education/training for all individuals involved in the operation and administration of school meal programs. Such professional standards shall apply to both District-operated food service programs and contracted food service programs.[4][5][19][21]

#### School Meal Accounts

Individual accounts shall be assigned to each student for accounting purposes for the purchase of meals served in school cafeterias.

The Superintendent or designee shall develop and disseminate administrative guidelines that establish procedures to control school meal accounts. Administrative guidelines should include the following:

1. Procedures for collecting money for individual student accounts which ensure that the identity of each student is protected.
2. Method in which students and parents/guardians are notified when the student's account reaches a specified level.



3. Procedures for providing students with meals when the student forgets or loses his/her money or when his/her account has insufficient funds.
4. Procedures for providing collection of money for negative accounts.

Students and parents/guardians shall be notified annually concerning the contents of this policy and District procedures.[20]

Greater Latrobe School District

Book	Policy Manual
Section	100 Programs
Title	Nondiscrimination in School and Classroom Practices
Number	103
Status	Active
Adopted	August 23, 2016

### **Authority**

The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, age, creed, religion, sex, sexual orientation, **gender identity**, ancestry, national origin, marital status, pregnancy or handicap/disability.<sup>[1][2][3][4][6][7][8][9][10][11][12][14][15]</sup>

The district shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities. The equitable distribution of district resources is one means the district shall use to ensure all students receive a quality education. The district shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.

The Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

It is the responsibility of each school and the District to ensure that **transgender** and **gender non-conforming** students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources.

Complaints alleging discrimination or harassment based on a person's actual or perceived **transgender** status or **gender nonconformity** are to be handled in the same manner as other discrimination or harassment complaints.

The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

### **Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent or designee as the district's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination

statements shall include the position, office address and telephone number of the Compliance Officer.

The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.
3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related areas.
5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

## **Guidelines**

### **Complaint Procedure – Student/Third Party**

#### **Step 1 – Reporting**

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

## **Step 2 – Investigation**

Upon receiving a complaint of discrimination, the building principal shall immediately notify the Compliance Officer. The Compliance Officer may authorize the building principal to investigate the complaint.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the Compliance Officer or building principal shall inform law enforcement authorities about the incident.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

## **Step 3 – Investigative Report**

A written report shall be prepared within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.

## **Step 4 – District Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws.

### Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

### Equivalence Between Schools

The Board directs that services in Title I schools and programs, when taken as a whole, shall be substantially comparable to services in schools and programs that do not receive Title I funds.[8]

Curriculum materials, instructional supplies and percentages of highly qualified personnel shall be equivalent between all district schools when compared on a grade-span by grade-span basis or a school-by-school basis. Records documenting such compliance shall be updated biannually.

The Board understands that equivalence between programs and schools shall not be measured by:

1. Changes in enrollment after the start of the school year.
2. Varying costs associated with providing services to students with disabilities.
3. Unexpected changes in personnel assignments occurring after the beginning of the school year.
4. Expenditures on language instruction education programs.
5. Other expenditures from supplemental state or local funds consistent with the intent of Title I.

Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with Board policy.[13]

## Legal

1. 24 P.S. 1310
2. 22 PA Code 4.4
3. 22 PA Code 12.1
4. 22 PA Code 12.4
6. 24 P.S. 5004
7. 20 U.S.C. 1681 et seq
8. 20 U.S.C. 6321
9. 29 U.S.C. 794
10. 42 U.S.C. 2000d et seq
11. 42 U.S.C. 12101 et seq
12. Pol. 103.1
13. Pol. 906
14. 22 PA Code 15.1 et seq
15. 43 P.S. 951 et seq
- 28 CFR Part 35
- 28 CFR Part 41
- 34 CFR Part 100
- 34 CFR Part 104
- 34 CFR Part 106
- 34 CFR Part 110
- Pol. 000
- Pol. 701

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Kennett Consolidated School District

Policy

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Title

248 Unlawful Harassment

Section

200 Pupils

Adopted

Monday, March 14, 2011

Content

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**Purpose**

The Board strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the District to maintain an educational environment in which harassment in any form is not tolerated.

**Authority**

The Board prohibits all forms of unlawful harassment of students and third parties by all District students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages students and third parties who have been harassed to promptly report such incidents to the building principal, counselor, nurse, or other teacher.

The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the District's legal and investigative obligations.<sup>[1][2][3]</sup>

No reprisals or retaliation shall occur as a result of good faith charges of harassment.

**Definitions**

For purposes of this Policy, **harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, sex, age, disability, sexual orientation, **gender identity**, or religion when such conduct:<sup>[3]</sup>

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment.
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.
3. Otherwise adversely affects an individual's learning opportunities.

For purposes of this Policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:[4]

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.
2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.
3. Such conduct deprives a student of educational aid, benefits, services or treatment.
4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive educational environment.

### **Delegation of Responsibility**

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent as the District's Compliance Officer.[5]

The Superintendent or designee shall publish and disseminate this Policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Superintendent.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of their fellow students and District employees and to ensure an atmosphere free from all forms of unlawful harassment.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.



4. Refer the complainant to the Superintendent if the building principal is the subject of the complaint.

## **Guidelines**

### Complaint Procedure – Student/Third Party

#### **Step 1 – Reporting**

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this Policy is encouraged to immediately report the incident to the building principal or a District employee.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this Policy shall immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Superintendent.

The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

#### **Step 2 – Investigation**

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Superintendent. The Superintendent shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

#### **Step 3 – Investigative Report**

The building principal shall prepare and submit a written report to the Superintendent within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this Policy, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint.

#### **Step 4 – District Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this Policy, the District shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and District procedures, applicable collective bargaining agreements, and state and federal laws, and may include educational activities and/or counseling services.

If it is concluded that a student has knowingly made a false complaint under this Policy, such student shall be subject to disciplinary action.

#### Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the Policy or with the recommended corrective action, s/he may submit a written appeal to the Superintendent within fifteen (15) days.
2. The Superintendent shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Superintendent shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.
4. The Superintendent may confirm, refuse or modify any finding or corrective action as part of the appeal procedure.

If the student or his/her parents/guardians are not satisfied with the decision of the Superintendent, they may then submit a written appeal to the Board of School Directors within fifteen (15) days. The Board, within a suitable time, will hear the complaint and prepare a response.

Lewisburg Area School District

## Policy

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Title

249 Bullying/Cyberbullying

Section

200 Students

Adopted

Thursday, February 12, 2009

Last Revised

Thursday, January 10, 2013

## Content

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### **Purpose**

The Board is committed to providing a safe, positive learning environment for district students. The Board recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying by district students.

### **Definitions**

**Bullying** means an intentional electronic, written, verbal and/or physical act or series of acts directed at another student or students, which occurs in a school setting and/or outside a school setting, that is severe or persistent or pervasive and has the effect of doing any of the following:[1]

1. Substantial interference with a student's education.
2. Creation of a threatening environment.
3. Substantial disruption of the orderly operation of the school.

This includes, but is not limited to, conduct that is based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion, or any other distinguishing characteristic that may be defined by the state or local educational agency.

**Bullying**, as defined in this policy, includes cyberbullying.

**School setting** means in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.[1]

### **Authority**

The Board prohibits all forms of bullying by district students and encourages students who have been bullied to promptly report such incidents to the building principal or designee.[1]

The Board directs that complaints of bullying shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith reports of bullying.

### **Delegation of Responsibility**

Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying.

The Superintendent or designee shall develop administrative regulations to implement this policy.

The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed annually with students.[1]

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the Board.[1]

District administration shall annually provide the following information with the Safe School Report:[1]

1. Board's Bullying Policy.
2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention or education programs.

### **Guidelines**

The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.[1][2][3]

This policy shall be accessible in every classroom. The policy shall be posted within each school building and on the district web site, if available.

### **Education**

The district may develop and implement bullying prevention and intervention programs. Such programs shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.[4][6][1]

### Consequences for Violations

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:[1][3]

1. Counseling within the school.
2. Parental conference.
3. Loss of school privileges.
4. Transfer to another classroom or school bus.
5. Recommend counseling/therapy outside of school.
6. Exclusion from school-sponsored activities.
7. Detention.
8. Suspension.
9. Reassignment to alternative educational setting.
10. Expulsion.
11. Referral to law enforcement officials.

**Last reviewed April 23, 2015. Next review due Spring of 2018 as required by PA Department of Education Office of Safe Schools.**

**Lower Merion School District**

Policy No.: 259  
Section: PUPILS  
Title: **GENDER EXPANSIVE & TRANSGENDER STUDENTS –  
ENSURING EQUITY AND NONDISCRIMINATION**  
Date Adopted: 5/16/16

**259 GENDER EXPANSIVE & TRANSGENDER STUDENTS –  
ENSURING EQUITY AND NONDISCRIMINATION**

The Lower Merion School District is committed to providing a safe, supportive and inclusive learning environment for all students and employees. The District is also dedicated to ensuring that every student has equal access to the District’s educational programs and activities. Additionally, the District’s policies require that all schools and all personnel promote acceptance and respect among students and staff. This policy reflects the Board’s support in ensuring that **gender expansive** and **transgender (GET)** students are provided such equal opportunity and access to programs, services, and activities.

To ensure that **GET** individuals are provided with such equal opportunity and access, the Board authorizes the Superintendent or his/her designee to develop and promulgate regulations designed to ensure the safety, comfort, and healthy development of **GET** students while maximizing such students social integration with other students and minimizing stigmatization and isolation. The regulation’s purpose is to provide guidance for District staff regarding issues relating to **GET** individuals in order to create and maintain a safe and supportive environment for all.

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Date Last Revised: 5/20/16

**R259 GENDER EXPANSIVE & TRANSGENDER STUDENTS – ENSURING EQUITY AND NONDISCRIMINATION**

*Purpose*

This administrative regulation is consistent with the goals of reducing stigmatization and maximizing GET students' social integration in District programs, services, and activities. However, these guidelines do not anticipate every situation that might occur with respect to GET individuals. As set forth in greater detail herein, the needs of each GET individual are unique and should be considered accordingly.

*Definitions*

Understanding the terminology associated with gender identity and expression is important to providing a safe and supportive school environment for individuals in our District. The following terms are defined to assist in understanding the guidance presented. These are the most commonly used terms, though individuals may prefer other terms. Terminology and language describing transgender and gender expansive individuals can differ based on region, language, race, ethnicity, age, culture and many other factors. Members of the LMSD community should inquire which terms individuals prefer. Many of the following definitions are intended as functional descriptors.

“Assigned Sex at Birth” is the sex designation, usually “male” or “female,” assigned to a person at birth.

“Biological Sex” is the biological attributes such as anatomy, chromosomes, and hormones that inform whether a person is male, female, or intersex. Where *sex* refers to biology, *gender* refers to the cultural and social understandings that are layered on top of biology.

“Cisgender” refers to people whose sex assignment at birth corresponds to their gender identity and expression.

“Consistently Asserted Gender Identity” is a commitment to one’s gender identity asserted across multiple settings from the time when a person begins to live as the gender with which they identify rather than the gender they were assigned at birth.

“Gender” is socially determined characteristics, roles, behaviors, and attributes a society expects from and considers appropriate for males and females; these characteristics are often referred to as “feminine” and “masculine.”

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“Gender binary” is the socially constructed dichotomy that there are only two distinct, static, and opposite genders, female and male. This model is limiting and does not take into account **gender expansive** individuals. Gender non-binary, describes **gender identity** on a continuum and thereby accounts for the range of how individuals identify in regard to their gender.

“**Gender Expansive**” is a term that conveys a wider, more flexible range of **gender identity** and/or **expression** than typically associated with the binary gender system. **Gender expansive** is not synonymous with **transgender**; not all **gender expansive** individuals identify as **transgender**.

“**Gender Expression**” is the manner in which a person's **gender identity** is communicated to others through appearance, behavior, or physical characteristics that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or sex at birth, and shall include, but is not limited to, persons who are undergoing or have completed sex change (Lower Merion Township Code, Ordinance 3931.93.2.E)).

“**Gender Identity**” is a person’s innermost concept of self as male, female, a blend of both or neither - how individuals perceive themselves and what they call themselves. One’s **gender identity** may change over one’s lifetime, or it may remain the same throughout one’s life. It may be the same as the gender one was assigned at birth, or it may be a different gender. The responsibility for determining an individual’s **gender identity** rests with the individual.

“**Genderqueer**” Individuals whose **gender identity** is outside of the traditional gender binary system of female and male. They may view themselves as both female and male, neither female nor male or as being outside these categories altogether. May also refer to people who do not follow traditional gender stereotypes and is also used by people who identify as both **transgender** and queer. It is worth noting that many people who use this term do not find the word “queer” to be a derogatory term as in the past, rather a word that has been reclaimed and embraced.

“Gender Transition” is the process by which some people strive to more closely align their internal knowledge of gender with its outward appearance. Some people socially transition, whereby they might begin dressing, using names and pronouns and/or be socially recognized as another gender. Others may undergo physical transitions in which they modify their bodies through medical interventions. Not every transgender person wants to transition from male to female or from female to male and other people believe they fall somewhere in between such binary definitions of gender.

“**GET**” is an acronym that stands for “**gender expansive** and **transgender**.”

“Intersex” is a person whose biological sex falls between the medical standards of male and female.



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“LGBTQ” is an acronym that stands for “lesbian, gay, bisexual, transgender, and queer or questioning.” Questioning incorporates those who are uncertain or fluid about their sexual orientation and/or gender identity. Sometimes an “I” for intersex and “A” for asexual are added to the acronym.

“Preferred Gender Pronouns” refers to the pronoun a person prefers to have used when referred to in conversation. Please note that a person may choose to go by they, ze, or no pronouns.

“Preferred Name” is the name a person prefers to have used when referred to in conversation and/or on records.

“Queer” is a word used to describe people who transgress culturally imposed norms of heterosexuality and gender identity. Many individuals embrace the word today and use it as a more concise word rather than the acronym LGBTQ. Others do not use the word because of its previously derogatory connotation.

“Questioning” is a term that may be used to describe someone who is unsure of or undecided about their sexual orientation and/or gender identity.

“Sexual Orientation” is a person’s emotional, romantic and/or sexual attraction to people of the other and/or same gender. Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, bisexual and queer. Sexual orientation and gender identity are different. Transgender students may identify as gay, lesbian, bisexual, or heterosexual. Sexual orientation is different from gender identity or gender expression.

“Transgender” is an adjective used to describe a person whose sex assigned at birth does not correspond with their gender identity. A transgender person’s gender identity differs from their gender assigned at birth, and their gender expression consistently varies from stereotypical expectations and norms. A transgender person desires to live persistently by a gender that differs from that which was assigned at birth.

“Transition” is the process in which a person goes from living and identifying as one gender to living and identifying as another. Each transgender person has a unique process in which they go from living and identifying as one gender to living and identifying as another. Gender transition can occur at any age. It begins internally then expands to external expression. This can include social, medical and/or a legal transition.

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*Guidelines*

In general, the prerogative to assert the rights of the **gender expansive** and **transgender** students belong to the student and do not require additional parental/guardian consent unless the assertion of a right delineated in these guidelines implicate parental/guardian rights under the Family Educational Rights and Privacy Act or other applicable law.

A. Privacy and Confidentiality

1. All, persons, including students, have a right to privacy. This includes keeping a student's actual or perceived **gender identity** and **expression** private. Therefore, school personnel should not disclose information about a **GET** student's **gender identity** and **expression** to others, including the student's parents/guardians and/or other school personnel, unless legally required to do so or unless the student has authorized such disclosure or explicitly disclosed their **gender identity** in the school setting.
2. Students have the right to openly discuss and express their **gender identity** and **expression**, and to decide when, with whom, and how much information to share.
3. District and school personnel may encounter situations where **transgender** students have not disclosed their **transgender** status. School personnel must be mindful of the confidentiality and privacy rights of students when communicating with others, so as to not to violate those rights by, for example, revealing, implying, or referring to a student's **gender identity or expression**.
4. To ensure confidentiality when discussing a particular concern such as conduct, discipline, grades, attendance, or health, school personnel's focus should be specifically school-related and not on the student's **gender identity or expression**.

B. Official Records

1. The District is required to maintain in perpetuity mandatory permanent pupil records ("official records") which include the legal name of the student and the student's sex as indicated on official government issued documents such as birth certificates, passports and identification cards/permits. The official records may include but are not limited to progress and grade reports, transcripts, assessment data, health records, discipline records, Individualized Education Programs (IEP), Section 504 Plans and the student's cumulative folder.

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2. The District will change a student’s name and gender on official records when the name of the student is changed by the appropriate court action, such as by a change of name proceedings or through amendment of state or federally-issued identification. The new name is the official legal name of the student for all purposes, including school registration. Upon the submission of paper evidence of the court order, the student’s official name in all school records shall be changed to reflect the legal name change.

C. Unofficial Records

1. The District shall permit a student to use a preferred name on unofficial records. The unofficial records may include but are not limited to ID cards, classroom rosters, certificates, programs, announcements, office communications, team and academic rosters, diplomas, newspapers, newsletters, school directories, yearbooks and other site-generated unofficial records. The preferred name shall also appear on the student’s cumulative folder (official record) as “Also Known As” (AKA).
2. The District shall input the student’s preferred name in the appropriate field of the District’s electronic data system to indicate how the student’s name will appear on unofficial records.
3. The District shall permit a student or parent/legal guardian to request a change of name so that the student may be registered in school under a name that corresponds with the student’s identity without obtaining court order or without changing the student’s official records. This request shall be made in writing to the student’s principal using the *Preferred First Name Change for LMSD’s Unofficial Pupil Records* Form.
4. After the school receives and verifies the contents of the completed form, the school shall change the name of the student in the District’s electronic data system and enter the preferred name AKA in the cumulative folder. In the cumulative folder and registration card, the AKA name should be cross-referenced.

D. Names/Pronouns

1. Students shall be addressed by the name and pronouns that correspond to their gender identity without obtaining a court order, changing their official records or obtaining parent/legal guardian permission.
2. Students shall be known by the name and the gender by which the person identifies. However, there may be situations (e.g., communications with family, official state or

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federal records, and assessment data) where it may be necessary and recommended for staff to be informed of the student’s legal name and gender. In these situations, staff should prioritize the safety, confidentiality, and respect of the student in a manner that affirms the law.

3. If school personnel are unsure how a student wants to be addressed in communications to the home or in conferences with parents/legal guardians, they may privately ask the student. For communications with a student’s parent/legal guardian, school personnel should refer to this policy’s prior section on “Privacy and Confidentiality.”
4. Every effort should be made to use the preferred names and pronouns consistent with a student’s gender identity. While inadvertent slips or honest mistakes may occur, the intentional and persistent refusal to respect a student’s gender identity is a violation of District Policy.

E. Restroom Accessibility

1. Schools may maintain separate restroom facilities for male and female students. Where schools maintain separate restroom facilities for male and female students, GET students shall have access to the restroom that corresponds to their gender identity.
2. Where available, a single stall restroom should be available to any student, GET or not, who desires increased privacy, regardless of the underlying reason.
3. If a student desires increased privacy, regardless of the underlying reason, the administrator or designee shall make every effort to provide the student with reasonable access to an alternative restroom such as a single-stall restroom. The use of such a single stall restroom should be a matter of choice for a student, and no student shall be compelled to use such restroom.
4. Administrators or designee may take steps to designate single stall “gender neutral” restrooms in the District.

F. Locker Room Accessibility

1. Schools may maintain separate locker room facilities for male and female students. Students shall have access to the locker room facility that corresponds to their gender identity.

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2. If there is a request for increased privacy, *any* student shall be provided access to a reasonable accommodation such as but not limited to:
  - a. Assignment of a student locker in near proximity to the coaches' office or a supportive peer group.
  - b. Use of a private area within the public area of the locker room facility (e.g., nearby restroom stall with a door or an area separated by a curtain).
  - c. Use of a nearby private area (e.g., nearby restroom).

G. Sports, Athletics, and Physical Education

1. Physical education classes and events are typically co-gender. In the rare event that the classes or activities are sex-segregated, GET students shall participate in physical education by their gender identity.
2. Participation in competitive athletics, intramural sports, athletic teams, competitions, and contact sports shall be facilitated in a manner consistent with the student's gender identity (Griffin & Carroll, 2010) and in accordance with the Pennsylvania Interscholastic Athletic Association bylaws.

H. School Activities and Programs

1. Students have the right to equitable access to activities and programs in their school. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of gender identity in any program or activity. These activities and programs may include but are not limited to school day/after school activities/ programs and all extra- curricular activities.
2. Whenever students are separated by gender in school activities or are subject to and otherwise lawful gender specific rule, policy, or practice, students must be permitted to participate in such activities or conform to such rule policy or practice consistent with their gender identity (U.S. Department of Education Office of Civil Rights, 2014).
3. For overnight field trips, GET students can communicate their preferred sleeping arrangement to their teacher and/or a school administrator at least a month prior to the date of the field trip. As with other students, the school should try to pair the GET student with

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peers with whom the student feels comfortable. The District should make adjustments to prevent the student from being marginalized because of any alternative arrangements. Regardless of whether those roommates know about the student's **gender identity**, the District has an obligation to maintain the student's privacy and cannot disclose or require disclosure of the student to the other students or their parents.

**I. Course Accessibility and Instruction**

1. Students have the right to equitable learning opportunities in their school. Students shall not be required to take and/or be denied enrollment in a course on the basis of their **gender identity** in any educational and academic program.
2. The District incorporates positive information about **GET** issues into curricula.
3. The District makes an effort wherever possible to ensure school computers are free of filtering software that blocks information about LGBTQ people, history, rights and organizations.

**J. Dress Codes/School Uniform Policies**

1. A school's dress code policy shall be gender-neutral. Schools cannot enforce specific attire based on gender.
2. Students have the right to dress in accordance with their **gender identity** within the constraints of the dress codes adopted by the school. Gender-neutral dress code guidelines apply to regular school days as well as any school sponsored activities.

**K. Student Safety**

1. School staff must ensure that students are provided with a safe school environment that is free of discrimination, harassment, bullying and/or intimidation.
2. School staff and families should work together to resolve complaints alleging discrimination, harassment, bullying and/or intimidation based on a student's actual or perceived **gender identity or expression**. Complaints of this nature are to be handled in the same manner as other complaints. Consideration should be given as to whether a Sexual Harassment investigation is warranted. For more information, see the District's policy prohibiting harassment by and of students and employees (Policies 246, 346, 446 and 546).

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L. Education and Training

1. The District will conduct staff training and ongoing professional development in an effort to build the skills of all staff members to prevent, identify and respond to harassment and discrimination. In order to further a safe and supportive school environment for all students, the District will incorporate education and training about gender expansive and transgender students into their curriculum, student leadership trainings and staff professional development. The content of such professional development/training should include, but not be limited to:
  - a. Terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents;
  - b. Appropriate strategies for communicating with students and parents about issues related to gender identity and gender expression, while protecting student privacy;
  - c. Strategies for preventing and intervening in incidents of harassment and discrimination, including cyber-bullying;
  - d. District and staff responsibilities under applicable laws and District policies regarding harassment, discrimination, and gender identity and expression issues.

Cross reference:

Policy No. 103, *Equal Opportunity Program for School and Classroom Practices*

Policy No. 104, *Equal Opportunity Program for Employment Practices*

Policy No. 246, *Prohibited Harassment by and of Students*

Administrative Regulation No. 249, *Bullying*

Policy and Administrative Regulation No. 346, 446, 556 *Prohibited Harassment by and of Employees and Other Members of School Community*

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On The Team: Equal Opportunities for Transgender Student-Athletes. (2010). Pat Griffin and Helen Carroll. National Center for Lesbian Rights and the Women’s Sports Foundation.

Pennsylvania Code 1.161. Prohibition of discrimination and affirmation of equal employment opportunity

U.S. Department of Education Office of Civil Rights – Questions and Answers on Title IX and Sexual Violence

Williams Institute (2013). Employment Discrimination Based on Sexual Orientation and Gender Identity in Pennsylvania (A. Hasenbush and C. Mallory)



Marple Newtown School District

Policy

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Title

248.1 Nondiscrimination-Transgender and Gender Expansive Students

Section

200 Pupils

Adopted

Tuesday, June 28, 2016

Content

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**Purpose**

The district is committed to creating a safe and inclusive learning environment for all students that is free from discrimination, regardless of sex, sexual orientation, Gender Identity, or Gender Expression and to ensuring that every student has equal access to all components of the educational program.

**Authority**

The purpose of this policy is to facilitate compliance with district policy and state and federal laws concerning bullying, harassment and discrimination. This policy covers conduct that takes place in the school, on school property, at school sponsored functions and activities, on school buses, or vehicles and at bus stops, and on school computers, school networks, school forums, and school mailing lists, as well as conduct covered under the district's policy regarding cyber-bullying. This policy applies to the entire school community, including educators, school staff, students, parents/guardians, and volunteers.

**Definitions**

**Sex Assigned At Birth Or Assigned Sex:** Refers to the gender designation recorded on an infant's birth certificate, should such a record be provided at birth.

**Gender Identity:** Refers to one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted most or all of the time, or for which there is other evidence that the Gender Identity is sincerely held as part of the individual's core identity.

**Gender Expression:** Refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Transgender:** An adjective describing an individual whose Gender Identity is different from the individual's assigned sex. "Transgender boy" and "transgender male" refer to an individual assigned the female sex at birth who has a male Gender Identity.

"Transgender girl" and "transgender female" refer to an individual assigned the male sex at birth who has a female Gender Identity.

**Transgender Student:** A student who consistently and uniformly asserts a Gender Identity different from the student's assigned sex most or all of the time or for which there is documented medical evidence that the Gender Identity is sincerely held as part of the student's core identity.

**Gender Transition:** The process in which transgender individuals begin asserting the sex that corresponds to their Gender Identity instead of the sex they were assigned at birth. During Gender Transition, individuals begin to live and identify as the sex consistent with their Gender Identity and may dress differently, adopt a new name, and use pronouns consistent with their Gender Identity. Transgender individuals may undergo Gender Transition at any stage of their lives, and Gender Transition can happen swiftly or over a long duration of time.

**Gender Stereotypes:** Refers to stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Gender Expansive:** A term for people whose Gender Expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.

**Bullying:** An intentional electronic, written, verbal or physical act or a series of acts (a) directed at another student or students (b) that is severe, persistent or pervasive, and (c) that has the effect of doing any of the following:

1. Substantially interfering with a student's education;
2. Creating a threatening environment; or
3. Substantially disrupting the orderly operation of the school.

Bullying, as defined in this policy, includes cyber-bullying. Bullying may include acts that occur outside of school if those acts are intentional, electronic, verbal or physical, are directed at another student or students, are severe, persistent or pervasive, and have the effect of (i) substantially interfering with a student's education; (ii) creating a threatening environment; or (iii) substantially disrupting the orderly operation of the school.

**Harassment:** Verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, religion, or sexual orientation, when such conduct: (1) Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment; (2) Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or (3) Otherwise adversely affects an individual's

learning opportunities. For purposes of this policy, harassment on the basis of gender includes harassment on the basis of transgender or Gender Expansive status.

**Gender-Segregated Facilities:** Refers to facilities and accommodations, which are separated by gender, used by students at school or during school-sponsored activities and trips, and include, but are not limited to, restrooms, locker rooms, and overnight facilities.

## **Guidelines**

### Bullying, Harassment and Discrimination

Complaints alleging discrimination or harassment based on a person's actual or perceived Gender Identity or expression are to be taken seriously and handled in a manner consistent with Board policies, law and regulation.[1][2]

### Privacy and Confidentiality

The district shall ensure that information and educational records relating to a student's transgender or Gender Expansive status shall be kept confidential to the extent required by applicable state and federal privacy laws.

When contacting the parent or guardian of a transgender student, district staff should use the student's legal name and the pronoun corresponding to the student's sex assigned at birth unless the student, parent, or guardian has specified otherwise.

### Names and Pronouns

Upon a student's request, the student shall be addressed by a name and pronoun that corresponds to the student's Gender Identity. A court-ordered name or gender change is not required, and the student need not change his or her official records.

### Student Records

The district is required to maintain a permanent student record that includes a student's legal name and legal gender. However, to the extent that the district is not legally required to use a student's legal name and gender on other school records or documents, such as school IDs, classroom rosters or the yearbook, the district will use the name and gender preferred by the student, if the student has so requested. The district will change a student's official record to reflect a change in legal name or gender only upon receipt of documentation that such change has been made pursuant to a court order, or through amendment of state or federally-issued identification. In situations where district staff are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, administration and school staff shall adopt practices to avoid the inadvertent disclosure of information which may reflect a student's transgender status.[3]

### Medical Treatments or Procedures

District staff should not require proof of medical treatments as a prerequisite for respecting the student's **Gender Identity or expression**. If any objective basis should occur that would justify questioning whether a student's asserted **Gender Identity or expression** is genuine, information may be requested of the student to show that the **Gender Identity or expression** is sincerely held.

### Dress Code

Individual schools within the district may enforce dress codes pursuant to Policy 221 - Dress Code. Students shall have the right to dress in accordance with their **Gender Identity**, within the constraints of the dress code adopted by the school. District staff shall not enforce a school's dress code more strictly against **transgender** and **Gender Expansive** students than other students.[4]

### Student Transitions

When a student notifies the district that the student is transitioning, the school shall hold a meeting with the student and parents (if they are involved in the process) to ascertain their desires and concerns and to discuss a timeline for the transition. District staff shall train school administrators and any educators that interact daily with the student on the transition plan and timeline for transition.

### Gender-Segregated Facilities

With respect to all gender segregated facilities, including restrooms, locker rooms, changing facilities, or overnight facilities, district students shall have access to facilities that correspond to their **Gender Identity**. Under no circumstance should any student be required to use Gender-Segregated Facilities that are inconsistent with their **Gender Identity**.

The district may make individual-user options available to any student who voluntarily seeks additional privacy.

### Physical Education Classes and Intramural and Interscholastic Athletics

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their **Gender Identity**. Regarding interscholastic sports teams, the district will follow the Pennsylvania Interscholastic Athletic Association's (PIAA) rules regarding mixed-gender participation. Under these rules, the PIAA will accept the school principal's decision as to the student's gender. In this situation, the principal will identify the student in accordance with his/her **Gender Identity**, unless the student requests otherwise.

### Other Gender-Based Activities, Rules, Policies and Practices

As a general rule, in any other circumstance where students are separated by gender, for instance at field trips, classroom activities, school ceremonies and school photos, each student should be permitted to participate in a manner consistent with his/her **Gender Identity**.

### Training and Professional Development

The district shall conduct staff training for all staff members regarding this policy, and information regarding this policy shall be incorporated into training for new school employees.

### **Delegation of Responsibility**

Questions and concerns regarding any issues related to Gender Identity and expression should be directed to the Superintendent or designee.

### Publication and Media Communications

The Transgender and Gender Expansive Student Policy shall be posted on the district's Internet site and a summary of the policy shall be included in the Code of Student Conduct.

All media inquiries regarding this policy or matters of student Gender Identity or expression shall be directed to the Superintendent.

Moniteau School District

Policy

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Title

248 Unlawful Harassment

Section

200 Pupils

Adopted

Monday, March 16, 2009

Last Revised

Monday, May 19, 2014

Content

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**Purpose**

The Board strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the district to maintain an educational environment in which harassment in any form is not tolerated.

**Authority**

The Board prohibits all forms of unlawful harassment of students and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages students and third parties who have been harassed to promptly report such incidents to the designated employees.[1][6][7]

The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of harassment.

**Definitions**

For purposes of this policy, **harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, **gender identity or expression** or religion when such conduct:[6]

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment.

2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.
3. Otherwise adversely affects an individual's learning opportunities.

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:[5]

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.
2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.
3. Such conduct deprives a student of educational aid, benefits, services or treatment.
4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive educational environment.

Examples of conduct that may constitute **sexual harassment** include but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with a student's ability to work or learn or creates an intimidating, hostile or offensive learning or working environment.

### **Delegation of Responsibility**

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent or a nonbiased third party as the district's Compliance Officer.[4]

The Superintendent shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.

The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of their fellow students and district employees and to ensure an atmosphere free from all forms of unlawful harassment.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

### **Guidelines**

#### **Complaint Procedure – Student/Third Party**

##### **Step 1 – Reporting**

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal or a district employee.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer. If the Superintendent is the subject of a complaint, the student, third party or employee shall report the incident directly to the Board.

##### **Step 2 – Investigation**

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.



The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

### **Step 3 – Investigative Report**

The building principal shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

The findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

### **Step 4 – District Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.

If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

### Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.

The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

Moniteau School District

Policy

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Title

103 Nondiscrimination In School And Classroom Practices

Section

100 Programs

Adopted

Monday, November 20, 2006

Last Revised

Monday, May 19, 2014

Content

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**Authority**

The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, age, creed, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy or handicap/disability. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[13\]](#)[\[14\]](#)

The district shall provide to all students, without discrimination, course offerings, counseling, assistance, athletics and extracurricular activities. The equitable distribution of district resources is one means the district shall use to ensure all students receive a quality education. The district shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.

The Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

**Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent or a nonbiased third party as the district's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.
3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related areas.
5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

## **Guidelines**

### **Complaint Procedure – Student/Third Party**

#### **Step 1 – Reporting**

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The complainant or reporting employee is required to use the report form available from the building principal.

## **Step 2 – Investigation**

Upon receiving a complaint of discrimination, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

## **Step 3 – Investigative Report**

The building principal shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition which may include a corrective action of the complaint.

Findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

## **Step 4 – District Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.

## Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.

2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) calendar days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

### Equivalence Between Schools

The Board directs that services in Title I schools and programs, when taken as a whole, shall be substantially comparable to services in schools and programs that do not receive Title I funds.[8]

Curriculum materials, instructional supplies and percentages of highly qualified personnel shall be equivalent between all district schools when compared on a grade-span by grade-span basis or a school-by-school basis.

The Board understands that equivalence between programs and schools shall not be measured by:

1. Changes in enrollment after the start of the school year.
2. Varying costs associated with providing services to students with disabilities.
3. 3. nexpected changes in personnel assignments occurring after the beginning of the school year.
4. Expenditures on language instruction education programs.
5. Other expenditures from supplemental state or local funds consistent with the intent of Title I.

The district shall develop administrative regulations to implement this policy and shall maintain records documenting compliance that are updated biannually.

Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with Board policy.[12]

Neshannock Township School District

Policy

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Title

252 Dating Violence

Section

200 Pupils

Adopted

Thursday, April 12, 2012

Content

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**Purpose**

The Neshannock Township School District strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the school to maintain a school climate in which dating violence is not tolerated and to promptly address dating violence when it is reported or observed.

**Authority**

The Neshannock Township School District adopts this policy to:

1. Provide additional guidance and to supplement the school's harassment and nondiscrimination policies, as well as other relevant school policies.
2. Apply the rights of students and responsibilities of school employees in the context of dating violence within the school system.
3. Promote prevention of dating violence in the school entity.
4. Respond when there are cases of dating violence within the school entity.

This policy shall not abrogate any civil and/or criminal remedies that may otherwise be available to the victim under state or federal law.

The principal shall prepare a written report summarizing the investigation and recommending disposition of the complaint. The complainant and the accused shall be informed of the outcome of the investigation.[1]

If the investigation results in a substantiated finding of dating violence, the principal shall recommend appropriate disciplinary action, as circumstances warrant, in accordance with the Code of Student Conduct.[1][2]

If a possible violation of the district's harassment policy is implicated, the principal shall take additional action as necessary to comply with Board policy and state and federal law and regulations.[3]

The school entity declares that dating violence is prohibited.

This policy shall apply in any situation where a student is experiencing dating violence on school property, at any school-sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity.

The school entity encourages students who have been a victim of dating violence to promptly report such incidents to designated employees.

### **Definitions**

**Alleged Perpetrator** shall mean an individual who is accused of committing any act or threat of dating violence as defined in this policy.

**Dating Partner** shall mean a person, regardless of gender, sexual orientation or **gender identity**, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long-term.

**Dating Violence** shall mean the use of abusive behaviors, including, but not limited to, Internet, electronic, written, verbal, sexual or physical contact by a person to harm, threaten, intimidate or control a current or former dating partner, regardless of sex, sexual orientation or **gender identity**. Dating violence may be an isolated incident or a repeated course of conduct. Dating violence includes but is not limited to:

1. **Physical Abuse:** Any intentional unwanted contact with the victim's body by either the perpetrator or an object within the perpetrator's control, regardless of whether such contact causes pain or injuries to the victim.
2. **Emotional Abuse:** The intentional infliction of mental or emotional distress by threat, coercion, stalking, humiliation, harassment, or other unwanted verbal or nonverbal conduct.
3. **Sexual Abuse:** Any sexual behavior or contact by the perpetrator that is unwanted by the victim and/or interferes with the victim's ability to consent to or control the circumstances of sexual behavior.

**Dating Violence Response Team (DVRT)** shall mean a team of one (1) or more school employees, including the principal, who shall be responsible for receiving and responding to dating violence complaints. Other appropriate personnel may include a member of the student assistance program, school counselors, school resource officer or school police officer, teachers, school nurses and the person designated as the compliance officer in the harassment and nondiscrimination policies. The DVRT will be specifically trained, with a victim-centered focus on dating violence, safety planning and making appropriate referrals, by either a state coalition against domestic violence or rape, or a local domestic violence or rape crisis program.

**Domestic Violence Program** shall mean a program which has as its primary purpose the provision of direct services to victims of domestic violence and their children,

including, but not limited to, victim advocacy, counseling, shelter, information and referral, victim-witness, accompaniment, community education and prevention.

**Educational Records** shall mean those records, files, documents, and other materials that contain information directly related to the student and are maintained by the school entity or party acting for the school entity.

**Modification** shall mean a reasonable adjustment to a student's educational environment, or participation in school-related activities, which increases access to a meaningful education for a student who is experiencing dating violence and is reasonably intended to end the dating violence.

**Perpetrator** shall mean an individual who has committed any act or threat of dating violence as defined in this policy.

**Protection From Abuse Order** shall mean a civil court order issued for the protection of a victim of dating violence that restricts the conduct of an individual toward the victim.

**Rape Crisis Program** shall mean a program which has as its primary purpose the provision of direct services to victims of sexual assault, including, but not limited to, crisis intervention, counseling, victim advocacy, information and referral, victim-witness and assistance, accompaniment through the medical, police and judicial systems, as well as providing education and prevention programs on rape and sexual assaults.

**School Climate** shall mean the quality and character of school life. School climate shall be based on patterns of students', parents'/guardians' and school employees' experience of school life reflecting the norms, goals, values, interpersonal relationships, teaching and learning practices, and organizational structures of the school environment.

**Safety Plan** shall mean an individualized set of actions, strategies, and resources that address a student's safety with regard to dating violence.

**School Employee** shall mean any employee, independent contractor or volunteer of the school entity, including student teachers.

**Student** shall mean any individual who is enrolled in any school entity.

### **Guidelines**

The school will maintain a Dating Violence Response Team (DVRT) that shall be responsible for receiving complaints and responding in accordance with this policy.

The school will designate one (1) or more school employees to be members of the DVRT.

If a student notifies a school employee who is not a member of the DVRT of the dating violence, that school employee should immediately notify a designated member of the DVRT. In that regard, school employees will be aware of the proper protocol, including



contact information for the designated DVRT member, to follow in order to respond to incidents of dating violence between students on school property, at any school-sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity.

### Complaint Form

The complaint form shall be made available to all students.

The DVRT member who is notified of the dating violence incident may offer the student assistance in completing the complaint form.

The DVRT member shall file completed complaint forms in a secure location in the school and district administrative offices.

### Investigation

Once a complaint has been referred, the DVRT shall initiate an investigation. The investigation shall be conducted in a manner that is designed to maintain confidentiality to the extent allowed by state and federal law and with a full and fair investigation.

If the DVRT determines that abusive behavior has occurred on school property, at any school-sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity, the DVRT shall make recommendations for a prompt and effective response, which may include disciplinary action for the alleged perpetrator if s/he is a student and modifications for the victim/student that are reasonably intended to ensure the victim's safety.

Recommendations in response to a determination that the abusive behavior has occurred should minimize the burden on the victim, and thus should not, as a matter of course, remove the victim from classes or prompt a change in the victim's class schedule while allowing the perpetrator's class schedule to remain intact.

If the dating violence did not occur on school property, at any school-sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity, the DVRT may still provide modifications to the victim that are reasonably intended to ensure the victim's safety.

### Documentation

Because of safety concerns, the district shall maintain a system for documenting each complaint and investigation of dating violence. The district shall maintain a complete file for each case of dating violence and shall preserve the case file consistent with district record retention policies.

The file shall contain written documentation of actions taken by a DVRT member on behalf of a student experiencing dating violence. School employees acting with regard to a dating violence incident shall document the action in writing and provide the documentation to the DVRT. The DVRT's files shall be kept in a secure, locked filing cabinet under the control of the chief school administrator.

In order to protect the safety and confidentiality of the victim and to comply with state and federal law, access to the DVRT files shall be consistent with the school's confidentiality policy pertaining to the protection of student records.

In addition to state law, the Federal Family Educational Rights and Privacy Act (FERPA) applies in order to protect the privacy of a student's educational records.

#### Confidentiality Of School-Related Information

Information received in confidence from a student may be revealed to the student's parent/guardian, the building principal or other appropriate authority when the health, welfare or safety of the student or other persons is clearly in jeopardy.

#### *Parental Notification –*

The DVRT shall encourage the victim to tell his/her parent/guardian about the dating violence and shall provide support to the victim.

#### *Mandatory Child Abuse Reporting –*

Under no circumstances is this policy intended to abrogate the requirements related to mandatory child abuse reporting.

#### Protection From Abuse Orders

When a school is notified by the court, victim, parent/guardian, or otherwise provided a copy of the Protection From Abuse Order, the school, in consultation with the solicitor, will take appropriate actions to comply with the Protection From Abuse Order.

When the school entity is notified of the Protection From Abuse Order, the DVRT shall hold separate meetings with the victim/student and perpetrator/student to:

1. Review the Protection From Abuse Order, the specific prohibitions under the order and ramifications for violating the order, including juvenile court for minors and criminal consequences for anyone eighteen (18) years of age or older.
2. Clarify what the victim/student is asking of the DVRT, if anything, to keep him/her safe from the perpetrator.
3. Review the school day, classes, lunch, and activities, paying attention to potential conflicts and opportunities for face-to-face contact between the victim/student and the perpetrator/student.
4. Identify schedule overlaps, such as arrival/dismissal times, classes, lunch, activities, etc.
5. Identify a plan to include safety precautions that eliminate or substantially diminish the opportunity for the victim and the perpetrator to come into

contact on school property, at any school-sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity.

In meeting with the victim/student, the DVRT shall:

1. Help the victim/student identify adults within the school setting with whom s/he feels comfortable.
2. Assist the victim in developing a safety plan or refer the victim to a local domestic violence or rape crisis program.

If the school knows or reasonably should have known that the perpetrator/student violated the Protection From Abuse Order on school property, the building principal or DVRT member shall contact law enforcement.

#### Notice Of Policy

In addition to the established process for publicizing school policies, the policy regarding dating violence shall be:

1. Disseminated in the student handbook at the beginning of each school year. The student handbook shall include the names of the DVRT members and a sign-off sheet to be signed and returned to the school office indicating that the parent/guardian and student have read and understand the policy.
2. Published on the school entity's publicly accessible Internet website, if available.
3. Posted at a prominent location within each school building where such notices are usually posted.
4. Be made available in every classroom within the school entity.

#### Prevention, Training And Education

The school entity will use the following strategies and techniques to create a school climate that encourages and sustains respectful interpersonal relationships, healthy youth development, and a feeling of safety:

##### *Ongoing and/or Annual Training Of The Dating Violence Response Team –*

The school entity will maintain a DVRT made up of school personnel who have received specialized and ongoing training on relevant issues. These trainings shall be designed to prepare DVRT members to:

1. Conduct investigations and assessments.
2. Respond appropriately to disclosures of dating violence.

3. Assist victims with safety planning.
4. Make appropriate referrals.
5. Decide and implement appropriate disciplinary action.
6. Monitor compliance of disciplinary action.
7. Evaluate and recommend changes in teen dating violence policy, regulations, and programs.

It is important to ensure that members of the response team serve willingly and exhibit sensitivity to the issue.

*Training for Teachers, Administrators and Staff -*

Workshops related to dating violence will be provided to school administrators, teachers, health educators, school nurses, and other staff.

*Prevention and Education For The School Community -*

School-wide, universal dating violence prevention education will be provided for students and parents/guardians on the following topics:

1. Developing youth-led awareness and prevention activities that engage the school community.
2. Early interventions with students in response to incidents of dating violence.
3. Community collaboration.

In creating a safe school climate, the school entity will develop an advisory team of local experts from community organizations to assist in the school's efforts and to familiarize the schools with the roles, responsibilities and constraints of their agencies. These may include, but are not limited to, local domestic violence agencies and rape crisis centers, police department or Sheriff's Office, District Attorney's Office, probation, mental health services, Child Protective and Social Services staff, clergy and local faith leaders, media, and civic groups.

The district may incorporate age-appropriate dating violence education into the annual health curriculum framework for students in grades nine (9) through twelve (12). The district shall consult with at least one (1) local domestic violence program or rape crisis program when developing the educational program.

A parent/guardian of a student under the age of eighteen (18) shall be permitted to examine the instructional materials for the dating violence education program.

New Hope-Solebury School District

Policy

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Title

255 Gender Expansive and Transgender Students

Section

200 Pupils

Adopted

Thursday, March 23, 2017

Last Revised

Thursday, April 27, 2017

Content

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**I. Purpose**

- A. It is the policy of the District to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of, among other factors, gender, gender identity and gender expression. Therefore, the District adopts this policy to foster an educational environment that is safe and free from discrimination based on gender identity and expression.

**II. Definitions**

- A. Gender Identity – A person’s deeply held internal sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth.
- B. Gender Expansive - A term that conveys a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system.
- C. Gender Expression – The way a person expresses gender, for example, in dress, grooming, hairstyle, behavior, activities, interests, speech, and mannerisms.
- D. Transgender – A person whose gender identity and/or gender expression is different from that of the gender that person was assigned at birth.
- E. Gender Nonconforming – denotes or relates to a student whose behavior or appearance does not conform to prevailing cultural and social expectations about what is appropriate to that student’s gender assigned at birth.
- F. Gender Assigned at Birth – denotes the gender that appears on a student’s birth records, or other state or federally-issued identification.

### III. Delegation of Responsibility

- A. In an effort to ensure that Gender Expansive and Transgender students are provided with such an equal opportunity to achieve their maximum potential through District programs, and in order to ensure that Gender Expansive and Transgender students are provided with equal access to all school programs and activities, the Board authorizes the Superintendent or his/her designee to develop and promulgate regulations designed to ensure the safety, comfort, and healthy development of Gender Expansive and Transgender students while maximizing such students' social integration with other students and minimizing stigmatization and isolation.

### IV. Guidelines

#### A. Privacy/Confidential Health or Educational Information

1. All persons, including students, have a right to privacy, which includes the right to keep private one's Transgender status or Gender Nonconforming presentation at school.
2. Information about a student's Transgender status, legal name, or gender assigned at birth may constitute confidential medical or educational information. Disclosing such information to other students, or other third parties may violate privacy laws. Therefore, school personnel should not knowingly disclose information that may reveal a student's Transgender status or Gender Nonconforming presentation to others, including the student's parents/guardians and/or other school personnel when legally required to keep the information confidential.
3. Gender Expansive and Transgender students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share such private information.
4. When contacting the parent or guardian of a Transgender or Gender Nonconforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's Gender Assigned at Birth unless the student, parent, or guardian has specified otherwise.

#### B. Official Records

1. The District is required to maintain a permanent student record which includes the student's legal name and gender. The District shall change a student's official records to reflect a change in legal name or gender upon receipt of:
  - a. Documentation that the student's legal name or gender has been changed pursuant to a court order or through amendment of state or federally-issued identification;

or

- b. A written, signed statement from the student's parent/guardian explaining that the student has exercised a common-law name change and has changed their name for all intents and purposes and that the change has not been made for fraudulent reasons.
2. To the extent that the District is not legally required to use a student's legal name and biological sex on school records or documents, the District shall use the name and gender by which the student identifies, if the District has been advised that the student is a gender different than that which appears on the District's permanent student record. In situations where school employees are required by law to use or report a student's legal name or gender, such as for standardized testing, school staff shall adopt practices to avoid the inadvertent disclosure of the student's **Transgender** or **Gender Expansive** status.

### C. Names and Pronouns

1. Students have the right to be addressed by the name and pronoun that corresponds to their **gender identity**. A court-ordered name or gender change is not required, and the student need not otherwise change his or her official records in order to be addressed by the name and pronoun that corresponds to the student's **gender identity**.
2. Students should be addressed by the pronoun associated with the gender reflected on their permanent student record when addressed by a pronoun in class, in correspondences to the student's home, and at conferences with the student's parent or guardian. If a **Transgender** or **Gender Expansive** student wishes to be addressed by a pronoun not associated with the gender reflected on the student's permanent student record, that student shall notify the building principal in writing of the same. That written notice shall be included in the permanent student record along with the student's legal name in order to inform teachers and staff of the name and pronoun by which to address the student. When appropriate or necessary, this information shall be communicated directly with staff to facilitate the use of proper names and pronouns.
3. When communicating with known **Transgender** or **Gender Nonconforming** students regarding issues such as conduct, discipline, grades, attendance or health, school employees shall focus on the conduct or issues rather than making assumptions regarding the student's actual or perceived **gender identity**.
4. When communicating with parents or guardians of **Transgender** or **Gender Nonconforming** students, school employees shall refrain from the use of gender pronouns and refer to the student by name whenever practicable.
5. The District does not condone the intentional and/or persistent refusal to respect a student's **gender identity**, or inappropriate release of information regarding a student's **Transgender** or **Gender Nonconforming** status. Such conduct shall be a violation of this Board Policy.

D. Restroom Accessibility

1. No student shall be required to use a restroom that conflicts with their **gender identity**. If a **Transgender** or **Gender Nonconforming** student wishes to use the restroom that corresponds to the gender they identify as, rather than the restroom associated with the gender that appears on their permanent student record, that **Transgender** or **Gender Nonconforming** student shall notify the building principal in writing of the same. That written notice shall be included in the permanent student record. If a **Transgender** or **Gender Nonconforming** student does not want to disclose their **Transgender** or **Gender Nonconforming** status, that student shall use the gender neutral bathrooms available on campus.
2. Any student, whether they are **Transgender** or **Gender Nonconforming** or not, who needs or desires increased privacy when utilizing a restroom shall have access to a single stall or otherwise private restroom, but no student shall be required to use such a restroom.

E. Locker Room Accessibility

1. No student shall be required to use a locker room that conflicts with their **gender identity**. If a **Transgender** or **Gender Nonconforming** student wishes to use the locker room that corresponds to the gender they identify as, rather than the locker room associated with the gender that appears on their permanent student record, that **Transgender** or **Gender Nonconforming** student shall notify the building principal in writing of the same. That written notice shall be included in the permanent student record. The use of locker rooms by **Transgender** or **Gender Nonconforming** students shall be reviewed and addressed on a case-by-case basis, but permitted in a way that, to the extent appropriate, maximizes a **Transgender** or **Gender Nonconforming** student's social integration, provides an equal opportunity to participate in physical education classes and athletic opportunities, minimizes stigmatization of the **Transgender** or **Gender Nonconforming** student, and ensures student safety. No student shall be required to use a locker room that conflicts with his or her **gender identity**.
2. Any student, whether or not they are **Transgender** or **Gender Nonconforming**, who needs or desires increased privacy when utilizing a locker room shall, upon request, be provided with access to reasonable alternative locker room conditions which could include, but are not limited to (1) use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby health office restroom) or (2) a separate changing schedule (i.e., utilizing the locker room before or after the other students).

F. Sport and Physical Education Classes

1. **Gender Expansive** and **Transgender** students shall be permitted to participate in athletic programs/opportunities and physical education classes in a manner that is consistent with the student's **gender identity**.



2. The principal shall be responsible for determining students' eligibility for participation in interscholastic athletics per guidelines set forth by the Pennsylvania Interscholastic Activities Association (PIAA).  
<https://www.piaa.org/schools/eligibility/>
3. Policy 227: Controlled Substances, prohibits the use of controlled substances by students. This policy will be in effect for all students.

#### G. Dress Codes

1. **Gender Expansive** and **Transgender** students shall have the right to dress in a manner consistent with their **gender identity** or **gender expression** to the extent that such dress does not conflict with school rules or other Board policies or administrative regulations.

#### H. Other School Activities

1. In any school activity or other circumstance involving separation by gender (i.e. class discussions, field trips), students shall be permitted to participate in accordance with the student's **gender identity**. Teachers and other school employees shall make reasonable efforts to separate students based on factors other than gender where feasible and appropriate.
2. In some cases, a **Transgender** or **Gender Nonconforming** student may want a room with fewer roommates or another alternative suggested by the student or their family. Likewise, other students may opt to room with students of their gender assignment. The District shall honor these requests and prevent the student from being marginalized because of those alternative arrangements. If the rooming arrangement results in an increased cost to the District, that cost shall be borne by the student.

#### I. Discrimination/Harassment

1. Incidents or complaints of alleged discrimination, harassment, or violence against a **Transgender** or **Gender Nonconforming** student shall be given prompt attention in the same manner as other discrimination/harassment complaints.
2. The District has an obligation to maintain the **Transgender** or **Gender Nonconforming** student's privacy and cannot disclose or require disclosure of the student's **Gender Expansive** or **Transgender** status to the other students or other third parties without the **Transgender** or **Gender Nonconforming** student's consent.

#### J. Education and Training

1. When possible, the District shall conduct staff training and ongoing professional development to build the skills of all staff members to prevent, identify and respond to harassment and discrimination. To further a safe and supportive school environment for all students, the District shall incorporate education and

training about Gender Expansive and Transgender students into their anti-bullying curriculum, student leadership trainings and staff professional development.

2. The Director of Education shall be responsible for incorporating Gender Expansive and Transgender students into the District's curriculum, training and professional development. The content of such professional development/training should include, but not be limited to:
  - a. Terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents;
  - b. Appropriate strategies for communicating with students and parents about issues related to gender identity and gender expression, while protecting student privacy;
  - c. Strategies for preventing and intervening in incidents of harassment and discrimination, including cyber-bullying;

District and staff responsibilities under applicable laws and District policies regarding harassment, discrimination, and gender identity and expression issues.

New Hope-Solebury School District

Policy

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Title

103 Nondiscrimination in School and Classroom Practices

Section

100 Programs

Adopted

Monday, October 28, 1991

Last Revised

Monday, July 15, 2013

Content

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**I. Authority**

A. The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, creed, religion, gender, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy or handicap/disability. [\[1\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)

B. The district shall provide to all school district students, without discrimination, all school district programs, activities and services. The district shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.

C. The Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

D. The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

E. No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

**II. Delegation of Responsibility**

A. In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent as the district's Compliance Officer.

B. The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

C. The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.
3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related matters.
5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

D. The building principal or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

### **III. Guidelines**

A. Complaint Procedure – Student/Third Party

1. Step 1 – Reporting
  - a. A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.

b. A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.

c. If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

d. The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

## 2. Step 2 – Investigation

a. Upon receiving a complaint of discrimination, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

b. The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

c. The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

## 3. Step 3 – Investigative Report

a. The building principal shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

b. Findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

## 4. Step 4 – District Action

a. If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

b. Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.

c. Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws including Title VII of the Civil Rights Act 1964; the Age Discrimination Act of 1975; and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

#### B. Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.

2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.

3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

New Hope-Solebury School District

## Policy

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Title

248 Harassment

Section

200 Pupils

Adopted

Monday, March 29, 1993

Last Revised

Monday, July 15, 2013

## Content

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### I. Purpose

- A. The Board strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the district to maintain an educational environment in which harassment in any form is not tolerated.

### II. Authority

- A. The Board prohibits all forms of unlawful harassment of students and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages students and third parties who have been harassed to promptly report such incidents to the designated employees.<sup>[1][5][6]</sup>
- B. The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.
- C. No reprisals nor retaliation shall occur as a result of good faith charges of harassment.

### III. Definitions

- A. For purposes of this policy, **harassment** can consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, sex, age, disability, sexual orientation, **gender identity** or **expression**, or religion when such conduct results in any of the following:<sup>[6]</sup>
  - 1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or

creates an intimidating, threatening or abusive educational environment.

2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.
  3. Otherwise adversely affects an individual's learning opportunities.
- B. For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:<sup>[7]</sup>
1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.
  2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.
  3. Such conduct deprives a student of educational aid, benefits, services or treatment.
  4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive educational environment.

#### **IV. Delegation of Responsibility**

- A. In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent as the district's Compliance Officer.<sup>[4]</sup>
- B. The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.
- C. The administration shall be responsible to provide training for students and employees regarding all aspects of harassment.
- D. Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.
- E. Each student shall be responsible to respect the rights of their fellow students and district employees and to ensure an atmosphere free from all forms of unlawful harassment.
- F. The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:



1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

## **V. Guidelines**

### **A. Complaint Procedure – Student/Third Party**

#### **1. Step 1 – Reporting**

- a. A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal or a district employee.
- b. A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.
- c. If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.
- d. The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

#### **2. Step 2 – Investigation**

- a. Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer.
- b. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.
- c. The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

- d. The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

### **3. Step 3 – Investigative Report**

- a. The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.
- b. The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint.

### **4. Step 4 – District Action**

- a. If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.
- b. Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws, and including but not limited to educational activities and/or counseling services.
- c. If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

#### **B. Appeal Procedure**

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

The Compliance Officer may confirm, refuse or modify any finding or corrective action as part of the appeal procedure.

North Hills School District

Policy

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Title

103 Program for Equal and Appropriate School and Classroom Practices

Section

SERIES 100 - PROGRAMS

Adopted

Tuesday, February 19, 1991

Last Revised

Thursday, November 5, 2015

Content

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The Board declares it to be the policy of this District to provide appropriate and equal opportunity for all children to achieve their maximum potential through the programs offered in these schools, regardless of race, color, creed, religion, gender, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, or handicap/disability.

The District shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities. The equitable distribution of District resources is one means the District shall use to ensure all students receive a quality education. The District shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of Federal and State laws and regulations.

The Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the District's legal and investigative obligations.

No reprisals or retaliation shall occur as a result of good faith charges of discrimination.

In order to achieve the aforesaid goal, the Board directs that the Superintendent or his/her delegate assume the responsibility of coordinating all implementing activities as Compliance Officer.

North Hills School District

## Policy

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### Title

236 Nondiscrimination/Anti-Harassment Policy and Procedures

### Section

SERIES 200 - PUPILS

### Adopted

Monday, June 20, 1994

### Last Revised

Thursday, January 19, 2017

## Content

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### **Objective**

NHSD has developed this policy to ensure that all students are in an environment free from unlawful harassment, discrimination and retaliation.

### **Equal employment opportunity**

It is the policy of NHSD to prevent discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law. NHSD prohibits any such discrimination or harassment.

### **Retaliation**

NHSD encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of NHSD to promptly and thoroughly investigate such reports. NHSD prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

### **Harassment**

Harassment on the basis of any protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive environment, b) has the purpose or effect of unreasonably interfering with a student's performance, or c) otherwise adversely affects a student's

opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the district's premises, on district time or using district equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

### **Individuals and Conduct Covered**

This policy applies to all students of NHSD.

### **Reporting an Incident of Harassment, Discrimination or Retaliation**

#### Delegation of Responsibility

Administrators have the duty to report discrimination, harassment or retaliation immediately. It is the administrator's duty to receive complaints from direct or indirect subordinates, intervene if s/he witnesses harassment, discrimination and retaliation, report possible harassment, discrimination and retaliation, and encourage employees and students to report harassment, discrimination and retaliation.

The building administrator shall be responsible to complete the following duties when receiving a complaint of discrimination, harassment or retaliation:

1. Follow guidelines outlined in Act 126, as a mandated reporter.
2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.

#### Step 1 – Reporting

A student who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building administrator.

If the building administrator is the subject of a complaint, the student shall report the incident directly to the Superintendent or designee.

### Step 2 – Investigation

Upon receiving a complaint of discrimination, harassment or retaliation, the building administrator or Superintendent or designee shall follow guidelines set by Act 126, as a mandated reporter.

If the incident(s) does not fall under the guise of Act 126, the investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

### Step 3 – Investigative Report

The complainant and the accused shall be informed of the outcome of the investigation.

### Step 4 –Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the District shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

Northwest Tri-County IU 5

Policy

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Title

103 Nondiscrimination in Educational Programs/Services

Section

100 Programs

Adopted

Wednesday, August 27, 2014

Last Revised

Wednesday, September 24, 2014

Content

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**Authority**

The Board declares it to be the policy of the Intermediate Unit to provide an equal opportunity for all students to achieve their maximum potential through the programs offered by the Intermediate Unit regardless of race, color, age, creed, religion, sex, sexual orientation, gender identity, gender expression, ancestry, national origin, marital status, pregnancy or handicap/disability. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)

The Intermediate Unit shall provide programs and services to all eligible students without discrimination. The Intermediate Unit shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.

It is imperative that all Intermediate Unit employees, students, vendors and third parties comply with both the spirit and intent of federal and state laws and regulations, court orders and Board policy which prohibit unlawful discrimination. In addition, all administrators, staff and students share a continuing responsibility to conduct themselves in a manner which ensures an educational environment that is free from discrimination.

The Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the Intermediate Unit's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

**Definition**

For purposes of this policy, **student** shall be defined as a person who is enrolled in and regularly attending classes within the Intermediate Unit, including early childhood programs, kindergarten through twelfth grade programs, and adult education courses, regardless of age.

### **Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Assistant Executive Director or the Executive Director's designee as the Compliance Officer for the Intermediate Unit.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

Each manager, director, department chairperson, faculty member and/or administrator shall be responsible within his/her respective area for the implementation, dissemination and explanation of this Board policy. The Compliance Officer shall provide assistance in implementation, dissemination and explanation of the policy.

The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.
3. Student Access - Review of programs, activities and services to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. Support - Assurance that like aspects of the educational programs receive like support as to staffing and compensation, facilities, equipment, and related matters.
5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

### **Guidelines**

#### **Informal Resolution – Student/Third Party**

The Board believes that a strong, informal system for handling complaints will encourage resolution. Any complainant may contact the Compliance Officer for informal discussion, advice and assistance. These contacts shall be handled in a confidential manner with information being provided only to the extent necessary to resolve the



complaint. Written records associated with the resolution of a problem during the informal process shall be maintained by the Compliance Officer. Although face-to-face mediation is a valuable and effective tool in the informal resolution process, no complainant shall be required to participate in face-to-face mediation.

#### Formal Complaint Procedure – Student/Third Party

When a complainant chooses not to engage in informal resolution, or if the informal resolution process is unsatisfactory, the following formal complaint procedure shall apply.

#### **Step 1 – Reporting**

An Intermediate Unit student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building administrator or program supervisor.

An Intermediate Unit employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building administrator or program supervisor.

If the building administrator or program supervisor is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer. If the Compliance Officer is the subject of a complaint, the student, third party or employee shall report the incident to the Executive Director.

The complainant or reporting employee is encouraged to use the report form available from the building administrator or program supervisor, but oral complaints shall be acceptable.

The building administrator or program supervisor shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the administrator or supervisor is the subject of the complaint.

#### **Step 2 – Investigation**

Upon receiving a complaint of discrimination, the building administrator or program supervisor shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building administrator or program supervisor to investigate the complaint,

unless the administrator or supervisor is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation. The investigation shall be conducted in accordance with Board policy, applicable laws and regulations, and applicable provisions of a collective bargaining agreement.

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the building administrator, program supervisor or Compliance Officer shall inform law enforcement authorities about the incident.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

### **Step 3 – Investigative Report**

The building administrator or program supervisor shall prepare and submit a written report to the Compliance Officer within twenty (20) days, unless additional time to complete the investigation is required. Up to ninety (90) days may be necessary to conduct a comprehensive investigation of a complex matter. Unless specific circumstances warrant, the investigation shall be concluded within ninety (90) days. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.

### **Step 4 – Intermediate Unit Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the Intermediate Unit shall take prompt, corrective action to ensure that such conduct ceases and will not recur. Intermediate Unit staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with the applicable code of student conduct, Board policies and administrative regulations, applicable collective bargaining agreements, and state and federal laws.

If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

Written records associated with a formal investigation shall be maintained in the office of the Compliance Officer. Information related to any disciplinary action taken shall be placed in the accused's personnel file, where applicable, and retained in accordance with applicable law, regulations, Board policy or the terms of a collective bargaining agreement.

### Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building administrator or program supervisor who conducted the initial investigation.

### Reporting to Outside Agencies

Any complainant may have the right to file complaints of discrimination with federal, state or local regulatory agencies, in addition to the reporting procedures provided in this policy. Contact information for outside agencies shall be available in the Intermediate Unit's administrative offices.

Northwest Tri-County Intermediate Unit 5

Policy

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Title

248 Unlawful Harassment

Section

200 Pupils

Adopted

Wednesday, August 27, 2014

Last Revised

Wednesday, May 27, 2015

Content

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**Purpose**

The Board strives to provide a safe, positive learning climate for students in Intermediate Unit programs. Therefore, it shall be the policy of the Intermediate Unit to maintain an educational environment in which harassment in any form is not tolerated.

**Authority**

The Board prohibits all forms of unlawful harassment of students and third parties by all Intermediate Unit students and staff members, contracted individuals, vendors, volunteers, and third parties in the programs. The Board encourages students and third parties who have been harassed to promptly report such incidents to the designated employees.[1][2][3]

It is imperative that all Intermediate Unit employees, students, vendors and third parties comply with both the spirit and intent of federal and state laws and regulations, and Board policy, which prohibit unlawful harassment. In addition, all administrators, staff and students share a continuing responsibility to conduct themselves in a manner which ensures an educational environment that is free from unlawful harassment.

The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the Intermediate Unit's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of harassment.

**Definitions**

For purposes of this policy, **harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, sex, age, disability, sexual orientation, **gender identity**, **gender expression** or religion when such conduct:[2]

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment.
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.
3. Otherwise adversely affects an individual's learning opportunities.

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:[4]

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.
2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.
3. Such conduct deprives a student of educational aid, benefits, services or treatment.
4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's academic performance or creating an intimidating, hostile or offensive educational environment.

Examples of conduct that may constitute **sexual harassment** include but are not limited to sexual flirtations, advances, rumors, touching or propositions; requests for sexual favors; verbal or physical abuse of a sexual nature; impeding or blocking movement in a sexually intimidating manner; threats of violence or attempts to intimidate an individual or group; suggesting or demanding sexual involvement, accompanied by implied or explicit threats; sexually graphic or suggestive comments; sexually degrading words to describe an individual; jokes; notes; stories; slurs; leering; epithets; threats; derogatory comments; teasing; pin-ups; calendars; objects; graffiti; drawings; pictures; written materials; innuendoes; references to sexual activities; overt sexual conduct or gestures; circulating or showing emails or websites of a sexual nature; or any conduct that has the effect of unreasonably interfering with a student's ability to learn or which creates an intimidating, hostile or offensive learning environment.

For purposes of this policy, **student** shall be defined as a person who is enrolled in and regularly attending classes within the Intermediate Unit, including early childhood programs, kindergarten through twelfth grade programs, and adult education courses, regardless of age.

### **Delegation of Responsibility**

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Assistant Executive Director or the Executive Director's designee as the Compliance Officer for the Intermediate Unit.[5]

The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.

Each manager, director, department chairperson, faculty member and/or administrator shall be responsible within his/her respective area for the implementation, dissemination and explanation of this Board policy. The Compliance Officer shall provide assistance in implementation, dissemination and explanation of the policy.

The administration shall be responsible to provide training for Intermediate Unit students and employees regarding all aspects of unlawful harassment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of their fellow students and Intermediate Unit employees and to ensure an atmosphere free from all forms of unlawful harassment.

## **Guidelines**

### **Formal Resolution – Student/Third Party**

#### **Step 1 – Reporting**

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building administrator, program supervisor or an Intermediate Unit employee.

An Intermediate Unit employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building administrator or program supervisor.

If the building administrator or program supervisor is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer. If the Compliance Officer is the subject of a complaint, the student, third party or employee shall report the incident to the Executive Director.

The complainant or reporting employee is encouraged to use the report form available from the building administrator or program supervisor, but oral complaints shall be acceptable.

The building administrator or program supervisor shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building administrator or program supervisor is the subject of the complaint.

## **Step 2 – Investigation**

Upon receiving a complaint of unlawful harassment, the building administrator or program supervisor shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building administrator or program supervisor to investigate the complaint, unless the building administrator or program supervisor is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation. The investigation shall be conducted in accordance with Board policy, applicable laws and regulations, and applicable provisions of a collective bargaining agreement.

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the Compliance Officer shall inform law enforcement authorities about the incident.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

## **Step 3 – Investigative Report**

The building administrator or program supervisor shall prepare and submit a written report to the Compliance Officer within twenty (20) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint.

## **Step 4 – Intermediate Unit Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the Intermediate Unit shall take prompt, corrective action to ensure that such conduct ceases and will not recur. Intermediate Unit staff shall

document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with the applicable code of student conduct, Board policies and administrative regulations, applicable collective bargaining agreements, and state and federal laws, and may include educational activities and/or counseling services.

If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

Written records associated with a formal investigation shall be maintained in the office of the Compliance Officer. Information related to any disciplinary action taken shall be placed in the accused's personnel file, where applicable, and retained in accordance with applicable law, regulations, Board policy or the terms of a collective bargaining agreement.



Parkway West Career and Technology Center

## Policy

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### Title

103.2 Nondiscrimination - Transgender and Gender Expansive Students

### Section

100 Programs

### Adopted

Tuesday, August 2, 2016

## Content

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### **Purpose**

The Joint Committee is committed to creating a safe and inclusive learning environment for all students that is free from discrimination, regardless of sex, sexual orientation, gender identity, or gender expression and to ensuring that every student has equal access to all components of the educational program.

### **Authority**

The purpose of this policy is to facilitate compliance with school policy and state and federal laws concerning bullying, harassment and discrimination.

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses, or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including educators, school staff, students, parents/guardians, and volunteers.

This policy may also apply to off-campus conduct committed in violation of school policies. [1][2]

### **Definitions**

**Sex Assigned at Birth or Assigned Sex:** Refers to the gender designation listed on one's original birth certificate.

**Gender Identity:** Refers to one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted most or all of the time, or for which there is other evidence that the gender identity is sincerely held as part of the individual's core identity. It is one's innermost concept of self as male, female, a blend of both or neither. One's gender identity can be the same or different from their sex assigned at birth.

**Gender Expression:** Refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Transgender:** An adjective describing an individual whose gender identity is different from the individual's assigned sex. "Transgender boy" and "transgender male" refer to an individual assigned the female sex at birth who has a male gender identity. "Transgender girl" and "transgender female" refer to an individual assigned the male sex at birth who has a female gender identity. Other terms that can have similar meanings are transsexual and trans. An individual can express or assert a transgender gender identity in a variety of ways, which may but do not always include specific medical treatments or procedures. Medical treatments or procedures are not considered a prerequisite for one's recognition as transgender. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.

**Transgender Student:** A student who consistently and uniformly asserts a gender identity different from the student's assigned sex most or all of the time or for which there is documented medical evidence that the gender identity is sincerely held as part of the student's core identity.

**Gender Transition:** The processes by which some individuals strive to more closely align their internal knowledge of gender with its outward manifestations. Some people socially transition, whereby they might begin dressing, using names and pronouns and/or be socially recognized as the "other" gender. Others undergo physical transitions in which they modify their bodies through medical interventions. It is also important to know that many people are unable or choose not to transition medically.

**Gender Stereotypes:** Refers to stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Gender Expansive:** A term for people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. Conveys a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. This includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include **gender diverse** or **gender fluid**.

**Note:** Transgender and gender expansive youth use a number of words to describe their lives and gender experiences. Terminology and language describing transgender individuals can differ based on language, race or ethnicity, age, culture, and many other factors. Generally speaking, school staff and educators should inquire which terms students may prefer and avoid terms that make these students uncomfortable. A good general guideline is to employ those terms which the students use to describe themselves.

**Bullying:** An intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting, that is severe, persistent or pervasive and has the intent or effect of: (1) creating an intimidating or hostile environment that substantially interferes with a student's education; (2) physically, emotionally or mentally harming a student; or (3) placing a student in reasonable fear of physical or emotional harm; or (4) placing a student in reasonable fear of damage to or loss of personal property. **Bullying**, as defined in this policy, includes cyber-bullying. Bullying may include acts that occur outside of school if those acts are intentional, electronic, verbal or physical, are directed at another student or students, are severe, persistent or pervasive, and have the effect of (i) substantially interfering with a student's education; (ii) creating a threatening environment; or (iii) substantially disrupting the orderly operation of the school.[3]

**Harassment:** Verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender (including **gender identity** or **expression**), age, disability, sexual orientation or religion when such conduct: (1) Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment; (2) Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or (3) Otherwise adversely affects an individual's learning opportunities.[4]

**Gender-Based Harassment:** May include acts of verbal, nonverbal, or physical aggression intimidation, or hostility based on sex stereotyping. Thus, harassment of a student for failing to conform to stereotypical notions of masculinity and femininity constitutes sex discrimination. Gender-based harassment can rise to a violation of school policy and/or Title IX when such conduct denies or limits a student's ability to receive educational aid, benefits, services, or treatment; or when such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's ability to participate in or benefit from the school's program (i.e., creating an intimidating, hostile or offensive educational environment).

**Sex-Specific Facilities:** Refers to facilities and accommodations used by students at school or during school-sponsored activities and trips, and include, but are not limited to, restrooms, locker rooms, and overnight facilities.

## **Guidelines**

### **Bullying, Harassment and Discrimination**

Complaints alleging discrimination or harassment based on a person's actual or perceived **gender identity** or **expression** are to be taken seriously and handled in a manner consistent with school policies, law and regulation.

### **Privacy and Confidentiality**

All students have a right to privacy and this right includes the right to keep one's **transgender** status private at school. Information about a student's **transgender** status, legal name, or sex assigned at birth may also constitute confidential protected health

information. Disclosing this information to other students, their parents/guardians, or other third parties may violate privacy laws, such as the Family Educational Rights and Privacy Act (FERPA). The school shall ensure that protected health information and education records relating to **transgender** and **gender expansive** students shall be kept confidential in accordance with applicable state and federal privacy laws.

**Transgender** and **gender expansive** students have the right to discuss and express their **gender identity** and **expression** openly and to decide when, with whom, and how much to share private information. The fact that a student chooses to disclose his or her **transgender** status to school staff or other students does not authorize school staff to re-disclose that information.

To ensure the safety and well-being of the student, school personnel should not disclose a student's **transgender** status to others, including the student's parents/guardians or other school personnel, unless: (1) legally required to do so, or (2) the student has authorized such disclosure. When contacting the parent/guardian of a **transgender** student, school staff should use the student's legal name and the pronoun corresponding to the student's sex assigned at birth unless the student or parent/guardian has specified otherwise. (See "Student Transitions" below.)

### Names and Pronouns

Every student has the right to be addressed by a name and pronoun that corresponds to the student's **gender identity**. A court-ordered name or gender change is not required, and the student need not change his or her official records. It is strongly recommended that school staff privately ask **transgender** or **gender expansive** students at the beginning of the school year how they want to be addressed in class, in correspondence to the home, or at conferences with the student's guardian.

### Student Records

The school is required to maintain a mandatory permanent student record that includes a student's legal name and legal gender. However, to the extent that the school is not legally required to use a student's legal name and gender on other school records or documents, such as school IDs, classroom rosters or the yearbook, the school will use the name and gender preferred by the student. The school will change a student's official record to reflect a change in legal name or gender upon receipt of documentation that such change has been made pursuant to a court order, or through amendment of state or federally-issued identification. In situations where school staff are required by law to use or to report a **transgender** student's legal name or gender, such as for purposes of standardized testing, administration and school staff shall adopt practices to avoid the inadvertent disclosure of such confidential information.

### Medical Treatments or Procedures

Some, but not all **transgender** youth choose medical treatments to assist their transition. Treatments such as hormone therapy may be unaffordable, not medically indicated or contraindicated for many youth. Surgical treatments are generally not available for school-age **transgender** youth. With this in mind, school staff should not require proof of medical treatments as prerequisite for respecting the student's **gender**

identity or expression. If any objective basis should occur that would justify questioning whether a student's asserted gender identity or expression is genuine, information may be requested to show that the gender identity or expression is sincerely held. No particular type of information (such as medical history information) should be specifically required.

### Dress Code

Districts sending students to Parkway Career and Technology Center may enforce dress codes adopted in their respective districts. At Parkway, individual school dress codes shall not be enforced which differentiate student dress on the basis of gender. Students shall have the right to dress in accordance with their gender identity, within the constraints of the dress code adopted by the school, keeping in mind that certain programs require students to wear uniforms and safety equipment in order to participate in the program. Parkway shall not enforce its dress code more strictly against transgender and gender expansive students than other students.

### Student Transitions

Generally, notifying a student's parent/guardian about his or her gender identity, expression, or transition, is unnecessary. In some cases, notifying parents/guardians carries risks for the student, such as physical abuse and being kicked out of their home. Prior to notification of any parent/guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parent/guardian will be involved in the process and must consider the health, well-being, and safety of the transitioning student.

Upon notification by a student, parent/guardian, or representative that a student is undertaking, planning to undergo, or has completed a gender transition, the school will promptly inform the notifying individual and the student of the right to request a support team, consisting of appropriate school staff such as the school principal or his/her designee, counselor, social worker and teacher(s).

When a student transitions during the school year, the school team shall hold a meeting with the student and parents/guardians, if they are involved in the process, to ascertain their desires and concerns. The school team should discuss a timeline for the transition in order to create the conditions supporting a safe and accepting environment at the school. Finally, school staff shall train school administrators and any educators that interact daily with the student on the transition plan, timelines for transitions, and any relevant legal requirements.

### Sex-Specific Facilities

With respect to all restrooms, locker rooms, changing facilities, or overnight facilities, school students shall have access to facilities that correspond to their gender identity.

In any gender-segregated facility, any student who is uncomfortable using a shared facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative. This may include, for example, addition of a

privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule.

A transgender or gender expansive student may request to use a separate restroom or changing area, however, no student shall be required to use an alternative restroom or changing facility because they are transgender or gender expansive. Under no circumstance should any student be required to use sex-segregated facilities that are inconsistent with their gender identity.

School staff who are responsible for supervising student activity in sex-specific facilities are directed to closely monitor such facilities when being used by an identified transgender or gender expansive student in order to foster student safety.

#### Physical Education Classes and Intramural and Interscholastic Athletics

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

Regarding interscholastic sports teams, the school will follow the Pennsylvania Interscholastic Athletic Association's (PIAA) rules regarding mixed-gender participation. Under these rules, the PIAA will accept the school principal's decision as to the student's gender. In this situation, the principal will identify the student in accordance with his/her gender identity, unless the student requests otherwise.

#### Other Gender-Based Activities, Rules, Policies and Practices

As a general rule, in any other circumstance where students are separated by gender, for instance at field trips, classroom activities, school ceremonies and school photos, each student should be permitted to participate in a manner consistent with his/her gender identity. Single-gender classes and activities may only be offered in certain circumstances and in accordance with school policy, law and regulation.

### **Delegation of Responsibility**

#### Training and Professional Development

The Director or designee shall ensure that training is provided for all staff members on their responsibilities under applicable laws and this policy, including teachers, administrators, counselors, social workers, security and health and physical education staff. Information regarding this policy shall be incorporated into training for new school employees.

The school shall implement ongoing professional development to build the skills of all staff members to prevent, identify, and respond to bullying, harassment and discrimination. The content of such professional development shall include but not be limited to:

1. Terms, concepts, and current developmental understandings of **gender identity**, **gender expression**, and gender diversity in children and adolescents.
2. Developmentally appropriate strategies for communication with students and parents/guardians about issues related to **gender identity** and **gender expression** that protect student privacy;
3. Developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyber bullying;
4. School policies regarding bullying, discrimination, and **gender identity** and **expression** issues and responsibilities of staff.

#### **Transgender and Gender Expansive Student Point Teams**

The school shall form a point team that will serve as a visible resource for all students who have questions and concerns regarding any issues related to **gender identity** and **expression**. The point team shall also be a resource for any questions regarding the **Transgender and Gender Expansive Students** policy. The point team will receive specialized training in the policy and resources available. The point team should be comprised of individuals throughout different areas of the school community including but not limited to: teachers, administration, social workers, counselors, parent advocates, security, health and physical education staff, and other support staff.

#### Publication and Media Communications

The **Transgender and Gender Expansive Student Policy** shall be distributed annually and shall be made available on the school internet site along with all school policies. A summary of the policy shall be included in the Code of Student Conduct. The school shall make consistent efforts to ensure the visibility of this policy, as well as the school level point team for all students to confer with regarding its details and applicability.

Only the Director or designee shall communicate to representatives of the media regarding matters of student **gender identity** or **expression**. School staff shall direct the media to the Director or designee. In communicating with the news media, parents/guardians and the community, protecting the privacy of **transgender** and **gender expansive** students shall be a top priority for the spokesperson and all staff.

Parkway West Career and Technology Center

Policy

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Title

218 Student Discipline

Section

200 Pupils

Adopted

Tuesday, November 1, 2005

Last Revised

Sunday, September 1, 2013

Content

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**Purpose**

The Joint Committee finds that student conduct is closely related to learning. An effective educational program requires a safe and orderly school environment.

**Authority**

The Joint Committee shall establish fair and reasonable rules and regulations regarding the conduct and deportment of all students in the school during the time they are under the supervision of the school, or at any time while on school property, while present at school-sponsored activities, and while traveling to or from school and school-sponsored activities.[1][2][3][4][5]

The Joint Committee shall adopt a Code of Conduct to govern student behavior. Students shall not be subject to disciplinary action because of race, sex, color, religion, sexual orientation, **gender identity** or **expression**, national origin, handicap or disability.[2][3][4][5][6][7]

Each student must adhere to Joint Committee policies and the Code of Conduct governing school discipline.[6]

**Off-Campus Activities**

This policy shall also apply to student conduct that occurs off school property and would otherwise violate the Code of Conduct if any of the following circumstances exist:

1. The conduct occurs during the time the student is traveling to and from school or school-sponsored activity, whether or not via school furnished transportation.
2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such



activities.[8]

3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, for example, a transaction conducted outside of school pursuant to an agreement made in school that would violate the Code of Conduct if conducted in school.
5. The conduct involves the theft or vandalism of school property.
6. There is otherwise a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.

### **Guidelines**

Any student disciplined by an employee shall have the right to notice of the infraction.[9]

When a violation of the Code of Conduct involves student expression, Policy 220 shall be followed.[10]

Suspensions and expulsions shall be carried out in accordance with Policy 233.[9]

### **Corporal Punishment**

The Joint Committee prohibits the use of corporal punishment as a form of discipline for students in the school.[11]

Although the policies of the Joint Committee prohibits the use of corporal punishment as a form of discipline for students in the school, reasonable force may still be used by teachers and school authorities under any of the following circumstances: to quell a disturbance, to obtain possession of weapons or other dangerous objects, for the purpose of self-defense, and for the protection of persons or property.[11]

### **Delegation of Responsibility**

The Director or designee shall promulgate rules and regulations to implement Joint Committee policy governing student conduct.

The Director or designee shall publish and distribute to all staff, students and parents/guardians the rules for student behavior contained in the Code of Conduct and the sanctions that may be imposed for violations of those rules. A copy of the Code of Conduct shall be available in each school library and school office and shall be printed in student and faculty handbooks.[2][7]

The building administrator shall have the authority to assign discipline to students, subject to the policies, rules and regulations of the school and to the student's due process right to notice, hearing, and appeal.[12][13]

Teaching staff and other employees responsible for students shall have the authority to take reasonable actions necessary to control the conduct of students in all situations and in all places where students are within the jurisdiction of this Joint Committee and when such conduct interferes with the educational program of the school or threatens the health and safety of others.[10][12]

When conduct so warrants, the Director or designee, shall, in accordance with the Code of Conduct and the Memorandum of Understanding contact the police department with jurisdiction over the school's property.[14][15][16][17][18][19]

The Memorandum of Understanding shall provide procedures for local law enforcement response including, but not limited to, investigation of the incident, interrogation and custody of the student.

The Director shall annually, by July 31, report to the Office of Safe School on the required form all new incidents that occurred on school property and involved conduct including, but not limited to, acts of violence, weapons, terroristic threats, controlled substances, alcohol or tobacco.

The Director shall annually, no later than July 1, submit the prepared Office of Safe Schools report to the police department with jurisdiction over the school building for review and comparison with police incident data. Discrepancies shall be resolved in accordance with the procedures outlined in the Memorandum of Understanding.[20][21][22][23][24]

Penn Hills School District

Policy

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Title

819 Suicide Awareness, Prevention and Response

Section

800 Operations

Adopted

Monday, August 10, 2015

Last Revised

Monday, February 22, 2016

Content

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**Purpose**

The Board is committed to protecting the health, safety and welfare of its students and school community. This policy supports federal, state and local efforts to provide education on youth suicide awareness and prevention; establish methods of prevention, intervention, and response to suicide or suicide attempt; and to promote access to suicide awareness and prevention resources.[1][2][3][4][5]

**Authority**

In compliance with state law and regulations, and in support of the district's suicide prevention measures, information received in confidence from a student may be revealed to the student's parents/guardians, the building principal or other appropriate authority when the health, welfare or safety of the student or any other person is deemed to be at risk.[6][7][8][9]

**Definitions**

**At-Risk for Suicide** shall mean any youth with risk factors or warning signs that increase the likelihood of suicidal behavior.

**Crisis Response Team** shall include, but may not be limited to, the administrators, guidance counselors, the school nurse, social worker, and school police officer and/or other members of the Student Assistance Program (SAP), as designated, and may include other members as deemed appropriate by the superintendent. Community mental agency resources may be called for assistance to be a part of the team.

**Expressed Suicidal Thoughts or Intentions** shall mean a verbal or nonverbal communication that an individual intends to harm him/herself with the intention to die, but has not acted on the behavior.

**Prevention** refers to efforts that seek to reduce the factors that increase the risk for suicidal thoughts and behaviors and increase the factors that help strengthen, support, and protect individuals from suicide.

**Protective Factors** shall refer to characteristics (biological, psychological, and social) that reduce risk and the likelihood of the individual developing a mental illness.

**Resilience** shall refer to an individual's innate ability to persevere in the face of adversity and reduce the risk of unhealthy outcomes.

**Risk Factors** shall mean the personal or environmental characteristics associated with suicide. People affected by one or more of these risk factors have a greater probability of suicidal behavior.

**School Personnel** include, but may not be limited to, administrators, teachers, paraprofessionals, support staff, coaches, bus drivers, custodians, and cafeteria workers.

**Suicide** shall refer to death caused by self-directed injurious behavior with any intent to die as a result of the behavior.

**Suicidal Act or Suicide Attempt** shall mean a potentially self-injurious behavior for which there is evidence that the person probably intended to kill him/herself; a suicidal act may result in death, injuries, or no injuries.

**Warning Signs** are evidence-based indicators that someone may be in danger of suicide, either immediately or in the very near future.

### **Guidelines**

The district shall utilize a multifaceted approach to suicide prevention which integrates school and community-based supports.

The district shall notify district employees, students and parents/guardians of this policy and shall post the policy on the district's website.<sup>[1]</sup>

## **SUICIDE AWARENESS AND PREVENTION EDUCATION<sup>[1]</sup>**

### **Protocols for Administration of Student Education**

Students shall receive age-appropriate education on the importance of safe and healthy choices, coping strategies, how to recognize risk factors and warning signs, as well as help-seeking strategies for self or others including how to engage school resources and refer friends for help.

Lessons shall contain information on comprehensive health and wellness, including emotional, behavioral and social skills development.

### **Protocols for Administration of Employee Education**

All district employees, including but not limited to secretaries, coaches, bus drivers, custodians and cafeteria workers, shall receive information regarding risk factors, warning signs, response procedures, referrals, and resources regarding youth suicide prevention.

As part of the district's professional development plan, professional educators in school buildings serving students in grades six (6) through twelve (12) shall participate in four (4) hours of youth suicide awareness and prevention training every five (5) years.[1][10]

Additional professional development in risk assessment and crisis intervention shall be provided to guidance counselors, district mental health professionals and school nurses.

#### Resources for Parents/Guardians

The district may provide parents/guardians with resources including, but not limited to, health promotion and suicide risk, including characteristics and warning signs; and information about local behavioral/mental health resources.

### **METHODS OF PREVENTION[1]**

The methods of prevention utilized by the district include, but are not limited to, early identification and support for students at risk; education for students, staff and parents/guardians; and delegation of responsibility for planning and coordination of suicide prevention efforts.

#### Suicide Prevention Coordinators

##### *District-Wide –*

A district-wide suicide prevention coordinator shall be designated by the Superintendent. This may be an existing district employee. The district suicide prevention coordinator shall be responsible for planning and coordinating implementation of this policy.

##### *Building Level –*

Each building principal shall designate a school suicide prevention coordinator to act as a point of contact in each school for issues relating to suicide prevention and policy implementation. This may be an existing district employee.

#### Early Identification Procedures

Early identification of individuals with one (1) or more suicidal risk factors or of individuals exhibiting warning signs, is crucial to the district's suicide prevention efforts. To promote awareness, district employees, students and parents/guardians should be educated about suicidal risk factors and warning signs.

Risk factors refer to personal or environmental characteristics that are associated with suicide including, but not limited to:

- Behavioral Health Issues/Disorders:
  - Depression.
  - Bipolar disorder or other mood disorder
  - Substance abuse or dependence.
  - Previous suicide attempts.
  - Self injury.
- Personal Characteristics:
  - Hopelessness/Low self-esteem.
  - Loneliness/Social alienation/isolation/lack of belonging.
  - Poor problem-solving or coping skills.
  - Impulsivity/Risk-taking/recklessness.
- Adverse/Stressful Life Circumstances:
  - Interpersonal difficulties or losses.
  - Disciplinary or legal problems.
  - Bullying (victim or perpetrator).
  - School or work issues.
  - Physical, sexual or psychological abuse.
  - Exposure to family or peer suicide.
  - Homelessness
  - Gender identity/sexual orientation
- Family Characteristics:
  - Family history of suicide or suicidal behavior.
  - Family mental health problems, including alcoholism.
  - Divorce/Death of parent/guardian.
  - Parental-Child conflict.

Warning signs are indications that someone may be in danger of suicide, either immediately or in the near future. Warning signs include, but are not limited to:

- Expressions such as hopelessness, rage, anger, seeking revenge, feeling trapped, anxiety, agitation, no reason to live or sense of purpose.
- Recklessness or risky behavior.
- Increased alcohol or drug use.
- Withdrawal from friends, family, or society.
- Dramatic mood changes.

### Referral Procedures

Any district employee who has identified a student with one (1) or more risk factors or who has an indication that a student may be contemplating suicide, shall refer the student for further assessment and intervention.

### Documentation

The district shall document the reasons for referral, including specific warning signs and risk factors identified as indications that the student may be at risk.

## **METHODS OF INTERVENTION[1]**

The methods of intervention utilized by the district include, but are not limited to, responding to suicide threats, suicide attempts in school, suicide attempts outside of school, and completed suicide. Suicide intervention procedures shall address the development of an emotional or mental health safety plan for students identified as being at increased risk of suicide.

### Procedures for Students at Risk

A district-approved suicide assessment instrument may be used by trained mental health staff such as counselors, psychologists, social workers.

Parents/Guardians of a student identified as being at risk of suicide shall be notified by the school. If the school suspects that the student's risk status is the result of abuse or neglect, school staff shall immediately notify Children and Youth Services.[5]

The district shall identify mental health service providers to whom students can be referred for further assessment and assistance.

Mental health service providers – may include, but not be limited to, hospital emergency departments, psychiatric hospitals, community mental health centers, psychiatrists, psychologists, social workers, and primary care providers.

The district shall create an emotional or mental health safety plan to support a student and the student's family if the student has been identified as being at increased risk of suicide.

### Students With Disabilities

For students with disabilities who are identified as being at risk for suicide or who attempt suicide, the appropriate team shall be notified and shall address the student's needs in accordance with applicable law, regulations and Board policy.[2][11][12][13][14]

If a student is identified as being at risk for suicide or attempts suicide and the student may require special education services or accommodations, the Director of Special

Education shall be notified and shall take action to address the student's needs in accordance with applicable law, regulations and Board policy.[2][11][12][13][14]

### Documentation

The district shall document observations, recommendations and actions conducted throughout the intervention and assessment process including verbal and written communications with students, parents/guardians and mental health service providers.

The Superintendent or designee shall develop administrative regulations providing recommended guidelines for responding to a suicide threat.

### **METHODS OF RESPONSE TO SUICIDE OR SUICIDE ATTEMPT[1]**

The methods of response to a suicide or a suicide attempt utilized by the district include, but are not limited to:

1. Identifying and training the school crisis response/crisis intervention team.
2. Determining the roles and responsibilities of each crisis response team member.
3. Notifying students, employees and parents/guardians.
4. Working with families.
5. Responding appropriately to the media.
6. Collaborating with community providers.

The Superintendent or designee shall develop administrative regulations with recommended guidelines for responding to a suicidal act or attempt on school grounds or during a school-sponsored event.

### Re-Entry Procedures

A student's excusal from school attendance after a mental health crisis and the student's return to school shall be consistent with state and federal laws and regulations.[2][11][12][13][15][16]

A district-employed mental health professional, the building principal or suicide prevention coordinator shall meet with the parents/guardians of a student returning to school after a mental health crisis, and, if appropriate, meet with the student to discuss re-entry and applicable next steps to ensure the student's readiness to return to school.

When authorized by the student's parent/guardian, the designated district employee shall coordinate with the appropriate outside mental health care providers.



The designated district employee will periodically check in, as needed, with the student to facilitate the transition back into the school community and address any concerns.

### **REPORT PROCEDURES<sup>[1]</sup>**

Effective documentation assists in preserving the safety of the student and ensuring communication among school staff, parents/guardians and mental health service providers.

When a district employee takes notes on any conversations or situations involving or relating to an at-risk student, the notes should contain only factual or directly observed information, not opinions or hearsay.

As stated in this policy, district employees shall be responsible for effective documentation of incidents involving suicide prevention, intervention and response.

The suicide prevention coordinator shall provide the Superintendent with a copy of all reports and documentation regarding the at-risk student. Information and reports shall be provided, as appropriate, to guidance counselors, district mental health professionals and school nurses.

### **SUICIDE AWARENESS AND PREVENTION RESOURCES<sup>[1]</sup>**

A listing of resources regarding suicide awareness and prevention shall be attached to this policy.

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PUPILS

TITLE: **TRANSGENDER AND GENDER NON-CONFORMING STUDENTS**

ADOPTED: JUNE 16, 2016

<p>1. Purpose</p> <p>2. Authority</p> <p>Title IX</p> <p>City of Philadelphia Bill No. 130224</p> <p>Policy 102 Policy 248 Policy 249</p>	<p style="text-align: center;">252 <b>TRANSGENDER AND GENDER NON-CONFORMING</b> STUDENTS</p> <p>The purpose of this policy is to ensure safety, equity, and justice for all students regardless of <b>gender identity</b> or <b>gender expression</b> so that they can reach their fullest human and intellectual potential.</p> <p>This policy is intended to facilitate compliance with other local and federal laws and School District of Philadelphia policies concerning bullying, harassment and discrimination.</p> <p>Title IX of the Education Amendments of 1972 (“Title IX”) specifically prohibits discrimination on the basis of sex in federally-funded education programs and activities. The United States Department of Education’s Office for Civil Rights has issued guidance recognizing that Title IX protects <b>transgender</b> students against discrimination based on their <b>gender identity</b>. Additionally, the U.S. Departments of Education and Justice have stated that under Title IX, “discrimination based on a person’s <b>gender identity</b>, a person’s <b>transgender</b> status, or a person’s nonconformity to sex stereotypes constitutes discrimination based on sex” and asserted a significant interest in ensuring that all students, including <b>transgender</b> students, have the opportunity to learn in an environment free of sex discrimination in public schools.</p> <p>City of Philadelphia Bill No. 130224 (April 2013) amends the Philadelphia Code to provide for equality of treatment of all persons in the City of Philadelphia regardless of <b>gender identity</b> or sexual orientation. Specifically, it provides for gender neutrality in certain City forms and online websites, access to public accommodations based upon an individual's <b>gender identity</b>, the right to dress consistently with one's <b>gender identity</b>, and the right of <b>transgender</b> individuals to request name and gender changes on pertinent records.</p> <p>School District of Philadelphia Policy Section 102, Multiracial-Multicultural-Gender Education (August 2004), states that policy of the School District is to foster knowledge about and respect for those of all races, ethnic groups, social classes, genders, religions, disabilities, sexual orientations (perceived or known) and <b>gender identities</b> (perceived or known). School District of Philadelphia Policies 248 and 249 (September 2010) prohibit all forms of harassment and bullying by District students, and further prohibits reprisal or retaliation against individuals who report these acts</p>
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## TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

<p>3. Definitions</p>	<p>or who are targets, witnesses and/or bystanders in order to provide a healthy, safe, positive learning environment for District students. The School District Student Code of Conduct (2015-2016) states that students shall have the right to dress in accordance with their stated <b>gender identity</b> and/or <b>expression</b> within the constraints of the school’s dress code.</p> <p>“Sex assigned at birth” is the classification, either male or female, that a doctor assigns to an individual upon birth. This differs from biological sex, which encompasses sex traits both external and internal, including genitals, hormones, chromosomes, internal reproductive organs, etc.</p> <p>“<b>Gender identity</b>” is a person’s deeply held sense or psychological knowledge of their own gender, regardless of the sex they were assigned at birth. Individuals determine their own <b>gender identity</b> and <b>gender identity</b> may change over time.</p> <p>“Cisgender” describes people whose <b>gender identity</b> is consistent with their sex assigned at birth.</p> <p>“<b>Transgender</b>” describes people whose <b>gender identity</b> is different from their sex assigned at birth.</p> <p>“<b>Gender expression</b>” refers to the way a person expresses gender to others through behavior, clothing, hairstyles, activities, voice or mannerisms.</p> <p>“<b>Gender nonconforming</b>,” “gender variant,” and “gender queer” describe people whose <b>gender expression</b> and/or <b>gender identity</b> falls outside the traditional male-female binary.</p> <p>“Gender-neutral pronouns,” such as they/them/their (singular), are used by some <b>transgender</b> and <b>gender non-conforming</b> people.</p> <p>“Social transition” refers to a change in any combination of the following: name, pronouns, <b>gender identity</b>, or <b>gender expression</b>. Social transition does not necessarily involve any legal name change or medical intervention and does not need to be certified by a doctor or therapist.</p> <p>“Medical transition” refers to the use of puberty blockers, hormones, or surgery by a <b>transgender</b> or <b>gender non-conforming</b> person, designed to align their physical sex characteristics with their <b>gender identity</b>.</p> <p>“Questioning” is the process of self-exploration and self-discovery about one’s <b>gender identity</b>, often involving unlearning one’s assigned gender and learning a new one. There is no timetable for this process.</p>
<p>4. Scope</p>	<p>This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities. This policy also pertains to usage of</p>

## TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

## 5. Guidance

electronic technology and electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including educators, school and District staff, students, parents, and volunteers.

**Names/Pronouns**

A student has the right to be addressed by a name and pronoun that corresponds to the student's **gender identity**. The name and pronouns with which the student identifies shall be used in all interactions between them and school staff and students as well as on written records including class rosters, report cards, letters from the school or School District, transfer forms, and photo ID. A court-ordered name or gender change is not required, nor is evidence of therapy or medical transition. The intentional or persistent refusal to respect a student's **gender identity** (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's **gender identity**) is a violation of this policy.

**Privacy/Confidentiality**

All persons, including students, have a right to privacy, and this includes the right to keep one's **transgender** identity private at school. Information about a student's **transgender** identity, legal name, or sex assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's **transgender identity** or **gender nonconformity** to others, including parents and other school personnel, unless the student has authorized such disclosure. **Transgender** and **gender nonconforming** students have the right to discuss and express their **gender identity** and expression openly and to decide when, with whom, and how much to share private information.

**Gender-Segregated Activities**

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, students will be included in the group that corresponds to their **gender identity**.

As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices — including classroom activities, school ceremonies, and school photos — and maintain only those that have a clear and sound pedagogical purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their **gender identity**.

**Gender-neutral Language**

To the extent possible, schools should use gender-neutral language in written communication with all students and families, regardless of student's **gender identity**. This included employing "they" (singular) instead of "he/she."

**TRANSGENDER AND GENDER NON-CONFORMING STUDENTS**

<p>Title IX</p> <p>Policy 248</p> <p>Policy 249</p>	<p><b>Restroom Access</b>                  Students shall have access to the restroom that corresponds to their <b>gender identity</b>. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom.</p> <p><b>Locker Room Access</b>                  Students shall have access to the locker room that corresponds to their <b>gender identity</b>. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area. Any alternative arrangement should be provided in a way that protects the student’s ability to keep their <b>transgender</b> identity confidential.</p> <p><b>Physical Education Classes &amp; Intramural Sports</b>  <b>Transgender</b> and <b>gender nonconforming</b> students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their <b>gender identity</b>.</p> <p><b>Interscholastic Competitive Sports Teams</b>                  Participation in competitive athletic activities and contact sports will be resolved on a case-by-case basis.</p> <p><b>Dress Codes</b>  <b>Transgender</b> and <b>gender nonconforming</b> students have the right to dress in a manner consistent with their <b>gender identity</b> or <b>gender expression</b>. Schools may not adopt dress codes that restrict students’ clothing or appearance on the basis of gender. In describing dress codes, schools should employ gender-neutral language rather than specify separate “girl” and “boy” uniforms.</p> <p><b>Training Requirement</b>                  All district personnel shall be trained regarding this policy.</p> <p><b>Curriculum</b>                  Continue to provide age appropriate comprehensive health education curriculum that includes the four domains of health including; physical, mental, emotional, and social.</p> <p><b>Discrimination/Harassment</b>                  It is the responsibility of each school and the District to ensure that <b>transgender</b> and <b>gender nonconforming</b> students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person’s actual or perceived <b>transgender</b> identity or <b>gender nonconformity</b> are to be handled in the</p>
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TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

same manner as other discrimination or harassment complaints.

**Questions or Concerns**

Please call the Office of Student Rights and Responsibilities.

Pine-Richland School District

Policy

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Title

819 Suicide Awareness, Prevention and Response

Section

800 Operations

Adopted

Monday, March 7, 2016

Content

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**Purpose**

The Board is committed to protecting the health, safety and welfare of its students and school community. This policy supports federal, state and local efforts to provide education on youth suicide awareness and prevention; to establish methods of prevention, intervention, and response to suicide or suicide attempt; and to promote access to suicide awareness and prevention resources.[1][2][3][4][5]

**Authority**

In compliance with state law and regulations, and in support of the district's suicide prevention measures, information received in confidence from a student may be revealed to the student's parents/guardians, the building principal or other appropriate authority when the health, welfare or safety of the student or any other person is deemed to be at risk.[6][7][8][9]

**Guidelines**

The district shall utilize a multifaceted approach to suicide prevention which integrates school and community-based supports.

The district shall notify district employees, students and parents/guardians of this policy and shall post the policy on the district's website.[1]

**SUICIDE AWARENESS AND PREVENTION EDUCATION**[1]

Protocols for Administration of Student Education

Students shall receive age-appropriate education on the importance of safe and healthy choices, coping strategies, how to recognize risk factors and warning signs, as well as help-seeking strategies for self or others including how to engage school resources and refer friends for help.

Lessons shall contain information on comprehensive health and wellness, including emotional, behavioral and social skills development.

### Protocols for Administration of Employee Education

All district employees, including but not limited to teachers, administrators, secretaries, coaches, bus drivers, custodians and cafeteria workers, shall receive information regarding risk factors, warning signs, response procedures, referrals, and resources regarding youth suicide prevention.

As part of the district's professional development plan, professional educators in school buildings serving students in grades six (6) through twelve (12) shall participate in four (4) hours of youth suicide awareness and prevention training every five (5) years.[1][10]

Additional professional development in risk assessment and crisis intervention shall be provided to school counselors, district mental health professionals and school nurses.

### Resources for Parents/Guardians

The district shall provide parents/guardians with resources including, but not limited to, health promotion and suicide risk, including characteristics and warning signs; and information about local behavioral/mental health resources.

## **METHODS OF PREVENTION[1]**

The methods of prevention utilized by the district include, but are not limited to, early identification and support for students at risk; education for students, staff and parents/guardians; and delegation of responsibility for planning and coordination of suicide prevention efforts.

### Suicide Prevention Coordinators

#### *District-Wide –*

A district-wide suicide prevention coordinator shall be designated by the Superintendent. This may be an existing district employee. The district suicide prevention coordinator shall be responsible for planning and coordinating implementation of this policy.

#### *Building Level –*

Each building principal shall designate a school suicide prevention coordinator to act as a point of contact in each school for issues relating to suicide prevention and policy implementation. This may be an existing district employee.

### Early Identification Procedures

Early identification of individuals with one (1) or more suicidal risk factors or of individuals exhibiting warning signs is crucial to the district's suicide prevention efforts. To promote awareness, district employees, students and parents/guardians should be educated about suicidal risk factors and warning signs.



**Risk factors** refer to personal or environmental characteristics that are associated with suicide including, but not limited to:

- Behavioral Health Issues/Disorders:
  - Depression.
  - Bipolar disorder or other mood disorder.
  - Substance abuse or dependence.
  - Previous suicide attempts.
  - Self injury.
- Personal Characteristics:
  - Hopelessness/Low self-esteem.
  - Loneliness/Social alienation/isolation/lack of belonging.
  - Poor problem-solving or coping skills.
  - Impulsivity/Risk-taking/recklessness.
  - Gender identity/sexual orientation.
- Adverse/Stressful Life Circumstances:
  - Interpersonal difficulties or losses.
  - Disciplinary or legal problems.
  - Bullying (victim or perpetrator).
  - School or work issues.
  - Physical, sexual or psychological abuse.
  - Exposure to peer suicide.
- Family Characteristics:
  - Exposure to family suicide or suicidal attempt.
  - Family history of suicide or suicidal behavior, including addiction.
  - Family mental health problems.
  - Divorce/Death of parent/guardian.
  - Parental-Child relationship.

**Warning signs** are indications that someone may be in danger of suicide, either immediately or in the near future. Warning signs include, but are not limited to:

- Talking about making plans for suicide.
- Expressions such as hopelessness, rage, anger, seeking revenge, feeling trapped, anxiety, agitation, no reason to live or sense of purpose.
- Recklessness or risky behavior.
- Increased alcohol or drug use.
- Withdrawal from friends, family, or society.
- Dramatic mood changes.
- Anger or hostility that seems out of character or out of context.

#### Referral Procedures

Any district employee who has identified a student with one (1) or more risk factors or who has an indication that a student may be contemplating suicide shall refer the student for further assessment and intervention.

#### Documentation

The district shall document the reasons for referral, including specific warning signs and risk factors identified as indications that the student may be at risk.

### **METHODS OF INTERVENTION<sup>[1]</sup>**

The methods of intervention utilized by the district include, but are not limited to, responding to suicide threats, suicide attempts in school, suicide attempts outside of school, and completed suicide. Suicide intervention procedures shall address the development of an emotional or mental health safety plan for students identified as being at increased risk of suicide.

#### Procedures for Students at Risk

A district-approved suicide assessment instrument may be used by trained mental health staff such as counselors, psychologists, social workers.

Parents/Guardians of a student identified as being at risk of suicide shall be notified by the school. If the school suspects that the student's risk status is the result of abuse or neglect, school staff shall immediately notify Children and Youth Services.<sup>[5]</sup>

The district shall identify mental health service providers to whom students can be referred for further assessment and assistance.

**Mental health service providers** – may include, but not be limited to, hospital emergency departments, psychiatric hospitals, community mental health centers, psychiatrists, psychologists, social workers, and primary care providers.

The district shall create an emotional or mental health safety plan to support a student and the student’s family if the student has been identified as being at increased risk of suicide.

#### Students With Disabilities

For students with disabilities who are identified as being at risk for suicide or who attempt suicide, the appropriate team shall be notified and shall address the student’s needs in accordance with applicable law, regulations and Board policy.[2][11][12][13][14]

If a student is identified as being at risk for suicide or attempts suicide and the student may require special education services or accommodations, the Director of Special Education shall be notified and shall take action to address the student’s needs in accordance with applicable law, regulations and Board policy.[2][11][12][13][14]

#### Documentation

The district shall document observations, recommendations and actions conducted throughout the intervention and assessment process including verbal and written communications with students, parents/guardians and mental health service providers.

The Superintendent or designee shall develop administrative regulations providing recommended guidelines for responding to a suicide threat.

### **METHODS OF RESPONSE TO SUICIDE OR SUICIDE ATTEMPT[1]**

The methods of response to a suicide or a suicide attempt utilized by the district include, but are not limited to:

1. Identifying and training the school crisis response/crisis intervention team.
2. Determining the roles and responsibilities of each crisis response team member.
3. Notifying students, employees and parents/guardians.
4. Working with families.
5. Responding appropriately to the media.
6. Collaborating with community providers.

The Superintendent or designee shall develop administrative regulations with recommended guidelines for responding to a suicidal act or attempt on school grounds or during a school-sponsored event.

### Re-Entry Procedures

The student's re-entry to school may be documented with a transition plan. A student's excusal from school attendance after a mental health crisis and the student's return to school shall be consistent with state and federal laws and regulations.[2][11][12][13][15][16]

A district-employed mental health professional, the building principal or suicide prevention coordinator shall meet with the parents/guardians of a student returning to school after a mental health crisis, and, if appropriate, meet with the student to discuss re-entry and applicable next steps to ensure the student's readiness to return to school.

When authorized by the student's parent/guardian, the designated district employee shall coordinate with the appropriate outside mental health care providers.

The designated district employee will periodically check in, as needed, with the student to facilitate the transition back into the school community and address any concerns.

### **REPORT PROCEDURES[1]**

Effective documentation assists in preserving the safety of the student and ensuring communication among school staff, parents/guardians and mental health service providers.

When a district employee takes notes on any conversations or situations involving or relating to an at-risk student, the notes should contain only factual or directly observed information, not opinions or hearsay.

As stated in this policy, district employees shall be responsible for effective documentation of incidents involving suicide prevention, intervention and response.

The suicide prevention coordinator shall provide the Superintendent with a copy of all reports and documentation regarding the at-risk student. Information and reports shall be provided, as appropriate, to guidance counselors, district mental health professionals and school nurses.

### **MEMORIALS**

It is recognized that grieving individuals need a variety of opportunities to personally express their emotions and reactions to an instance of sudden death. While these expressions often vary, the district will not create on-campus physical memorials, funeral services, or fly the flag at half-staff.

Recommendations and ideas for a memorial should be taken into consideration and discussed with the Superintendent and the response team prior to being implemented.

### **SUICIDE AWARENESS AND PREVENTION RESOURCES[1]**

A listing of resources regarding suicide awareness and prevention shall be attached to this policy.

School District of Pittsburgh

Book

Policy Manual

Section

100 Programs

Title

Nondiscrimination - Transgender and Gender Expansive Students

Number

102.3

Status

Active

Adopted

June 22, 2016

Last Revised

June 22, 2016

### **Purpose**

The Board is committed to ensuring that every student has equal access to all components of the educational program.

### **Authority**

The purpose of this policy is to facilitate compliance with District policy and state and federal laws concerning bullying, harassment and discrimination.[1][2]

This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses, or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including educators, school staff, students, parents/guardians, and volunteers.

This policy may also apply to off-campus conduct committed in violation of District policies.[2][3]

### **Definitions**

**Sex Assigned at Birth or Assigned Sex:** Refers to the gender designation listed on one's original birth certificate.

**Gender Identity:** Refers to one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted most or all of the time, or for which there is other evidence that the **gender identity** is sincerely held as part of the individual's core identity. It is one's innermost concept of self as male, female, a blend of both or neither. One's **gender identity** can be the same or different from their sex assigned at birth.

**Gender Expression:** Refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Transgender:** An adjective describing an individual whose **gender identity** is different from the individual's assigned sex. "Transgender boy" and "transgender male" refer to an individual assigned the female sex at birth who has a male **gender identity**. "Transgender girl" and "transgender female" refer to an individual assigned the male sex at birth who has a female **gender identity**. Other terms that can have similar meanings are transsexual and trans. An individual can express or assert a **transgender gender identity** in a variety of ways, which may but do not always include specific medical treatments or procedures. Medical treatments or procedures are not considered a prerequisite for one's recognition as **transgender**. Being **transgender** does not imply any specific sexual orientation. Therefore, **transgender** people may identify as straight, gay, lesbian, bisexual, etc.

**Transgender Student:** A student who consistently and uniformly asserts a **gender identity** different from the student's assigned sex most or all of the time or for which there is documented medical evidence that the **gender identity** is sincerely held as part of the student's core identity.

**Gender Transition:** The processes by which some individuals strive to more closely align their internal knowledge of gender with its outward manifestations. Some people socially transition, whereby they might begin dressing, using names and pronouns and/or be socially recognized as the "other" gender. Others undergo physical transitions in which they modify their bodies through medical interventions. It is also important to know that many people are unable or choose not to transition medically.

**Gender Stereotypes:** Refers to stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Gender Expansive:** A term for people whose **gender expression** differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. Conveys a wider more flexible range of **gender identity** and/or expression than typically associated with the binary gender system. This includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include gender diverse or gender fluid.

**Note:** **Transgender** and **gender expansive** youth use a number of words to describe their lives and gender experiences. Terminology and language

describing transgender individuals can differ based on language, race or ethnicity, age, culture, and many other factors. Generally speaking, school staff and educators should inquire which terms students may prefer and avoid terms that make these students uncomfortable. A good general guideline is to employ those terms which the students use to describe themselves.

**Bullying:** An intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting, that is severe, persistent or pervasive and has the intent or effect of: (1) creating an intimidating or hostile environment that substantially interferes with a student's education; (2) physically, emotionally or mentally harming a student; or (3) placing a student in reasonable fear of physical or emotional harm; or (4) placing a student in reasonable fear of damage to or loss of personal property. Bullying, as defined in this policy, includes cyber-bullying. Bullying may include acts that occur outside of school if those acts are intentional, electronic, verbal or physical, are directed at another student or students, are severe, persistent or pervasive, and have the effect of (i) substantially interfering with a student's education; (ii) creating a threatening environment; or (iii) substantially disrupting the orderly operation of the school.

**Harassment:** Verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender (including gender identity or expression), age, disability, sexual orientation or religion when such conduct: (1) Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment; (2) Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or (3) Otherwise adversely affects an individual's learning opportunities.

**Gender-Based Harassment:** May include acts of verbal, nonverbal, or physical aggression intimidation, or hostility based on sex stereotyping. Thus, harassment of a student for failing to conform to stereotypical notions of masculinity and femininity constitutes sex discrimination. Gender-based harassment can rise to a violation of District policy and/or Title IX when such conduct denies or limits a student's ability to receive educational aid, benefits, services, or treatment; or when such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's ability to participate in or benefit from the school's program (i.e., creating an intimidating, hostile or offensive educational environment).

**Sex-Specific Facilities:** Refers to facilities and accommodations used by students at school or during school-sponsored activities and trips, and include, but are not limited to, restrooms, locker rooms, and overnight facilities.

## **Guidelines**

### **Bullying, Harassment and Discrimination**

Complaints alleging discrimination or harassment based on a person's actual or perceived gender identity or expression are to be taken seriously and handled in a manner consistent with Board policies, law and regulation.[1][2][4][5][7][8]



### Privacy and Confidentiality

All students have a right to privacy and this right includes the right to keep one's transgender status private at school. Information about a student's transgender status, legal name, or sex assigned at birth may also constitute confidential protected health information. Disclosing this information to other students, their parents/guardians, or other third parties may violate privacy laws, such as the Family Educational Rights and Privacy Act (FERPA). The District shall ensure that protected health information and education records relating to transgender and gender expansive students shall be kept confidential in accordance with applicable state and federal privacy laws.[9][10]

Transgender and gender expansive students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. The fact that a student chooses to disclose his or her transgender status to District staff or other students does not authorize District staff to re-disclose that information.

To ensure the safety and well-being of the student, District personnel should not disclose a student's transgender status to others, including the student's parents/guardians or other District personnel, unless: (1) legally required to do so, or (2) the student has authorized such disclosure. When contacting the parent or guardian of a transgender student, District staff should use the student's legal name and the pronoun corresponding to the student's sex assigned at birth unless the student, parent, or guardian has specified otherwise. (See "Student Transitions" below.)

### Names and Pronouns

Every student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records. It is strongly recommended that District staff privately ask transgender or gender expansive students at the beginning of the school year how they want to be addressed in class, in correspondence to the home, or at conferences with the student's guardian.[11][12]

### Student Records

The District is required to maintain a mandatory permanent student record that includes a student's legal name and legal gender. However, to the extent that the District is not legally required to use a student's legal name and gender on other school records or documents, such as school IDs, classroom rosters or the yearbook, the District will use the name and gender preferred by the student. The District will change a student's official record to reflect a change in legal name or gender upon receipt of documentation that such change has been made pursuant to a court order, or through amendment of state or federally-issued identification. In situations where District staff are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, administration and school staff shall adopt practices to avoid the inadvertent disclosure of such confidential information.

### Medical Treatments or Procedures

Some, but not all transgender youth choose medical treatments to assist their transition. Treatments such as hormone therapy may be unaffordable, not medically indicated or contraindicated for many youth. Surgical treatments are generally not available for school-age transgender youth. With this in mind, District staff should not require proof of medical treatments as prerequisite for respecting the student's gender identity or expression. If any objective basis should occur that would justify questioning whether a student's asserted gender identity or expression is genuine, information may be requested to show that the gender identity or expression is sincerely held. No particular type of information (such as medical history information) should be specifically required.

### Dress Code

Individual schools within the District may enforce dress codes pursuant to Policy 221 – Dress Code and its corresponding administrative regulation. Individual school dress codes shall not differentiate student dress on the basis of gender. Students shall have the right to dress in accordance with their gender identity, within the constraints of the dress code adopted by the school. District staff shall not enforce a school's dress code more strictly against transgender and gender expansive students than other students.[6]

### Student Transitions

Generally, notifying a student's parent/guardian about his or her gender identity, expression, or transition, is unnecessary. In some cases, notifying parents/guardians carries risks for the student, such as physical abuse and being kicked out of their home. Prior to notification of any parent/guardian regarding the transition process, District staff should work closely with the student to assess the degree to which, if any, the parent/guardian will be involved in the process and must consider the health, well-being, and safety of the transitioning student.

Upon notification by a student, parent/guardian, or representative that a student is undertaking, planning to undergo, or has completed a gender transition, the school will promptly inform the notifying individual and the student of the right to request a support team, consisting of appropriate school staff such as the school principal or his/her designee, counselor, social worker and teacher(s).

When a student transitions during the school year, the school team shall hold a meeting with the student and parents/guardians, if they are involved in the process, to ascertain their desires and concerns. The school team should discuss a timeline for the transition in order to create the conditions supporting a safe and accepting environment at the school. Finally, District staff shall train school administrators and any educators that interact daily with the student on the transition plan, timelines for transitions, and any relevant legal requirements.

### Sex-Specific Facilities

With respect to all restrooms, locker rooms, changing facilities, or overnight facilities, District students shall have access to facilities that correspond to their **gender identity**.<sup>[11][12]</sup>

In any gender-segregated facility, any student who is uncomfortable using a shared facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule.

A **transgender** or **gender expansive** student may request to use a separate restroom or changing area, however, no student shall be required to use an alternative restroom or changing facility because they are **transgender** or **gender expansive**. Under no circumstance should any student be required to use sex-segregated facilities that are inconsistent with their **gender identity**.

School staff who are responsible for supervising student activity in sex-specific facilities are directed to closely monitor such facilities when being used by an identified **transgender** or **gender expansive** student in order to foster student safety.

#### Physical Education Classes and Intramural and Interscholastic Athletics

All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their **gender identity**.

Regarding interscholastic sports teams, the District will follow the Pennsylvania Interscholastic Athletic Association's (PIAA) rules regarding mixed-gender participation. Under these rules, the PIAA will accept the school principal's decision as to the student's gender. In this situation, the principal will identify the student in accordance with his/her **gender identity**, unless the student requests otherwise.

#### Other Gender-Based Activities, Rules, Policies and Practices

As a general rule, in any other circumstance where students are separated by gender, for instance at field trips, classroom activities, school ceremonies and school photos, each student should be permitted to participate in a manner consistent with his/her **gender identity**. Single-gender classes and activities may only be offered in certain circumstances and in accordance with District policy, law and regulation.<sup>[11][13]</sup>

### **Delegation of Responsibility**

#### Training and Professional Development

The Superintendent or designee shall ensure that training is provided for all staff members on their responsibilities under applicable laws and this policy, including teachers, administrators, counselors, social workers, security and health and physical education staff. Information regarding this policy shall be incorporated into training for new school employees.

The District shall implement ongoing professional development to build the skills of all staff members to prevent, identify, and respond to bullying, harassment and discrimination. The content of such professional development shall include but not be limited to:

1. Terms, concepts, and current developmental understandings of **gender identity**, **gender expression**, and gender diversity in children and adolescents.
2. Developmentally appropriate strategies for communication with students and parents/guardians about issues related to **gender identity** and **gender expression** that protect student privacy.
3. Developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyber bullying.
4. School and District policies regarding bullying, discrimination, and **gender identity** and **expression** issues and responsibilities of staff.
5. The roles and responsibilities of the school level **transgender** and **gender expansive** student point teams.

#### **Transgender and Gender Expansive Student Point Teams**

Each school shall form a point team that will serve as a visible resource for all students who have questions and concerns regarding any issues related to **gender identity** and expression. The point team shall also be a resource for any questions regarding the **Transgender and Gender Expansive Students** policy. The point team will receive specialized training in the policy and resources available. The point team should be comprised of individuals throughout different areas of the school community including but not limited to: teachers, administration, social workers, counselors, parent advocates, security, health and physical education staff, and other support staff.

#### Publication and Media Communications

The **Transgender and Gender Expansive Student Policy** shall be distributed annually and shall be posted on the District's Internet site. A summary of the policy shall be included in the Code of Student Conduct. The District and individual schools shall make consistent efforts to ensure the visibility of this policy, as well as the school level point team for all students to confer with regarding its details and applicability.

Only the Superintendent or designee shall communicate to representatives of the media regarding matters of student **gender identity** or **expression**. District staff shall direct the media to the Superintendent or designee. In communicating with the news media, parents/guardians and the community, protecting the privacy of **transgender** and **gender expansive** students shall be a top priority for the spokesperson and all staff.

Legal

1. Pol. 102

2. Pol. 215
3. Pol. 212
4. 24 P.S. 1303.1-A
5. 20 U.S.C. 1681
6. Pol. 221
7. 43 P.S. 951 et seq
8. 29 CFR 1606.8
9. 20 U.S.C. 1232g
10. 34 CFR Part 99
11. 20 U.S.C. 1681 et seq
12. 34 CFR Part 106  
24 P.S. 1302-A
- 22 PA Code 12.3
- 29 CFR 1604.11
13. 34 CFR 106.34

Reading School District

Policy

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Title

249 Bullying/Cyberbullying and Harassment

Section

200 Pupils

Adopted

Wednesday, February 25, 2009

Content

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**Purpose**

The Board is committed to providing a safe, positive learning environment for district students. The Board recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying by district students.

**Definitions**

**Bullying** means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occur in or outside a school setting, that is severe, persistent, or pervasive and has the effect of doing any of the following:<sup>[1]</sup>

1. Substantial interference with a student's education.
2. Creation of a threatening environment.
3. Substantial disruption of the orderly operation of the school.

**Cyberbullying** includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or web site postings (including blogs) which has the effect of:

1. Physically, emotionally or mentally harming a student.
2. Placing a student in reasonable fear of physical, emotional or mental harm.
3. Placing a student in reasonable fear of damage to or loss of personal property.
4. Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

**Harassment** is any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e. Internet, cell phone, personal digital assistant (PDA), or wireless hand held device) that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, **gender identity and expression**; or mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic. Such behavior is considered harassment or bullying whether it takes place on or off school property, at any school-sponsored function, or in a school vehicle.[2]

**Harassment** is conduct that meets all of the following criteria:

1. Is directed at one or more students.
2. Substantially interferes with educational opportunities, benefits, or programs of one or more students.
3. Adversely affects the ability of a student to participate in or benefit from the school district's educational programs or activities because the conduct, as reasonably perceived by the student, is so severe, pervasive, and objectively offensive as to have this effect.
4. Is based on a student's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

**School setting** means in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.[1]

### **Authority**

The Board prohibits all forms of bullying by district students.[1]

The Board encourages students who have been bullied to promptly report such incidents to the building principal or designee.

The Board directs that complaints of bullying shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith reports of bullying.

The Reading School District Board of Education expects students to conduct themselves in a manner in keeping with their levels of development and maturity, and demonstrate capabilities with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

The Reading School District Board of Education believes that standards for student behavior must be set cooperatively through interaction among the students,

parents/guardians, staff, and community members of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, and community members.

The Reading School District Board of Education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities for helping students learn to assume responsibility and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent discipline problems and encourage students' abilities to develop self-discipline.

Since bystander support of harassment or bullying can support these behaviors, the district prohibits both active and passive support for acts of harassment or bullying. The staff should encourage students to support students who walk away from these acts when they see them, constructively attempt to stop them, or report them to the designated authority.

The Reading School District Board of Education requires its school administrators to develop and implement procedures that ensure both the appropriate consequences and remedial responses to a student or staff member who commits one or more acts of harassment or bullying. The following factors, at a minimum, shall be given full consideration by school administrators in the development of the procedures for determining appropriate consequences and remedial measures for each act of harassment or bullying and cyberbullying.

### **Delegation of Responsibility**

Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying.

The Superintendent or designee shall develop administrative regulations to implement this policy.

The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed annually with students.<sup>[1]</sup>

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the Board.<sup>[1]</sup>

District administration shall annually provide the following information with the Safe School Report:<sup>[1]</sup>

1. Board's Bullying Policy.
2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention or education programs.



## **Guidelines**

The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.[1][3][4]

This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district web site, if available.

## **Education**

The district may develop and implement bullying prevention and intervention programs. Such programs shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.[5][1]

## **Consequences for Violations**

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee, as set forth in the Board's approved Code of Student Conduct or Employee Handbook.[1][4][6][2][7][8][9]

Consequences for a student who commits an act of harassment or bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the Board's approved Code of Student Conduct. Remedial measures shall be designed to: correct the problem behavior; prevent another occurrence of the behavior; and protect the victim of the act. Effective discipline should employ a school-wide approach to adopt a rubric of bullying offenses and the associated consequences. The consequences and remedial measures may include, but are not limited to, the examples listed below.

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:[1][4][6]

1. Counseling within the school.
2. Parental conference.
3. Loss of school privileges.
4. Transfer to another school building, classroom or school bus.
5. Exclusion from school-sponsored activities.
6. Detention.
7. Suspension.

8. Counseling/Therapy outside of school.
9. Referral to law enforcement officials.

Examples of Remedial Measures

*Student(s) –*

1. Framing the aggressive behavior as a failed attempt to solve a real problem or reach a goal. The adult assists the misbehaving student to find a better way to solve the problem or meet the goal.
2. Restitution and restoration.
3. Transformative conferencing/restorative justice.
4. Peer support group.
5. Corrective instruction or other relevant learning or service experience.
6. Supportive interventions, including participation of an Intervention and Referral Services team, peer mediation, etc.
7. Behavioral assessment or evaluation, including, but not limited to, a referral to a Child Study Team, as appropriate.
8. Behavioral management plan, with benchmarks that are closely monitored.
9. Involvement of school disciplinarian.
10. Student counseling.
11. Parental conferences.
12. Student treatment.
13. Student therapy.

*Environmental (Classroom, School Building, or School District) –*

1. Set a time, place, and person to help the bully reflect on the offending behavior, maintaining an emotionally-neutral and strength-based approach.
2. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying.
3. School culture change.
4. School climate improvement.

5. Adoption of research-based, systemic bullying prevention programs.
6. Modifications of schedules.
7. Adjustments in hallway traffic.
8. Modifications in student routes or patterns traveling to and from school.
9. Targeted use of monitors (e.g., hallway, cafeteria, bus).
10. General professional development programs for certificated and noncertificated staff.
11. Professional development plans for involved staff.
12. Disciplinary action for school staff who contributed to the problem.
13. Parental conferences.
14. Referral to family counseling.
15. Involvement of parent-teacher organizations.
16. Involvement of community-based organizations.
17. Development of a general bullying response plan.
18. Peer support groups.

Law enforcement involvement (e.g., school resource officer, juvenile officer).



Book	Policy Manual
Section	200 Pupils
Title	Transgender Non-Conforming Youth
Number	253
Status	Active
Adopted	June 23, 2016

### **Purpose**

The Rose Tree Media School District Board of School Directors is committed to providing a safe, supportive and inclusive learning environment for all students, and to ensure that every student has equal educational opportunities and equal access to District educational programs and activities.

As such, the Board, administration, staff and students will comply with Federal and State laws which require that all programs, activities and employment practices be free from discrimination based on sex, sexual orientation or gender identity or expression. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

This policy sets out guidelines and expectations for addressing the needs of transgender and gender non-conforming students and clarifies how state and federal law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. This policy does not anticipate every situation that might occur with respect to transgender or gender non-conforming students and the needs of each transgender or gender non-conforming student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort and health development of the transgender or gender non-conforming student while maximizing the student's social integration and minimizing stigmatization of the student.

The Rose Tree Media School District shall accept a student's asserted gender identity when it is determined to be a part of the student's core identity. Staff members shall not question or disregard a student's assertion of gender identity unless district staff have a credible basis for believing that the student is asserting a particular gender identity for an improper purpose.

### **Definitions**

The definitions provided here are not intended to label students but rather to assist in understanding this policy and the legal obligations of District staff. It is recognized that students might not use these terms to describe themselves.

"Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they are assigned at birth. One's gender identity can be the same or different than the gender assigned at birth.

"Transgender" describes people whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.

"**Gender non-conforming**" describes people whose **gender expression** differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside **transgender** categories or identity as both genders.

"**Transition**" is the process in which a person changes their **gender expression** to better reflect their **gender identity**. In order to feel comfortable and to express their **gender identity** to other people, **transgender** people may take a variety of steps such as using a nickname or legally changing their name; choosing clothes and hairstyles to reflect their **gender identity**; and generally living and presenting themselves to others, consistently with their **gender identity**. Some, but not all, **transgender** people take hormones or undergo surgical procedures to change their bodies to better reflect their **gender identity**.

## **Guidance**

### **Privacy**

All persons, including students, have a right to privacy. This includes the right to keep private one's **transgender** status or **gender non-conforming** presentation at school. Information about a student's **transgender** status, legal name, or gender assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's **transgender** status or **gender non-conforming** presentation to others, including, but not limited to, parents and other school personnel, unless legally required to do so, or unless the student has authorized such disclosure, or, in the determination of school officials, it becomes necessary to protect the **transgender** student's interests or safety. Before making such a disclosure, a school administrator shall make reasonable efforts to inform the transgender student of the decision to disclose, the reason(s) for disclosure, and provide the student with the opportunity and resources they may need to make the disclosure themselves. **Transgender** and **gender non-conforming** students have the right to discuss and express their **gender identity** and expression openly and to decide when, with whom and how much to share private information.

When contacting the parent or guardian of a **transgender** or **gender non-conforming** student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

### **Official Records**

The District is required to maintain a mandatory permanent student record ("official record") that includes a student's legal name and legal gender. However, the District is not required to use a student's legal name and gender on other school records or documents. For **transgender** or **gender non-conforming** students, graduation diplomas will be issued in the **gender-identified** name and/or the student's legal name based on student choice. The District will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. In situations where school staff or administrators are required by law to use or to report a **transgender** student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

A student has the right to be addressed by a name and pronoun that corresponds to the student's **gender identity**. A court-ordered name or gender change is not required, and the student need not change his or her official records in order to be treated in accordance with their expressed **gender identity**. Appropriate school employees will privately ask **transgender** or **gender non-conforming** students how they would like to be addressed in class, in correspondence to the student's home, and at conferences with the student's parent/guardian.

The intentional or persistent refusal to respect a student's **gender identity** (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's **gender identity**) is a violation of this policy. All staff members shall use a **transgender** student's requested name, gender marker, and gender pronoun to the greatest possible extent on other school-related records and documents.

### **Gender-Segregated Activities**

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for selected health education classes, students should be able to choose and be included in the group that corresponds to their **gender identity**.

### **Student Information Systems**

The District shall modify its student information system, as necessary, to prevent disclosure of confidential information and ensure that school personnel use a student's preferred name and pronouns consistent with the student's **gender identity**. The official permanent record will be stored in a secure location, separate from other student records in order to protect student privacy.

### **Restroom Accessibility**

Students shall have access to the restroom that corresponds to their **gender identity** consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single user restroom. However, no student shall be required to use such a restroom because they are **transgender** or **gender non-conforming**.

### **Locker Room Accessibility**

The use of locker rooms by **transgender** students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, **transgender** students should have access to the locker room that corresponds to their **gender identity** consistently asserted at school, like all other students. Any student, **transgender** or not, who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their **gender identity** before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her **transgender** status confidential. In no case shall a **transgender** student be required to use a locker room that conflicts with the student's **gender identity**.

Nothing in this policy shall be construed to excuse any student from following necessary or customary protocols for obtaining parental consent for athletic participation, including permission slips, consent forms and waivers. All staff will adhere to this policy when advising **transgender** students about the process for obtaining such parental consent.

### **Physical Education Classes & intramural Sports**

**Transgender** and **gender non-conforming** students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their **gender identity**.

### **Interscholastic Competitive Sports Teams**

**Transgender** and **gender non-conforming** students shall be permitted to participate in interscholastic athletics in a manner consistent with their **gender identity** and in compliance with the applicable regulations of the Pennsylvania Interscholastic Athletic Association (PIAA).

### **Dress Codes**

**Transgender** and **gender non-conforming** students have the right to dress in a manner consistent with their **gender identity** or **gender expression**. In general, District schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender. **Consistent with its application to all students, transgender and gender non-conforming students will be required to follow the dress code policy of the District.**

### **Overnight Field Trips**

Overnight lodging accommodations shall be assessed on a **case-by-case basis with the goal of providing equal opportunity to participate in field trip activities, ensuring the student's safety and comfort, minimizing stigmatization of the student, and in consideration of the safety and comfort needs of other students.** Any student, **transgender** or not, who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with the opportunity to select a single-room accommodation.

### **Discrimination/Harassment**

It is the responsibility of each school and the District to ensure that **transgender** and **gender non-conforming** students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or

violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources.

Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.

Legal

1. Pol. 216
2. Pol. 123
3. Pol. 221
4. Pol. 121
5. Pol. 103
6. Pol. 248

Salisbury Township School District

Policy

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Title

202 Residency and Eligibility of Nonresident Students

Section

200 Pupils

Adopted

Wednesday, May 15, 1991

Last Revised

Wednesday, April 23, 2014

Content

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**Purpose**

The Board shall operate district schools for the benefit of students residing in this district who are eligible for attendance.[1][2][3]

**Authority**

A child is a resident of the district in which his or her parents reside. The Board may permit the admission of nonresident students only in accordance with this Board policy.[4][5]

All residents must complete the district's required residency forms prior to the admission of a student to the district. The Superintendent and/or designee may require a resident to submit additional, reasonable information to substantiate a sworn statement, in accordance with guidelines issued by the Department of Education. The Superintendent and/or designee shall be responsible for ensuring that all students are residents of the district, or, if non-residents, that they fully comply with this policy.[6][7]

Verification of Residency Information

The Board reserves the right to verify claims of residency, dependency and guardianship and to remove from school attendance a nonresident student whose claim is invalid.[6]

Nonresident Transportation

The Board shall not be responsible for transportation to or from school for any student residing outside school district boundaries unless required by law.

Tuition Rates



Tuition rates for non-resident students shall be determined in accordance with statute. For non-resident students permitted to attend the district under this policy, tuition shall be charged quarterly, in advance of attendance.[5][8][9]

## **Guidelines**

### Future Resident Students

Students who are nonresidents at the beginning of the school term but who have demonstrated intention of becoming residents of the school district during the first ninety (90) student days of school may attend district schools on a tuition basis. In such cases, proof of intention to establish residency (purchase of land in district, documentation of employment relocation, etc.) must be provided, and tuition must be paid in advance for the entire first ninety (90) student days of school. If residence is established prior to the end of the first semester, a pro-rated tuition refund will be made. If residence is not established within the first ninety (90) student days of school, the district shall have the option of dis-enrolling the student at that time or temporarily extending the enrollment based upon additional proof of imminent establishment of residency.

### Residents Relocating Within the District

Residents who are moving from one location to another within the district and who have had children attending district elementary schools may have them continue to attend their original elementary school tuition-free for the remainder of the school year. Evidence of construction/relocation timetable must accompany request. In such cases, transportation to the original elementary school shall be the responsibility of the parent, and the district shall not provide such transportation. The student may, at any time during that school year, transfer to the elementary school typically assigned for the student's new residence area and shall be entitled to receive transportation to that school as required by law.

### Residents Relocating Outside the District

A resident Student who becomes a nonresident during the school term may continue to attend school in the Salisbury Township School District tuition-free provided that there are fewer than sixty (60) school days remaining in the school term. The district shall not provide transportation to such students upon their relocation from the district.

A resident student who becomes a non-resident during the school term more than sixty (60) days prior to the end of the school year may attend school in the district on a tuition basis for the remainder of the school year. Tuition for such students must be paid in full prior to the student being permitted to continue to attend school in the district.

Students who become nonresidents anytime during their junior or senior year may continue to attend the district and may graduate from the district, provided that they pay tuition for the time during which they are not residents. Such students must pay tuition in advance on a semester-by-semester basis, and non-payment in advance will result in the loss of the privilege to attend the school. If there are more than sixty (60)

school days remaining, nonresident pupils will be billed for all days attended as a nonresident.

#### Nonresident Children Placed in the District

Any child placed in the home of a district resident by a court or government agency shall be admitted to district schools and shall receive the same benefits and be subject to the same responsibilities as resident children.[10]

#### Residents of Institutions

A child who is living in or assigned to a facility or institution for the care or training of children that is located within this district is not a legal resident of the district by such placement; but s/he shall be admitted to district schools, and a charge shall be made for tuition to the child's district of residence in accordance with statute.[11][12][13][14][15][8][16][17]

#### Former Residents

Regularly enrolled students whose parents/guardians have moved out of the school district may not remain enrolled in the district except as in accordance with this policy.[5]

#### Other Nonresident Students

A nonresident student may be admitted to district schools without payment of tuition where attendance is justified on the grounds that the student lives full-time and not just for the school year with district residents who have assumed legal dependency or guardianship or in situations where a non-resident is providing gratis support of a child, i.e., the child is fully maintained and supported in the home of a district resident as if the child were the resident's own child and the resident receives no personal compensation for maintaining the student in the district. Valid proof of residency is required of the resident caring for the child, as per this policy, as well as valid proof of legal dependency, guardianship, or gratis support is required in all such situations and shall consist of either:[6][7]

1. Legal documentation of dependency/guardianship status.
2. A sworn notarized statement that the child is a resident of the district, the child is supported fully without personal compensation or gain, and that the resident will assume all personal obligations for the child relative to school requirements and intends to so keep and full support the child continuously and not merely through the school term.

An exchange student visiting this country, who lives in the district, may be admitted without payment of tuition. Appropriate documentation of student's exchange student status shall be required.

#### **Delegation of Responsibility**

The Superintendent or designee shall develop procedures for the enrollment of nonresident students which:

1. Admit such students only on proper application and submission of required documentation by the parent/guardian.
2. Verify claims of residency.
3. Do not exclude any eligible student on the basis of race, color, age, creed, religion, gender, sexual orientation, gender identity, ancestry, national origin, citizenship, marital status, pregnancy or handicap/disability.[18]
4. Deny admission where the educational facilities or program maintained for district students is inadequate to meet the needs of the applicant.
5. Make continued enrollment of any nonresident student contingent upon maintaining established standards of attendance, discipline and academics.

### Residence

**District of residence** is defined as the school district in which a student's parents/guardians reside. If the parents reside in different school districts, the child's district of residence is that of the parent with whom the child lives for a majority of the time, unless a court order or court-approved custody agreement specifies otherwise.

In the case of the divorce or separation of the parents of a minor, the minor's residence shall be the residence of the parent with primary physical custody or actual physical custody during the school week. If parents have joint custody and time is evenly divided, the parents may choose which of the two (2) school districts the child will enroll for the school year. A child cannot be a resident of more than one (1) school district. If the child is an emancipated minor, the resident school district is the one in which the child is then living.

Each case will be decided on the basis of all facts submitted. No given number of factors is required for domicile, since the determination in each case is one of the subjective intention of the student to reside in Salisbury Township School District for an unlimited time.

1. A student may challenge his/her residency classification by filing a written petition with the Secretary/Business Administrator of the Salisbury Township School District. The Secretary/Business Administrator shall consider the petition and render a decision.
2. If the student is not satisfied with the decision made by the Secretary/Business Administrator in response to the challenge, the student may take a written appeal to the Superintendent who decision, in consultation with the Board, on the challenge shall be final.
3. Any reclassification resulting from a student's challenge shall be effective for tuition purposes as of the date such challenge was filed.

### Proof of Residency

Valid proof of residency shall include at least two (2) or more of the following documents containing the resident's address, at the district's discretion:

1. Utility Bill (water, sewage, heat, oil, electricity).
2. A current valid PA State driver's license or PA State-issued ID indicating residence within the district.
3. A current bank statement.
4. W2 or W4 Form
5. Current Lease or Sales Contract for Permanent Residence
6. Federal, State or Local Tax Document from Taxing Agency Showing Address (may not be blank tax form complete by resident).
7. Current Pay Stub with Address of Employer and Employee
8. Medical, State or Federal Benefits Document from Benefits Issuer Showing Address (Medical Ins., Social Security, Unemployment, etc.)

### Relocation Within or Outside of the District

Families that move within or out of the district but who have students continuing to attend an STSD school must immediately report the relocation. Unless specifically permitted by the district and this policy, non-resident students shall not be permitted to attend school within the district.

### Falsification of Residency Status, Failure to Report Non-Residency, and Falsification of Gratis Support Documents

The district reserves the right to seek back-payment of tuition, transportation costs, and any/all legally-permitted fines and fees from non-resident parents and/or residents who signed a *gratis* affidavit, but with whom the student is not being supported, *gratis*. Tuition may be billed to the parent and/or resident for the entire amount of time that a student attended an STSD school without residing within the district or receiving *gratis* support from a district resident.



Book	Policy Manual
Section	Procedures
Title	Transgender
Number	
Status	Active
Adopted	September 6, 2016

## **PROCEDURE**

Scranton School District policy requires that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or **gender identity**. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

### **DEFINITION**

“**Transgender**” describes people whose **gender identity** is different from their gender assigned at birth.

### **PRIVACY**

School personnel should not disclose information that may reveal a student’s **transgender** status or **gender nonconforming** presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure.

**Transgender** and **gender nonconforming** students have the right to discuss and express their **gender identity and expression** openly and to decide when, with whom, and how much to share private information.

When contacting the parent or guardian of a **transgender** or **gender nonconforming** student, school personnel should use the student’s legal name and the pronoun corresponding to the student’s gender assigned at birth unless the student, parent, or guardian has specified otherwise.

### **FACILITY ACCESSIBILITY (restrooms & locker rooms)**

~~Students shall have access such facilities-restroom & locker rooms that corresponds to their gender identity.~~

For transgender students building principals will work with students and parents on a private/confidential individual basis. Transgender students will refrain from using the bathroom of their gender identity.

### **PHYSICAL EDUCATION & HEALTH CLASSES**

Transgender and gender nonconforming students shall be permitted to participate in physical education & Health classes in a manner consistent with their gender identity.



Book	Policy Manual
Section	Procedures
Title	Bullying/Cyberbullying
Number	249-AR
Status	Active
Adopted	September 6, 2016

## **PROCEDURE**

### **DEFINITION**

"Harassment or bullying" is any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e. internet, cell phone, personal digital assistant (PDA), or wireless hand held device) that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, **gender identity and expression**; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic. Such behavior is considered harassment or bullying whether it takes place on or off school property, at any school-sponsored function, or in a school vehicle.

### **REPORT FORM**

Any staff member who receives a complaint of bullying/cyberbullying should report the matter to the building principal or designee. The student complainant and/or the student's parent(s)/guardian(s) should be given the Report Form(attached) for complaints of bullying/cyberbullying, to review and sign. Upon completion, the form should be given to the building principal or designee and maintained in the district's records.

Complaints may come to the district from different sources. If the complaint comes to the district from a witness, the alleged victim and/or victim's parent(s)/guardian (s) should be contacted immediately and given the Report Form for complaints of bullying/cyberbullying to review and sign.

The decision as to who should be given the Report Form in terms of the student and/or the student's parent(s)/guardian(s) will be based on a variety of considerations, including the following:

1. In all cases where the student is under eighteen (18) years old, the parent (s)/guardian(s) should be contacted unless there is a threat to the safety of the student by contacting the parent(s)/guardian(s).
2. In all cases where the student is eighteen (18) years old or older, the parent(s)/guardian(s) should not be contacted unless the student gives authorization, the parent(s)/guardian(s) made the complaint, or the situation is such that notice to the parent(s)/guardian(s) is necessary to protect the student.
3. If the age and/or maturity of the student is such that provision of the form to the student is likely to be confusing or not understood by the student, then the student need not be provided with a copy of the form.
4. In all other instances, the student is to be provided with a copy of the form and requested to sign it.

## **INVESTIGATION**

Upon receipt of a complaint of bullying/cyberbullying, the building principal or designee will investigate the complaint promptly, unless the investigation is turned over to the central administration or legal counsel. During the investigation, the building principal will complete a report of their findings.

The Scranton School Board of Education requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough, and complete investigation of each alleged incident. The investigation is to be completed within three school days after a report or complaint is made.

Any complaint where the nature of the alleged wrongdoing is such that there may be an expulsion if the allegations are found to be true should be turned over to the central administration and reviewed by legal counsel.

Confidentiality of all parties will be maintained as may be consistent with the district's legal and investigative obligations.

Such investigation may include some, but necessarily all, of the following steps based on the particular allegations:



1. Identifying and interviewing the complainant.
2. Identifying and interviewing the individual(s) accused to have participated in the alleged bullying/cyberbullying.
3. Identifying and interviewing any witnesses to the alleged bullying/cyberbullying.
4. Review of any physical evidence or documents relating to alleged bullying/cyberbullying.
5. Any other relevant evidence produced by the complainant or the accused individual(s).
6. Any other reasonable investigation the building principal deems necessary.

A report of bullying/cyberbullying must be investigated even if the report is anonymous and even if the reporter stated that s/he does not want the district to do anything.

Some bullying/cyberbullying might also constitute sexual harassment, racial intimidation or ethnic intimidation. To the extent that the nature of the bullying/cyberbullying may constitute one (1) or more of those things, the policies and administrative regulations pertaining to those subjects must be followed.

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bullying reporting form.docx (481 KB)

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Book	Policy Manual
Section	Procedures
Title	Student Discipline
Number	218-AR
Status	Active
Adopted	September 6, 2016

## **PROCEDURES**

### **POLICY STATEMENT**

The Scranton School District is committed to creating a safe, positive environment for all of our students, staff, parents, stakeholders, and community partners. The Scranton School District will work to assure that all students and staff are well-motivated, fully aware of their potential and dedicated to pursue excellence in academic knowledge, skills, and behavior. The Scranton School District believes that all children can thrive in a safe learning environment. The Scranton School District utilizes a range of activities to recognize, celebrate, and reward school wide positive behavior at the classroom, school, and district levels.

The board has adopted a code of student conduct that includes policies governing student discipline and a listing of students' rights and responsibilities. This conduct code shall be published and distributed to students and parents or guardians within the student handbook.

### **PURPOSE OF THE CODE**

The Scranton School District has adopted this Code to support the creation of a safe learning environment for all members of the school community. The purpose of this Code is to state clearly our standards for acceptable conduct of students. The Code also explains the consequences for not meeting these standards of conduct. This Code establishes a strict policy for conduct that endangers the safety of the schools and/or disrupts the educational experience for other students. The Scranton School District does not permit corporal punishment.

The Code also sets forth the discipline procedures for the students who have

committed violations of the Code. This Code is not meant to be a contract between the District and the students, and may be amended at any time. It is a place for The Scranton School District to explain certain policies applicable to students.

## **SCOPE OF THE CODE**

Everyone is entitled to a safe, secure, and orderly environment in which to learn and work. The rules and regulations in this Code are designed toward that end and are effective during the following times and places:

- On school grounds at any time;
- Off school grounds at a school bus stop, on a school bus, school activity, function, or event;
- When either the alleged perpetrator or the alleged victim is en route to and/or from school, or to or from a school activity, function or event;
- Off school grounds when the behavior of a student (1) could result in the student being criminally charged with a felony or which could result in a felony criminal charge if committed by an adult; and which (2) makes the student's continued presence at school a potential danger to person or property at school or which disrupts the educational process.
- Off school grounds while the student is participating in or attending school-sponsored or school-related activities such as field trips, conferences, or athletic events; or is otherwise subject to the jurisdiction of school authorities;
- Off school grounds when the misconduct is directed at a school student or employee and is related to the victim's school affiliation, or when the off-campus conduct directly affects the safety and welfare of the school community or the orderly mission and function of the school; and
- Off school grounds and when a student leaves without permission (AWOL) of a school official or any time Rule 10 would apply.

The rules of this Code do not apply to:

- Student speech that occurs off campus if the speech is at a non-school sponsored event and does not cause or is not likely to cause a material and substantial disruption to the school environment or a school activity.

## **DISCIPLINARY PROCEDURES**

The Scranton School District handbook provides students and parents with certain rules and expectations. It is not meant to be a comprehensive listing of every regulation. This school has broad discretionary authority for attempting to increase

safety, order, and discipline. It has the right to discipline any student who distracts, disrupts, provokes, or intimidates within the school zone. This authority to discipline, includes, but is not limited to, attempts to stop bullying, hazing, harassment, verbal and physical assaults. Referral of a student to the Principal/Assistant Principal occurs after teachers have exhausted all other appropriate, preventative, and corrective measures. Deliberate neglect of schoolwork, insubordination, defacing school property, or any conduct that is disruptive and/or harmful to student, staff, and the reputation of the school or the good of the student body will result in disciplinary action. While not all inclusive, this may include reprimand, detention, lunch detention (all menu selections will remain the same), restricted movement, and Out of School Suspension. The most severe cases may result in expulsion from school. Whenever a student is suspended, a parent/guardian may be required to come in for a conference with the appropriate administrator before the student can return to school. During any suspension the student may not attend classes, attend/participate in school activities or visit the school grounds (before, during or after school). A student suspended three or more times in a school year will not be allowed to attend or participate in co-curricular activities. This includes games, concerts, proms, semi-formal dances, plays, dances, clubs, etc.

### **SAFE SCHOOLS POLICY – LACKAWANNA COUNTY**

In accordance with the Memorandum of Understanding previously signed by the School District and local law enforcement agencies, the District may request the assistance of law enforcement official at any time in the implementation of District policy. The District will notify law enforcement officials of any violation of this policy as noted below.

**Statement of Policy:** The School District recognizes that the twin problems of in-school violence and drug abuse may threaten the safety and education of every student in this School District. The District's over-riding policy is to provide every student with a safe place for learning. Any weapons on school property, or threats of violence by or against students, take away from every student the sense of safety that is necessary for effective learning.

Likewise, the presence of illegal drugs and paraphernalia poisons the clean atmosphere that is necessary for our students to do their best.

The School District wishes to establish and maintain conditions that will deter students from using school facilities, grounds, and activities as a center for any manner of drug or alcohol abuse. Likewise, the School District wishes to maintain the safest possible facilities, free from weapons, violence, or the threat of violence. Although the district will make every effort to develop and implement programs aimed at prevention, decisive corrective actions will be

taken when necessary.

The School District publicly acknowledges and accepts its leadership responsibility in addressing and opposing the epidemic of dysfunctional or self-destructive behaviors that block growth and inhibit learning. The District further acknowledges the establishment of prevention programs and services within the School District that will formally establish our commitment to the prevention of teenage suicide. Through curriculum, classroom activities, community support and resources, Student Assistance Programs, and strong and consistent administrative and faculty effort, the School District will work to educate, prevent, and intervene in the use and abuse of all drugs, alcohol, and mood altering substances by the entire student population. The School District pledges cooperation with all law enforcement agencies to keep our schools safe from weapons, violence, or the threat of violence. The primary purpose for any action on the part of the school staff is the protection of the health, safety and welfare of students, staff and school property.

## **STUDENT RESPONSIBILITIES**

- Student responsibilities include regular school attendance, conscientious effort in classroom work and homework, and conformance to school rules and regulations. Most of all, students are responsible to share with the administration and faculty a responsibility to develop a climate within the school that is conducive to wholesome learning and living.
- No student has the right to interfere with the education of fellow students. It is the responsibility of each student to respect the rights of teachers, students, administrators and all others who are involved in the educational process.
- Students should express their ideas and opinions in a respectful manner.
- It is the responsibility of the students to conform to the following:
  - Be aware of all rules and regulations for student behavior and conduct themselves in accordance with them. Students should assume that, until a rule is waived, altered or repealed in writing, it is in effect.
  - Volunteer information in matters relating to the health, safety and welfare of the school community and the protection of school property.
  - Dress and groom to meet standards of safety and health, and not to cause substantial disruption to the educational processes.
  - Assist the school staff in operating a safe school for the students enrolled therein.
  - Comply with Commonwealth and local laws.
  - Exercise proper care when using public facilities and equipment.
  - Attend school daily and be on time at all classes and other school functions.

- Make up work when absent from school.
- Pursue and attempt to complete satisfactorily the courses of study prescribed by local school authorities.
- Report accurately in student media.
- Not use obscene language in student media or on school premises.

## **STUDENTS WITH DISABILITIES**

When a student with a disability commits an incident listed in section 1303-A(b) (4.1) or (4.2) of the Safe Schools Act (24 P. S. § 13-1303-A(b)(4.1) and (4.2)), the school entity shall respond in a manner that is consistent with the training provided in accordance with the school entity's special education plan (see § 14.104) and, if applicable, with the procedures, methods and techniques defined in the student's behavior support plan

## **SUSPENSIONS/EXPULSIONS**

Every principal or teacher in charge of a public school may temporarily suspend any pupil on account of disobedience or misconduct, and any principal or teacher suspending any pupil shall promptly notify the district superintendent or secretary of the board of school directors. The board may, after a proper hearing, suspend such child for such time as it may determine, or may permanently expel him. Such hearings, suspension, or expulsion may be delegated to a duly authorized committee of the board, or to a duly qualified hearing examiner, who need not be a member of the board, but whose adjudication must be approved by the board.

## **EQUAL OPPORTUNITY STATEMENT**

The Scranton School District complies with all federal, state and local laws, and provides an equal opportunity for all students. The Scranton School District prohibits discrimination in admission, grading, discipline and any other activity based on race, creed, color, national origin, religion, ancestry, age, marital status, sexual orientation (known or perceived), **gender identity expression** (known or perceived), gender, handicap, nationality or citizenship.

All decisions of The Scranton School District will be administered without regard to any of the categories listed above.

## **STATEMENT OF STUDENT MISCONDUCT**

The rules in this Code are designed to notify students (grades K-12) as to the types of behaviors that are unacceptable; nevertheless, every specific variation of

the prohibited conduct may not have been included. Consequently, students should expect to be disciplined for misconduct that is obviously inappropriate. A specific rule need not be written for every conceivable variation of behavior that directly affects the orderly mission of the school.

## **REFERENCES TO THE OFFICIAL CODE**

When a school rule is violated that may also be a violation of the law, the schools are required to notify the School Resource Officer (SRO) who will review the incident for possible criminal charges or notification of the District Attorney. Rules that require SRO notification are marked with an asterisk (\*).

## **RULE 1 - DISRUPTION AND INTERFERENCE WITH SCHOOL**

No student shall cause or attempt to cause (either directly or indirectly) a disruption or interference with school by any means including, but not limited to, any of the following behaviors:

- \*Pull fire alarm;
- Occupy or block any area of the campus, prevent or attempt to prevent students from attending a class, school activity or event;
- Except under the direct instruction of the principal, block or attempt to block normal pedestrian or vehicular traffic on a school campus or adjacent grounds;
- School disruption. A student may not in any manner, by use of violence, noise, force coercion, threat, intimidation, fear, passive resistance, insult, or other conduct, intentionally or unintentionally cause the disruption of any lawful mission, process, or function of the school;
- Class disruption. Student behavior that is repetitive or substantially interferes with the teacher's ability to teach and/or students' ability to learn;
- Disorderly conduct. Any act that substantially disrupts the orderly learning environment, or poses a threat to the health, safety and/or welfare of students, staff and others;
- Refuse to identify himself/herself upon request of any teacher, principal, superintendent, school bus driver, or other school personnel;
- Urge, encourage, or counsel other students to violate any rules of the Student Conduct Behavior Code;
- Be on campus or enter the premises of a school without proper authorization of the superintendent, principal, or other school personnel;
- Out of dress code;
- Willfully fails to leave the premises after being told to do so;

## **MANDATORY REPORTING OF REPEATED AND SUBSTANTIAL CLASS INTERFERENCE**

Teachers in the Scranton School District are required to report any student's violation of the Student Conduct Behavior Code which repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in his or her class or with the ability of the students in his or her class to learn.

Teachers shall report any such incidents to the principal or the principal's designee within one school day of the most recent occurrence of such behavior. Such report shall not exceed one discipline report and shall describe the behavior. The principal or the principal's designee shall, within one day of receiving such report, send to the student's parents or guardians a copy of the report, and information regarding how the principal or the principal's designee may be contacted.

## **STUDENT REMOVAL FROM CLASS**

A teacher may remove or refer to the principal or designee a student from class if the student has exhibited behavior that repeatedly or substantially interferes with the teacher's ability to teach students in his or her class or the ability of other students to learn in the class. The superintendent shall fully support the authority of principals and teachers to remove a student from the classroom.

Where a teacher has previously filed a report of a student's repeated or substantial interference with the classroom or where the behavior of a student poses an immediate threat to the safety of student's classmates or the teacher, the teacher shall have the authority to remove the student from the classroom.

## **RULE 2 - DAMAGE, DESTRUCTION OR MISUSE OF SCHOOL PROPERTY OR EQUIPMENT**

A student shall not cause or attempt to cause damage to school property or alter/misuse school technology or any other equipment, including accessing unauthorized areas on the computer. A student shall not steal or attempt to steal school property. A student shall not access/alter school/teacher records. A student shall not possess, sell, use, buy or transmit stolen school property or attempt to possess, sell, use, buy or transmit stolen school property.

The prohibited behaviors include, but are not limited to, the following:

- \*Damage or vandalize school property;
- \*Steal school property;
- \*Engage in larceny/theft of school property;



- \*Possess, use, sell, buy or transmit stolen school property;
- Alter/misuse technology or any other equipment-hardware or software or school web site/page;
- Engage in computer trespass (accessing unauthorized areas on the computer/software);
- Accessing/altering school/teacher records;
- \*Steal by using violence, threat, or intimidation against another student;
- Compromising test security of an international, national, state or county standardized test.

### **RULE 3 - DAMAGE, DESTRUCTION OR MISUSE OF PRIVATE PROPERTY**

A student shall not cause or attempt to cause damage to private property or steal or attempt to steal private property. A student shall not possess, sell, use, buy or transmit stolen private property on school grounds. Further, off schools grounds, a student shall not cause or attempt to cause damage to private property belonging to a school employee where such theft or damage is because of that school employee's performance of his/her official duties.

The prohibited behaviors include, but are not limited to, the following:

- \*Damage or vandalize private property of another person;
- \*Damage or vandalize private property;
- \*Steal private property of another person;
- \*Steal or attempt to steal by using violence, threat, or intimidation;

### **RULE 4 - ABUSE, THREATS, INTIMIDATION, ASSAULT OR BATTERY ON A SCHOOL EMPLOYEE**

Regardless of intent, a student shall not:

Make oral or written communication, create a document, or make a symbolic gesture or contact of a threatening, undermining, or provoking nature to or about a school employee or in the presence of a school employee. This includes, but is not limited to, disrespectful conduct, insult, use of profanity, ethnic, racial, sexual, disability, or religious slur, or harassment and includes the development of a "hit list", "people to kill", "people to shoot", or a statement about bringing a weapon to school and injuring people.

The prohibited behaviors include, but are not limited to, the following:

- \*Oral threat/verbal assault (oral speech that creates, or is intended to create, a fear of physical harm);
- \*Written threat;
- Rude and/or disrespectful conduct including but not limited to symbolic gestures and insults;
- Use of profanity;
- Ethnic, racial, sexual, religious, or disability slur;
- \*Harassment - Repeated words (verbal or written), conduct, or action that annoys, alarms, or causes distress and serves no legitimate purpose;
- Any expression (oral, written, or gesture) which has the effect of undermining the authority of the school employee or distracting staff and/or students from the learning environment, including writings of a threatening or provoking nature;
- \*Posturing to inflict physical harm. Any action or gesture directed toward a school employee that places the school employee in reasonable fear of immediate physical harm;
- \*Behavior that could cause physical injury;
- Behavior that unintentionally caused physical injury to employee;
- \*Intentional physical contact of an insulting or provoking nature to another student.

**RULE 5 - ABUSE, THREATS, INTIMIDATION, ASSAULT OR BATTERY BY A STUDENT ON ANOTHER STUDENT OR TO ANY OTHER PERSON NOT EMPLOYED BY THE SCHOOL**

Regardless of intent, a student shall not:

Make oral or written communication, create a document, or make a symbolic gesture or contact of a threatening, distracting, or provoking nature to or about a person/student or in the presence of a person/student. This includes, but is not limited to, bullying, disrespectful conduct, insult, use of profanity; ethnic, racial, sexual, disability, or religious slur; or harassment and includes the development of a "hit list", "people to kill", "people to shoot", or a statement about bringing a weapon to school and injuring people.

**BULLYING**

"Bullying" is defined as: 1) any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; 2) any intentional display of force such as would give the victim reason to fear or expect immediate bodily injury or harm; or 3) any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass, or intimidate that: a) causes substantial physical harm or visible harm; b) substantially interferes with a student's education; c) is so severe, persistent or pervasive that it creates an intimidating/threatening educational environment; or d) substantially disrupts the orderly operation of the school. Upon finding that a student in grades 6 - 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school. Retaliation for reports of bullying will not be tolerated and will be subject to independent disciplinary action. The prohibition against bullying includes off-campus cyberbullying that is (1) directed specifically at students or school personnel; (2) is maliciously intended for the purpose of threatening the safety of those specified or substantially disrupting the orderly operation of the school; and (3) creates a reasonable fear of harm to students' or school personnel's person or property or has a high likelihood of succeeding in that purpose.

The prohibited behaviors below include, but are not limited to, the following:

- \*Oral threat/verbal assault (oral speech that creates, or is intended to create, a fear of physical harm);
- \*Written threat;
- Rude and/or disrespectful conduct including but not limited to symbolic gestures and insults;
- Bullying;
- Use of profanity;
- Ethnic, racial, sexual, religious or disability slur;
- \*Harassment - Repeated words (verbal or written), conduct, or action that annoys, alarms, or causes distress and serves.
- Pushing and shoving;
- \*Fighting;
- \*Battery (intentionally causes substantial physical harm or visible bodily harm to another);
- \*Behavior that could cause physical injury;
- \*Behavior that caused physical injury to another student;
- \*Physical contact of a threatening or provoking nature to another student

## **RULE 6 - WEAPONS**

A student shall not solicit to buy or sell, or buy or sell or possess, handle, transmit, threaten with or discharge/use, any object that can reasonably be considered or converted to and/or used as a weapon such as, but not limited to knives; guns; pellet guns; brass knuckles; fire works; lighters, tear gas, mace, explosives, pepper spray; bats (other than for athletics); clubs, sticks or other instruments of a bludgeoning type; Chinese stars; razors; projectiles and the like.

The prohibited behavior include, but are not limited to, possession of the following:

- \*Knife less than 2 inches;
- \*Knife 2 inches or more;
- \*Handgun;
- \*Rifle or shotgun;
- \*BB/pellet/airsoft/paintball gun;
- \*6EB. BB/pellet/airsoft/paintball rifle;
- \*Toy or any look-a-like gun;
- \*Destructive device (bomb, grenade, mine, rocket, missile, pipe bomb or similar device);
- \*Brass knuckles or metal knucks;
- \*Fireworks;
- \*Accelerants (any liquid/aerosol, etc. which may be used to start or perpetuate a fire or other hazardous condition);
- \*Tear gas, mace or pepper spray;
- \*Bats, clubs, sticks or other instruments of a bludgeoning type (other than for athletics);
- \*Razors or razor blades;
- \*Spring stick/expandable baton;
- \*Blackjack;
- \*Nun chahka, nun check, nunchaku, shuriken, fighting chain, [any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely];
- \*Throwing star, oriental dart, or any disc having two or more points or pointed blades which is designed to be thrown or propelled;
- \*Taser/Stun gun;

### **Possession of a Firearm, Dangerous Weapon or Hazardous Object on School Property or at School Functions**

**Students are prohibited from possessing firearms (including a handgun, rifle, shotgun, or other weapon which will or can be**

**converted to expel a projectile by the action of an explosive or electrical charge, dangerous weapons or hazardous objects while on school property or at school functions. A student shall be expelled from school for one calendar year for possessing on school grounds or at a school function a firearm or a dangerous weapon provided that all hearing officers, panels, administrators, the superintendent, and the Scranton School Board of Education shall have the discretion to impose a lesser or more harsh, appropriate consequence on a case-by-case basis for any such offense. Any student possessing a hazardous object while on school property or at school functions, shall receive disciplinary consequences in the discretion of the hearing officer, panel, administrator, the superintendent, or the Scranton School Board of Education, and consistent with the Scranton School Board of Education's policies and procedures.**

#### **RULE 7 - DRUGS, ALCOHOL AND TOBACCO**

A student shall not be involved in any substance, drug, alcohol or tobacco transaction, including, without limitation to buy, possess, sell, use, transmit, solicit; attempt to buy, possess, sell, use, or transmit; or be under the influence of any narcotic drug, depressant or stimulant drug including without limitation caffeine pills, hallucinogenic drug, anabolic steroid, amphetamine, barbiturate, marijuana, inhalant, alcoholic beverage, or intoxicant of any kind. A student shall not possess, sell, buy or transmit, or attempt to sell, buy or transmit any substance under the pretense that it is, in fact, a prohibited substance as described in this rule. The misuse or unauthorized possession of a prescription drug or nonprescription drug shall be considered a violation of this rule; however, this rule shall not apply to proper possession and/or use of a drug as authorized by a medical prescription from a registered physician.

The prohibited substances and behaviors include, but are not limited to, the following:

- \*Alcoholic beverage or intoxicant of any kind;
- \* Amphetamine/methamphetamine drug [schedule II];
- \*Hallucinogenic drug
- \* Anabolic steroid [schedule III];

- \*Controlled drug or controlled substance {ex. Ritalin, Adderall, Phenobarbital, Percocet, OxyContin, Xanax, etc.};
- \*Marijuana (including synthetics);
- \*LSD;
- \*Cocaine;
- \*Heroin;
- \*Inhalants (any volatile solvents, aerosols, anesthetics, or volatile nitrites) [ex. glue, paint thinner, hair spray, Pam, ether, etc.];
- \*Over-the-counter (OTC) drugs (ex. NoDoz, Vivarin, asthma medicines, energy/diet pills, aspirins, herb pills, etc.);
- \*Look alike substance (under the pretense);
- \*Marijuana (felony - selling - including possession of marijuana that is packaged for distribution or possession of one ounce or more)
- \*Offering, requesting, and/or receiving of a substance;
- \*Furnishing/providing/selling of a substance;
- \*Non-controlled prescription drug (ex. Prozac, Seroquel, Amoxicillin, etc.);
- \*Pipes, water pipes, clips, rolling papers, or other objects used for drug use;
- Photographs, drawings or depictions of drugs, drug use, or objects used for drug use;
- Tobacco products (ex. cigarettes, electronic cigarettes [any type] dip, snuff, cigars, liquid nicotine (regardless of biological source), electronic cigarette vapors (with or without nicotine), etc.);
- \*Tobacco paraphernalia (ex. Matches, lighters, rolling papers and the like).

## **RULE 8 - DISREGARD OF DIRECTIONS OR COMMANDS**

A student shall not fail to comply with reasonable directions or commands of teachers, student teachers, substitute teachers, teacher aides, administrators, school bus drivers, or other authorized school personnel.

The prohibited behaviors include, but are not limited to, the following:

- Failure to follow directions or commands of staff;
- Failure to follow written directions, local school rules or regulations;
- Failure to serve an administrative consequence (ex. Administrative Detention, etc.);

## **RULE 9 - SEXUAL MISCONDUCT/INDECENCY**

A student shall not engage in any act of sexual harassment of a physical nature or verbal nature. A student shall not perform any act of indecent exposure, lewd exposure, gesture or lewd caress or indecent fondling/touching of the student's own body or the body of another person, or any act of sexual intercourse. A student shall not allow another student/person to commit a lewd or indecent act to the body of oneself. A student shall not use any inappropriate gestures that mimic or imply sexual acts or engage in any acts of "streaking" or "mooning" as those terms are commonly understood. Such acts will not be regarded lightly or considered pranks.

A student shall not possess, view, copy, sell, buy or transmit printed or non-printed pornographic materials including any non-curricular sexually explicit printed or non-printed materials; or a student shall not possess, view, copy, sell, buy or transmit printed or non-printed pornographic materials including but not limited to non-curricular materials depicting the human male or female genitals or buttocks with less than a fully opaque covering or any portion of the female breast with less than a fully opaque covering.

The prohibited behaviors include, but are not limited to, the following:

- \*Sexual harassment. Deliberate and unsolicited physical actions, gestures, or verbal or written comments of a sexual nature that are repeated or a single incident of a sufficiently serious nature to create a hostile environment;
- \*Lewd (sexual) exposure (any act of) (This includes "streaking" and "mooning.");
- Obscene and/or indecent gestures or gestures that mimic or imply sexual intercourse;
- Lewd caress or indecent fondling/touching of the student's own body;
- \*Lewd caress or indecent fondling/touching of the body of another person;
- \*Pornographic materials. Possession or transmission by any means of descriptions, images, recordings, or other materials involving the display of private body parts;
- \*Sexually Exploitative/Sexually Explicit materials. Possession or transmission by any means of descriptions, images, recordings or other materials involving (a) sexual acts of any type, (b) exposure of the private body parts of a minor, or (c) other graphic sexual content;
- \*Recording images of intimate areas. Recording, possession, and/or transmission of images of students or employees that are of a sexual nature and that were taken without the consent of the student or employee;
- Public displays of affection(PDA)

## **RULE 10 - UNEXCUSED ABSENCES**

A student shall not be absent from school or from any class or other required school function during required school hours except for illness or other providential cause, except with written permission of the teacher, principal, or other duly authorized school official. A student may not leave school grounds prior to the end of the school day, after his/her initial arrival to school, without the permission of a duly authorized school official.

The prohibited behaviors include, but are not limited to, the following:

- Tardy to class;
- Tardy to school;
- AWOL from class (Absent without official leave);
- AWOL from school;
- Unexcused absence (Failure to comply with compulsory school attendance law);

## **RULE 11 - OTHER CONDUCT WHICH IS SUBVERSIVE TO GOOD ORDER**

A student shall not perform any other act which is subversive to good order and discipline in the schools. This includes, but is not limited to, violation of local school rules; violation of state and federal law; involvement in criminal gang-related behavior and/or criminal gang conduct; providing false information to school personnel; unauthorized possession or inappropriate use of laser pointers, and electronic communications devices (including tape recorders, radios, CD Players, MP3 players, video games, and televisions); loitering or trespassing, providing false information to or about school personnel, or community misconduct that would be so serious as to pose a threat to the school community.

A student shall not display any kind of gang affiliation such as one's, means and method of communication including the use of handsigns, or the possession or publication of gang writings/symbols.

The prohibited behaviors include, but are not limited to, the following:

- Violation of local school rules (state specific rule);
- \*Criminal gang-related activity;
- Provide false information and/or forgery;
- Cheating;



- Gambling;
- Plagiarism;
- Foul language (profane or vulgar language not directed at another person) on school property or at a school-sponsored event;
- Laser pointers;
- Unauthorized use during school hours of electronic devices including but not limited to: tape recorders, radios, CD players, MP3 players, video games, and televisions;
- Loitering;
- \*Criminal trespassing;
- Falsifying, misrepresenting, omitting, or erroneously reporting information regarding instances of alleged inappropriate behavior by a teacher, administrator, or school employee toward a student;

## **RULE 12 - REPEATED VIOLATIONS/MISBEHAVIOR/CHRONIC DISCIPLINARY PROBLEM STUDENTS**

Students who chronically disrupt or repeatedly violate other school rules may be charged with repeated violations of school rules or misbehavior. This rule applies after remediation attempts, including the development and implementation of a student disciplinary and behavioral correction plan.

- Chronically disrupt or repeatedly violate other school rules;

## **RULE 13 - SCHOOL BUS INFRACTIONS**

No student shall cause or attempt to cause (either directly or indirectly) a disruption or interference with a school bus by any means including, but not limited to, any of the following behaviors:

- Disruption of school bus. A student shall not in any manner use violence, force, fear, threat or other conduct to disrupt or interfere with a bus driver's ability to operate a bus safely
- Throwing objects at the driver
- Failure to follow directions, rules or regulations
- Use of mirrors, lasers, flash cameras or any other lights or reflective devices during the operation of a school bus without the permission of the driver;
- Posturing to fight
- Fighting
- Diverting or distracting the driver's attention
- Throwing objects on the bus or out the bus window

- Excessive noise


Safety is the first priority while transporting students to and from school. While on a school bus, the bus driver/manager is the school official who has supervisory responsibility of students. Drivers must be able to concentrate on their driving at all times. A momentary distraction from their concentration can lead to a serious accident resulting in injury or death. The safety and well-being of each student depend on everyone following the standards of conduct outlined in this Code. That safety is why certain infractions have a different level of consequences or are singled out as school bus infraction.

If a student is found to have engaged in bullying or other acts of physical violence such as physical assault or battery of another person on the school bus, a meeting with the student's parents or guardian and appropriate school officials will be required in order to develop a school bus behavior contract for the student.

### **SPECIAL CIRCUMSTANCE**

If a legal issue between students in the same building exists for an infraction that happened outside of the school the Superintendent reserves the right to transfers anyone of the students to another school to avoid conflict.

# SPRINGFIELD SCHOOL DISTRICT



Book	Policy Manual
Section	200 Students
Title	Nondiscrimination- <b>Transgender</b> and <b>Gender Expansive</b> Students
Number	248.1
Status	Active
Adopted	January 12, 2017

## **Purpose**

The District is committed to creating a safe and inclusive learning environment for all students that is free from discrimination, regardless of sex, sexual orientation, **Gender Identity**, or **Gender Expression** and to ensuring that every student has equal access to all components of the educational program.

## **Authority**

The purpose of this policy is to facilitate compliance with District policy and state and federal laws concerning bullying, harassment and discrimination. This policy covers conduct that takes place in the school, on school property, at school sponsored functions and activities, on school buses, or vehicles and at bus stops, and on school computers, school networks, school forums, and school mailing lists, as well as conduct covered under the District's policy regarding cyber-bullying. This policy applies to the entire school community, including educators, school staff, students, parents/guardians, and volunteers.[1][2][3][4][5]

The Administration shall generate and distribute administrative regulations consistent with this policy.

## **Definitions**

**Sex Assigned At Birth Or Assigned Sex** - Refers to the gender designation recorded on an infant's birth certificate, should such a record be provided at birth.

**Gender Identity** - Refers to one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted most or all of the time, or for which there is other evidence that the **Gender Identity** is sincerely held as part of the individual's core identity.

**Gender Expression** - Refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Transgender** - An adjective describing an individual whose **Gender Identity** is different from the individual's assigned sex. "**Transgender boy**" and "**transgender male**" refer to an individual assigned the female sex at birth who has a male **Gender Identity**. "**Transgender girl**" and "**transgender female**" refer to an individual assigned the male sex at birth who has a female **Gender Identity**.

**Transgender Student** - A student who consistently and uniformly asserts a **Gender Identity** different from the student's assigned sex most or all of the time or for which there is documented medical evidence that the **Gender Identity** is sincerely held as part of the student's core identity.

**Gender Transition** - The process in which transgender individuals begin asserting the sex that corresponds to their Gender Identity instead of the sex they were assigned at birth. During Gender Transition, individuals begin to live and identify as the sex consistent with their Gender Identity and may dress differently, adopt a new name, and use pronouns consistent with their Gender Identity. Transgender individuals may undergo Gender Transition at any stage of their lives, and Gender Transition can happen swiftly or over a long duration of time.

**Gender Stereotypes** - Refers to stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Gender Expansive** - A term for people whose Gender Expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.

**Bullying** - An intentional electronic, written, verbal or physical act or a series of acts (a) directed at another student or students (b) that is severe, persistent or pervasive, and (c) that has the effect of doing any of the following:[5]

1. Substantially interfering with a student's education;
2. Creating a threatening environment; or
3. Substantially disrupting the orderly operation of the school.

Bullying, as defined in this policy, includes cyber-bullying. Bullying may include acts that occur outside of school if those acts are intentional, electronic, verbal or physical, are directed at another student or students, are severe, persistent or pervasive, and have the effect of (i) substantially interfering with a student's education; (ii) creating a threatening environment; or (iii) substantially disrupting the orderly operation of the school.

**Harassment** - Verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, religion, or sexual orientation, when such conduct: (1) Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment; (2) Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or (3) Otherwise adversely affects an individual's learning opportunities. For purposes of this policy, harassment on the basis of gender includes harassment on the basis of transgender or Gender Expansive status.[3]

**Gender-Segregated Facilities** - Refers to facilities and accommodations, which are separated by gender, used by students at school or during school-sponsored activities and trips, and include, but are not limited to, restrooms, locker rooms, and overnight facilities.

**DISCLAIMERS:**

*This policy is superseded by all current federal and state laws and mandates.*

*This online posting is an electronic copy from Springfield School District's manual of currently adopted policies. The policies on this site are for informational purposes only and do not reflect updating activities in progress. It may be used for information and reference purposes only regarding issues of concern. Certified date-stamped copies are available from the District Open Records Officer and are valid for issues of concern within two (2) weeks of the stamped date.*

Legal	1. Pol. 103
	2. Pol. 104
	3. Pol. 248
	4. Pol. 916
	5. Pol. 252

Springfield Township School District

Policy

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Title

103 Nondiscrimination in School and Classroom Practices

Section

100 Programs

Adopted

Tuesday, October 1, 2013

Last Revised

Tuesday, January 17, 2017

Content

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**Authority**

The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools. Accordingly, the Board prohibits all forms of unlawful discrimination of students, employees or third parties, including harassment based on economic status, race, color, age, creed, religion, sex, sexual orientation, gender identity, ancestry, national origin, marital status, pregnancy, veteran's status, genetic information or handicap/disability. [1][2][3][4][5][6][7][8][9][10][11][13][14][15]

The district shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities. The equitable distribution of district resources is one means the district shall use to ensure all students receive a quality education. The district shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.

The procedures set forth below for filing a complaint alleging discrimination apply to all complaints of discrimination filed against employees, students or third parties. The Board encourages students, employees and third parties who have been subject to discrimination to promptly report such incidents to designated employees as established by this policy.

The Board directs that complaints of discrimination shall be adequately, reliably, promptly and impartially investigated, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

**Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Director of Special Education and Student Support Services as the district's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.
3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related areas.
5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the student, employee or third party of the right to file a complaint and the complaint procedure.
2. Inform the student, employee or third party that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

## **Guidelines**

### **Complaint Procedure – Student/Employee/Third Party**

At each step of the complaint procedure, including the appeal procedure, the complainant and alleged perpetrator may present witnesses and other evidence and have equal access to information being considered in the grievance process. The complainant may be represented by legal counsel. The alleged perpetrator may be represented by legal counsel. The standard used to investigate all complaints shall be a preponderance of the evidence standard (i.e., more likely than not that sexual violence occurred). All decisions at each level shall be in writing and shall include supporting reasons. Copies of all decisions and recommendations shall be furnished promptly to the complainant and alleged perpetrator.

### **Step 1 – Reporting**

A student, employee, or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.

A student, employee, or third party who suspects or is notified that a student, employee or third party has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

### **Step 2 – Investigation**

The building principal, within three (3) business days of receiving a complaint of discrimination, shall, via email, notify the Compliance Officer of the complaint of discrimination. The Compliance Officer shall then authorize the building principal or the building principal's designee to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The building principal or the building principal's designee may also evaluate any other information and materials relevant to the investigation.

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the building principal shall inform law enforcement authorities about the incident.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

### **Step 3 – Investigative Report**

The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) calendar days, unless additional time to complete the

investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

The complainant and the accused shall receive written notice of the outcome of the investigation, including the recommended disposition.

#### **Step 4 – District Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. As such, the district shall take steps to prevent the reoccurrence of any discrimination and remedy discriminatory effects on the complainant and others, if appropriate. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws.

#### Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within ten (10) business days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) calendar days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.
4. If the complainant is not satisfied with the Compliance Officer's response to the appeal, s/he may submit a written appeal to the Superintendent within ten (10) business days.
5. The Superintendent shall review the investigation and the investigative report and may also conduct a reasonable investigation.
6. The Superintendent shall prepare a written response to the appeal within fifteen (15) calendar days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.
7. If the complainant is not satisfied with the Superintendent's response to the appeal, s/he may submit a written appeal to the Board within five (5) business days.



8. The Board shall prepare a written response to the appeal within fifteen (15) calendar days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation. The Board's decision shall be final.

#### Equivalence Between Schools

The Board directs that services in Title I schools and programs, when taken as a whole, shall be substantially comparable to services in schools and programs that do not receive Title I funds.[7]

Curriculum materials, instructional supplies and percentages of highly qualified personnel shall be equivalent between all district schools when compared on a grade-span by grade-span basis or a school-by-school basis. Records documenting such compliance shall be updated biannually.

The Board understands that equivalence between programs and schools shall not be measured by:

1. Changes in enrollment after the start of the school year.
2. Varying costs associated with providing services to students with disabilities.
3. Unexpected changes in personnel assignments occurring after the beginning of the school year.
4. Expenditures on language instruction education programs.
5. Other expenditures from supplemental state or local funds consistent with the intent of Title I.

Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with Board policy.[12]

Springfield Township School District

Policy

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Title

248 Unlawful Harassment

Section

200 Pupils

Adopted

Tuesday, November 19, 2013

Content

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**Purpose**

The Board strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the district to maintain an educational environment in which harassment in any form is not tolerated.

**Authority**

The Board prohibits all forms of unlawful harassment of students and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages students and third parties who have been harassed to promptly report such incidents to the designated employees.<sup>[1][3][4][5][6][15][16]</sup>

The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of harassment.

**Definitions**

For purposes of this policy, **harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, sex, ancestry, socioeconomic status, academic status, **gender identity**, physical appearance, age, disability, sexual orientation, religion or association with an individual who has or shall be perceived to have one or more of the aforementioned characteristics, when such conduct:<sup>[15]</sup>

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment.

2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.
3. Otherwise adversely affects an individual's learning opportunities.

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:<sup>[17]</sup>

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.
2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.
3. Such conduct deprives a student of educational aid, benefits, services or treatment.
4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive educational environment.

### **Delegation of Responsibility**

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Director of Special Education and Student Support Services as the district's Compliance Officer.<sup>[8]</sup>

The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. This policy may be posted in district schools, classrooms, on the district website, if available, and in the Student Code of Conduct. The publication shall include the position, office address and telephone number of the Compliance Officer.

The Board reserves the right to distribute this policy.

The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.

The district may develop and initiate age-appropriate assemblies and/or classroom programs to effectively inform students, parents/guardians and district employees regarding the contents of this policy and related administrative regulations.

Ongoing training shall be provided to employees, contracted individuals, vendors, volunteers and third parties in the schools in the following areas related to unlawful harassment:

- 1.Prevention.
- 2.Identification/Recognition.
- 3.Response.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of their fellow students and district employees and to ensure an atmosphere free from all forms of unlawful harassment.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

- 1.Inform the student or third party of the right to file a complaint and the complaint procedure.
- 2.Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
- 3.Notify the complainant and the accused of the progress at appropriate stages of the procedure.
- 4.Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

## **Guidelines**

### Complaint Procedure – Student/Third Party

#### **Step 1 – Reporting**

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal or a district employee.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal within one (1) school day, or as soon as practicable thereafter.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

#### **Step 2 – Investigation**

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

### **Step 3 – Investigative Report**

The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint.

### **Step 4 – District Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws, and may include educational activities and/or counseling services.[9][10][11][12][13]

If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

### Appeal Procedure

- 1.If the complainant or the accused is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
- 2.The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
- 3.The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant,

the accused and the building principal who conducted the initial investigation.

4. The Compliance Officer may confirm, refuse or modify any finding or corrective action as part of the appeal procedure.

#### Campus Climate Survey

A campus climate survey shall be distributed at least annually to district students. Such survey will allow the district to gauge student perspectives regarding campus safety. The survey shall be anonymous and conducted in accordance with administrative regulations and applicable Board policy.[14]

#### Anonymous Complaints

The availability for filing of anonymous complaints shall be provided to district students. Anonymous complaints shall be investigated and, based upon the information provided in the complaint, shall be reported in accordance with Board policy. Due to the anonymous nature of such complaints, certain inherent limitations may apply.

#### Safe School Hotline

The district participates in the Safe School Hotline, a free and confidential reporting vehicle. Anyone may report incidents of concern by calling 1-800-4-1-VOICE, x359, which is 1-800-418-6423, x359, or by visiting [www.safeschoolhelpline.com](http://www.safeschoolhelpline.com).

BoardDoes is intended for the use of subscribers and licensed customers.  
All users are required to read and follow the [acceptable use policy](#).

State College Area School District

Policy

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Title

103 Nondiscrimination in School and Classroom Practices

Section

100 Programs

Adopted

Monday, July 25, 2011

Content

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**Authority**

The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, age, creed, religion, gender, sexual orientation, **gender identity**, ancestry, national origin or handicap/disability.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)

The district shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.

The Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

**Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Human Resources Director as the district's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

The Assistant Superintendent is responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.
3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related matters.
5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.
5. Refer the complainant to the Superintendent if the Compliance Officer is the subject of the complaint.

## **Guidelines**

### **Complaint Procedure – Student/Third Party**

#### **Step 1 – Reporting**

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.



A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

### **Step 2 – Investigation**

Upon receiving a complaint of discrimination, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

### **Step 3 – Investigative Report**

The building principal shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

Findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

### **Step 4 – District Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.

### Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may

submit a written appeal to the Compliance Officer within fifteen (15) days.

2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.
4. If the complaint is not resolved by the Compliance Officer, the complainant may submit the complaint within fifteen (15) days to a committee consisting of Board members, the Compliance Officer, and the Superintendent. The committee shall respond within fifteen (15) days.

If the complaint is not resolved by the committee, the complainant may refer the complaint to the full Board. The Board shall respond within thirty (30) days.

Susquehanna Community School District

Policy

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Title

103 Nondiscrimination in School and Classroom Practices

Section

100 Programs

Adopted

Wednesday, February 21, 2007

Last Revised

Wednesday, August 6, 2014

Content

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**Authority**

The Board declares it to be the policy of this district to provide an equal opportunity for all students through the programs offered in the schools regardless of race, color, age, creed, religion, sex, sexual orientation, **gender identity**, ancestry, national origin, marital status, pregnancy or handicap/disability. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[14\]](#)[\[15\]](#)

The district shall provide to all students, without discrimination, course offerings, counseling, athletics and extracurricular activities. The equitable distribution of district resources is one means the district shall use to ensure all students receive a quality education. The district shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.

The Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

**Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent as the district's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public.

Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provision of training for students and staff, when needed, to identify and alleviate problems of discrimination.
3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related areas.
5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

## **Guidelines**

### **Complaint Procedure – Student/Third Party**

#### **Step 1 – Reporting**

A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The complainant or reporting employee is encouraged to submit a written complaint, but oral complaints shall be acceptable.

### **Step 2 – Investigation**

Upon receiving a complaint of discrimination, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the building principal shall inform law enforcement authorities about the incident.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

### **Step 3 – Investigative Report**

The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.

### **Step 4 – District Action**

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws.

### Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

### Equivalence Between Schools

The Board directs that services in Title I schools and programs, when taken as a whole, shall be substantially comparable to services in schools and programs that do not receive Title I funds.[8]

Curriculum materials, instructional supplies and percentages of highly qualified personnel shall be equivalent between all district schools when compared on a grade-span by grade-span basis or a school-by-school basis. Records documenting such compliance shall be updated biannually.

The Board understands that equivalence between programs and schools shall not be measured by:

1. Changes in enrollment after the start of the school year.
2. Varying costs associated with providing services to students with disabilities.
3. Unexpected changes in personnel assignments occurring after the beginning of the school year.
4. Expenditures on language instruction education programs.
5. Other expenditures from supplemental state or local funds consistent with the intent of Title I.

Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with Board policy.[13]

# UNIONVILLE- CHADDS FORD SCHOOL DISTRICT

SECTION: PROGRAMS

TITLE: NONDISCRIMINATION IN  
SCHOOL AND CLASSROOM  
PRACTICES

ADOPTED: MAY 19, 2014

REVISED: February 22, 2016

<p>1. Authority SC 1310, 1601-C et seq. 22 Pa. Code Sec. 4.4, 12.1, 12.4, 15.1 et seq. 24 P.S. Sec. 5004 43 P.S. Sec. 951 et seq. Title IX 20 U.S.C. Sec. 1681 et seq. 20 U.S.C. Sec. 6321 29 U.S.C. Sec. 794 Title VI 42 U.S.C. Sec. 2000d et seq. 42 U.S.C. Sec. 12101 et seq. Pol. 103.1</p> <p>2. Delegation of Responsibility</p>	<p style="text-align: center;">103. NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES</p> <p>The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of age, ancestry, color, creed, <b>gender identification</b>, marital status, national origin, race, religion, sex, sexual orientation, <b>transgender</b> or handicap/disability.</p> <p>The district shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities. The equitable distribution of district resources is one means the district shall use to ensure all students receive a quality education. The district shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.</p> <p>The Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.</p> <p>The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.</p> <p>No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.</p> <p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Assistant to the Superintendent as the district's Compliance Officer.</p>
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103. NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES - Pg. 2

	<p>The Compliance Officer will make available this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.</p> <p>The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:</p> <ol style="list-style-type: none"><li>1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.</li><li>2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.</li><li>3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.</li><li>4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related areas.</li><li>5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.</li></ol> <p>The building principal or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:</p> <ol style="list-style-type: none"><li>1. Inform the student or third party of the right to file a complaint and the complaint procedure.</li><li>2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.</li><li>3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.</li><li>4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.</li></ol>
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103. NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES - Pg. 3

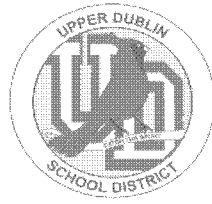
<p>3. Guidelines</p>	<p><u>Complaint Procedure – Student/Third Party</u></p> <p><b>Step 1 – Reporting</b></p> <p>A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.</p> <p>A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.</p> <p>If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.</p> <p>The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.</p> <p><b>Step 2 – Investigation</b></p> <p>Upon receiving a complaint of discrimination, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.</p> <p>The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.</p> <p>If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the building principal shall inform law enforcement authorities about the incident.</p> <p>The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.</p> <p><b>Step 3 – Investigative Report</b></p> <p>The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.</p>
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103. NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES - Pg. 4

<p>20 U.S.C. Sec. 6321</p>	<p>The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.</p> <p><b>Step 4 – District Action</b></p> <p>If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.</p> <p>Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative guidelines, district procedures, applicable collective bargaining agreements, and state and federal laws.</p> <p><u>Appeal Procedure</u></p> <ol style="list-style-type: none"> <li>1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.</li> <li>2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.</li> <li>3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.</li> </ol> <p><u>Equivalence Between Schools</u></p> <p>The Board directs that services in Title I schools and programs, when taken as a whole, shall be substantially comparable to services in schools and programs that do not receive Title I funds.</p> <p>Curriculum materials, instructional supplies and percentages of highly qualified personnel shall be equivalent between all district schools when compared on a grade-span by grade-span basis or a school-by-school basis. Records documenting such compliance shall be updated biannually.</p> <p>The Board understands that equivalence between programs and schools shall not be measured by:</p> <ol style="list-style-type: none"> <li>1. Changes in enrollment after the start of the school year.</li> </ol>
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103. NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES - Pg. 5

<p>Pol. 906</p>	<ol style="list-style-type: none"> <li>2. Varying costs associated with providing services to students with disabilities.</li> <li>3. Unexpected changes in personnel assignments occurring after the beginning of the school year.</li> <li>4. Expenditures on language instruction education programs.</li> <li>5. Other expenditures from supplemental state or local funds consistent with the intent of Title I.</li> </ol> <p>Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with Board policy.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 1310, 1601-C et seq.</p> <p>State Board of Education Regulations – 22 Pa. Code Sec. 4.4, 12.1, 12.4, 15.1 et seq.</p> <p>Unfair Educational Practices – 24 P.S. Sec. 5004</p> <p>Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.</p> <p>No Child Left Behind Act – 20 U.S.C. Sec. 6321</p> <p>Section 504 of the Rehabilitation Act – 29 U.S.C. Sec. 794</p> <p>Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.</p> <p>Federal Anti-Discrimination and Civil Rights Laws –</p> <p style="padding-left: 40px;">20 U.S.C. Sec. 1681 et seq. (Title IX)</p> <p style="padding-left: 40px;">42 U.S.C. Sec. 2000d et seq. (Title VI)</p> <p>Federal Anti-Discrimination and Civil Rights Regulations –</p> <p style="padding-left: 40px;">28 CFR Part 35, Part 41</p> <p style="padding-left: 40px;">34 CFR Part 100, Part 104, Part 106, Part 110</p> <p>Board Policy – 000, 103.1, 122, 123, 701, 906</p>
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Book	Policy Manual
Section	200 Pupils
Title	Gender Expansive and Transgender Students
Number	253
Status	Active
Adopted	May 9, 2016

### **Purpose**

It is the policy of this District to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of, among other factors, gender, gender identity and gender expression. Therefore, the District adopts this policy not only to ensure compliance with applicable law, but to foster an educational environment that is safe and free from discrimination based on gender identity and expression.

### **Delegation of Responsibility**

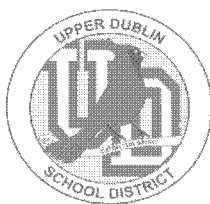
In an effort to ensure that gender expansive and transgender students are provided with such an equal opportunity to achieve their maximum potential through District programs, and in order to ensure that gender expansive and transgender students are provided with equal access to all school programs and activities, the Board authorizes the Superintendent or his/her designee to develop and promulgate regulations designed to ensure the safety, comfort, and healthy development of gender expansive and transgender students while maximizing such students' social integration with other students and minimizing stigmatization and isolation.

### **To view Administrative Regulation - [click here](#)**

Preferred First Name Form attached below

Legal Pol. 103

R253-Preferred First Name Change Form.pdf (88 KB)



Book	Administrative Regulation Manual
Section	200 Pupils
Title	Gender Expansive and Transgender Students
Number	253
Status	Active
Adopted	May 9, 2016

### Definitions

Biological Sex - refers to a person's biological status and is typically categorized as male, female, or intersex (i.e., atypical combinations of features that usually distinguish male from female). There are a number of indicators of biological sex, including sex chromosomes, gonads, internal reproductive organs, and external genitalia.

Cisgender - denoting or relating to a person whose self-identity conforms with the gender that corresponds to their biological sex

Consistently Asserted Gender Identity - an exclusive commitment to either a male or female gender identity asserted across multiple settings from the time when a person begins to live as the gender with which they identify rather than the gender they were assigned at birth.

Gender - the state of being male or female which, in the context of this policy, is used with reference to social and cultural differences rather than biological ones.

Gender Expansive - A term that conveys a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. Gender expansive is not synonymous with transgender; not all gender expansive individuals identify as transgender.

Gender Identity - A person's deeply held internal sense or psychological knowledge of their own gender, regardless of the biological sex they were assigned at birth.

Gender Expression - The way a person expresses gender, in way such as dress, grooming, hairstyle, behavior, activities, interests, speech, mannerisms, etc.

Intersex - A term used for people who are born with a reproductive or sexual anatomy and/or chromosome pattern that does not conform to typical definitions of male or female.

Transgender - A person whose gender identity and/or gender expression is different from that of the biological sex they were assigned at birth.

Transition - The time when a person begins to live as the gender with which they identify rather than the gender they were assigned at birth, which often includes changing one's first name and dressing and grooming differently. Transitioning may or may not also include

medical and legal aspects, including taking hormones, having surgery, or changing identity documents (e.g. driver's license, Social Security record) to reflect one's **gender identity**.

### Guidelines

The goal in all cases is to strive for consensus among parents and student as to the application of this policy. However, in general, the prerogative to assert the rights of the **transgender** and **gender non-conforming** students belong to the student and do not require additional parental/guardian consent unless the assertion of a right delineated in this guidelines implicate parental/guardian rights under the Family Educational Rights and Privacy Act or other applicable law.

#### A. Privacy / Confidential Health or Educational Information

All persons, including students, have a right to privacy, which includes the right to keep private one's **transgender** status or **gender expansive** presentation at school.

Information about a student's **transgender** status, legal name, or gender assigned at birth may constitute confidential medical or educational information. Disclosing such information to other students, their parents, or other third parties may violate privacy laws such as the federal Family Educational Rights and Privacy Act (FERPA). Therefore, school personnel should not disclose information that may reveal a student's **transgender** status or **gender expansive** presentation to others, including the student's parents/guardians and/or other school personnel, unless legally required to do so or unless the student has authorized such disclosure.

**Transgender** and **gender expansive** students have the right to discuss and express their **gender identity** and **expression** openly and to decide when, with whom, and how much to share such private information.

When contacting the parent or guardian of any student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

#### B. Official Records

The District is required to maintain a permanent student record which includes the student's legal name and gender. The District will change a student's official records to reflect a change in legal name or gender upon receipt of:

Documentation that the student's legal name or gender has been changed pursuant to a court order or through amendment of state or federally-issued identification; or

A written, signed statement explaining that the student has exercised a common-law name change and has changed their name for all intents and purposes and that the change has not been made for fraudulent reasons (**See Name Change Form Attached**).

To the extent that the District is not legally required to use a student's legal name and biological sex on school records or documents, the District should use the name and gender by which the student consistently identifies. In situations where school employees are required by law to use or report a student's legal name or gender, such as for standardized testing, school staff should adopt practices to avoid the inadvertent disclosure of the student's **transgender** or **gender expansive** status.

### C. Names and Pronouns

Students have the right to be addressed by the name and pronoun that corresponds to their consistently asserted **gender identity**. A court-ordered name or gender change is not required, and the student need not otherwise change his or her official records in order to be addressed by the name and pronoun that corresponds to the student's consistently asserted **gender identity**.

Appropriate school employees will privately ask known **transgender** or **gender expansive** students how they would like to be addressed in class, in correspondence to the student's home, and at conferences with the student's parent/guardian. That information will be included in the electronic student record system along with the student's legal name in order to inform teachers and staff of the name and pronoun by which to address the student. When appropriate or necessary, this information will be communicated directly with staff to facilitate the use of proper names and pronouns.

When communicating with known **transgender** or **gender expansive** students regarding particular issues such as conduct, discipline, grades, attendance or health, school employees will focus on the conduct or particular issues rather than making assumptions regarding the student's actual or perceived **gender identity**.

When communicating with parents of **transgender** or **gender expansive** students, school employees will refrain from the use of gender pronouns and refer to the student by name whenever practicable.

The District does not condone the intentional and/or persistent refusal to respect a student's consistently asserted **gender identity**, or inappropriate release of information regarding a student's **transgender** or **gender expansive** status. Such conduct shall be a violation of this Administrative Regulation and the corresponding Board Policy.

### D. Restroom Accessibility

Students shall be allowed to use the restroom that corresponds to the **gender identity** they consistently assert at school. No student will be required to use a restroom that conflicts with their consistently asserted **gender identity**.

Any student, whether or not they are **transgender** or **gender expansive**, who needs or desires increased privacy when utilizing a restroom shall, upon request, be provided with access to a single stall or otherwise private restroom, but no student stall be required to use such a restroom.

### E. Locker Room Accessibility

The use of locker rooms by **transgender** or **gender expansive** students shall be reviewed and addressed on a case-by-case basis, but permitted in a way that, to the extent appropriate, maximizes a **transgender** or **gender expansive** student's social integration, provides an equal opportunity to participate in physical education classes and athletic opportunities, minimizes stigmatization of the **transgender** or **gender expansive** student, and ensures student safety. Notwithstanding the foregoing, no student will be required to use a locker room that conflicts with his or her consistently asserted **gender identity**.

The District will provide a **transgender** or **gender expansive** student with access to the locker room that corresponds to the **gender identity** he/she consistently asserts at school. Any student, whether or not they are **transgender** or **gender expansive**, who needs or desires increased privacy when utilizing a locker room shall, upon request, be

provided with access to reasonable alternative locker room conditions which could include, but are not limited to (1) use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby health office restroom) or (2) a separate changing schedule (i.e., utilizing the locker room before or after the other students).

#### F. Sport and Physical Education Classes

Transgender and gender expansive students shall be permitted to participate in athletic programs/opportunities and physical education classes in a manner that is consistent with their consistently asserted gender identity.

A student may seek review of his/her eligibility for participation in interscholastic athletics by working through the Pennsylvania Interscholastic Activities Association (PIAA).

#### G. Dress Codes

All students shall have the right to dress in a manner consistent with their gender identity or gender expression to the extent that such dress does not conflict with school rules or other Board policies or administrative regulations.

#### H. Other School Activities

In any school activity or other circumstance involving separation by gender (i.e. class discussions, field trips), students will be permitted to participate in accordance with the gender identity they consistently assert at school. Teachers and other school employees will make reasonable efforts to separate students based on factors other than gender where feasible and appropriate.

For overnight field trips, the transgender student should communicate their preferred sleeping arrangement to the teacher and/or a school administrator responsible for planning the field trip when the trip is being planned, but at least a month prior to the date of the field trip. As with any other student, the school should try to pair the transgender student with peers with whom the student feels comfortable. In some cases, a transgender student may want a room with fewer roommates or another alternative suggested by the student or their family. The District should honor these requests whenever possible and make adjustments to prevent the student from being marginalized because of those alternative arrangements. Regardless of whether those roommates know about the student's gender identity, the District has an obligation to maintain the student's privacy and cannot disclose or require disclosure of the student's transgender status to the other students or their parents.

#### I. Discrimination/Harassment

Incidents or complaints of alleged discrimination, harassment, or violence against a transgender or gender expansive student shall be given prompt in the same manner as other discrimination/harassment complaints.

#### J. Education and Training

When possible, the District will conduct staff training and ongoing professional development in an effort to build the skills of all staff members to prevent, identify and respond to harassment and discrimination. In order to further a safe and supportive school environment for all students, the District will incorporate education and training



about **transgender** and **gender expansive** students into their anti-bullying curriculum, student leadership trainings and staff professional development. The content of such professional development/training should include, but not be limited to:

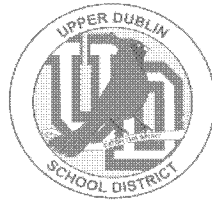
- Terms and concepts related to **gender identify**, **gender expression**, and gender diversity in children and adolescents;
- Appropriate strategies for communicating with students and parents about issues related to **gender identity** and **gender expression**, while protecting student privacy;
- Strategies for preventing and intervening in incidents of harassment and discrimination, including cyber-bullying.
- District and staff responsibilities under applicable laws and District policies regarding harassment, discrimination, and **gender identity** and **expression** issues.

Cross references:

Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g

Policy and Administrative Regulation No. 248, Prohibited Harassment by and of Students

.....  
[R253-Preferred First Name Change Form.pdf \(88 KB\)](#)  
.....



Book	Policy Manual
Section	200 Pupils
Title	Suicide and Self-Harming Behavior Prevention
Number	252
Status	Active
Adopted	June 15, 2011
Last Revised	October 12, 2015

### **Purpose**

The Board, recognizing the significantly high national rate of adolescent suicide and other self-harming behavior, is committed to addressing suicide and other self-harming behavior on a District level. The Board also recognizes its responsibility to provide education on youth suicide awareness and prevention and to establish methods of suicide prevention, intervention and response.

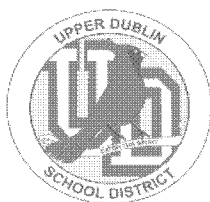
### **Authority**

Although the District is not legally responsible for pupil self-harming behavior occurring on District premises or during school-sponsored events away from the building and grounds, all efforts will be made to ensure the safety of students.

### **Delegation**

In an attempt to reduce the risk of suicide and other self-harming behavior among District students, the Board authorizes the Superintendent and/or designee to develop and promulgate regulations to prevent suicide and self-harming behavior among students.

**To view Administrative Regulation 252 - [click here](#)**



Book	Administrative Regulation Manual
Section	200 Pupils
Title	Suicide and Self-Harming Behavior Prevention
Number	252
Status	Active
Last Revised	December 12, 2016
Last Reviewed	November 28, 2016

### Suicide Awareness, Prevention and Response

Suicide among youth is a major national concern. It is one of the leading causes of death among young people. The District shall utilize a multifaceted approach to suicide prevention which integrates school and community-based supports.

This policy shall apply in any situation where a student is expressing suicidal thoughts or intentions of self-harm on school property, at any school-sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity.

This policy shall also apply following a student's suicide threat or attempt that does not occur on school grounds or during a school-sponsored activity, but that is reported to any school personnel.

### Definitions:

"At-Risk for Suicide" means any youth with risk factors or warning signs that increase the likelihood of suicidal behavior.

"Crisis Response Team" includes, but may not be limited to, the administrators, guidance counselors, the school nurse, social worker, and school resource officers, and/or other members of the Student Assistance Program (SAP), as designated, and may include other members as deemed appropriate by the chief school administrator/school entity. Community mental agency resources may be called for assistance to be a part of the team.

"Prevention" refers to efforts that seek to reduce the factors that increase the risk for suicidal thoughts and behaviors and increase the factors that help strengthen, support, and protect individuals from suicide.

"Risk Factors" means the personal or environmental characteristics associated with suicide. People affected by one or more of these risk factors have a greater probability of suicidal behavior.

"Warning Signs" are evidence-based indicators that someone may be in danger of suicide, either immediately or in the very near future.

Categories of suicidal and other self-harming behavior are:

1. Self-harming behavior – includes, but is not limited to, threats of suicide or other self-harming behavior, excessive risk taking, purposeful self-injury, evidence of excessive alcohol consumption or harmful drug use and the expression of suicidal or self-harming ideation.
2. Suicidal Ideation – means having thoughts of killing oneself. While it is normal for people to have such thoughts, the persistence of such thoughts is cause for concern.
3. Suicidal Threat – means saying or doing something that reveals a self-destructive desire. While threats may not be serious and are made sometimes by people who merely are seeking attention and/or trying to manipulate others, all threats should be taken seriously.
4. Attempted Suicide – means acting in a very serious self-destructive manner that includes all the elements of a completed suicide except that the person does not die.
5. Completed Suicide – means death caused by self-harming behavior with any intent to die as a result of the behavior.

#### Crisis Intervention Team Membership

- Building Principal and/or Assistant Principal
- Guidance Counselor
- School Psychologist
- School Nurse
- Other staff members as deemed necessary

#### Protocols for Administration of Student Education

Students shall receive age-appropriate education on the importance of safe and healthy choices, coping strategies, how to recognize risk factors and warning signs, as well as help-seeking strategies for self or others including how to engage school resources and refer friends for help.

Lessons shall contain information on comprehensive health and wellness, including emotional, behavioral and social skills development. These lessons may be taught by health and physical education teachers, community service providers, classroom teachers or student services staff. Students who are in need of intervention shall be referred in accordance with the school entity's referral procedures for screening and recommendations.

#### Protocols for Administration of Employee Education

All District employees, including but not limited to secretaries, coaches, bus drivers, custodians and cafeteria workers, shall receive information regarding the District's protocols for suicide awareness and prevention, including risk factors, warning signs, response procedures, referrals, and resources regarding youth suicide prevention.

As part of the District's professional development plan, professional educators in school buildings serving students in grades six (6) through twelve (12) shall participate in four (4) hours of youth suicide awareness and prevention training every five (5) years.

#### Resources for Parents/Guardians

The District may provide parents/guardians with resources including, but not limited to, health promotion and suicide risk, including characteristics and warning signs; and information about local behavioral/mental health resources.

#### Methods of Prevention

The methods of prevention utilized by the District include, but are not limited to, early identification and support for students at risk; education for students, staff and parents/guardians; and delegation of responsibility for planning and coordination of suicide prevention efforts.

### Early Identification Procedures

Early identification of individuals with one (1) or more suicidal risk factors or of individuals exhibiting warning signs, is crucial to the District's suicide prevention efforts. To promote awareness, District employees, students and parents/guardians should be educated about suicidal risk factors and warning signs.

While this is not an exhaustive list, signs of self-harming behavior may be seen in one or more of the following relating to a student:

1. Behavioral Health Issues/Disorder, specifically but not exclusively:
2. Depression
3. Bipolar disorder or other mood disorder
4. Substance abuse or dependence
5. Depression
6. Previous suicide attempts
7. Self-injury
8. Hopelessness/low self-esteem
9. Loneliness/social alienation/isolation/lack of belonging
10. Poor problem-solving or coping skills
11. Impulsivity/risk-taking/recklessness
12. Adverse/stressful life circumstances
13. Gender identity/sexual orientation
14. Homelessness
15. Interpersonal difficulties or losses
16. Disciplinary or legal problems, including school disciplinary issues
17. Bullying (victim or perpetrator; target, aggressor and/or witness)
18. School or work issues
19. Physical, sexual or psychological abuse
20. Exposure to family or peer suicide
21. Family characteristics - lots of conflict, few activities
22. Family history of suicide or suicidal behavior
23. Family mental health problems, including alcoholism
24. Divorce/death of parent
25. Parent-child conflict

Warning signs are evidence-based indicators that someone may be in danger of suicide, either immediately or in the future. These signs may mean that a youth is at risk for suicide, particularly for youth who have attempted suicide in the past. Risk is greater if the warning sign is new and/or has increased and if it seems related to an anticipated or actual painful event, loss, or change. Finally, the presence of more than one of the following warning signs may increase a youth's risk for engaging in suicidal behaviors.

1. Talking about or making plans for suicide;
2. Expressing hopelessness about the future;
3. Displaying severe/overwhelming emotional pain or distress;
4. Showing worrisome behavioral cues or marked changes in behavior, particularly in the presence of the warning signs above. Specifically, this includes significant:
  - a. Withdrawal from or changing in social connections/situations;
  - b. Recent increased agitation or irritability;
  - c. Anger or hostility that seems out of character or out of context; and/or
  - d. Changes in sleep (increased or decreased).

### Suicide Prevention Procedures

In an attempt to reduce the risk of suicide among students, these regulations are to be followed:

1. Any school district employee who has reason to believe that a student is exhibiting self-harming behavior or considering suicide must notify the principal or his/her designee. In all such cases, concern for confidentiality is secondary to concern for the student's safety. The school district employee must locate the student and arrange for or provide constant adult supervision until the procedures for crisis intervention are undertaken;
2. The principal/designee is responsible for implementing the procedures for crisis intervention of a suicidal student. The principal/designee will consult with the crisis intervention team and formulate a plan of action.
3. The school guidance counselor will conduct a formal interview with the student to assess the immediacy and intensity of the crisis in consultation with members of the Crisis Intervention Team as needed. The guidance counselor will report back to the principal/designee.
4. Based on the assessment completed by the guidance counselor;
  1. The parent will be contacted by the principal/designee to come to school for a meeting and to be advised to seek immediate mental health assessment for the student.
  2. A plan for intervention and follow-up will be formulated. Parents will be provided a list of area mental health service providers. (see attached)
  3. The principal or his/her designee will contact the Child Crisis Hotline and/or the Upper Dublin Police Dept. if the parent(s) refuse to cooperate.
  4. The principal or his/her designee will report the incident to the Superintendent.
5. The principal or his/designee, when it is anticipated that the student is returning to school, shall convene the C.I.T. to develop a plan for monitoring the student's behavior in coordination with the parents and the mental health service provider. Monitoring shall continue until the outside mental health service provider determines that the student is out of crisis.

#### Attempted Suicide out of the School Setting

1. The staff member hearing of the alleged attempted suicide should immediately notify the principal. The principal may contact other outside agencies if deemed necessary and appropriate to benefit student safety.
2. The principal or his/her designee should verify the facts of the case by contacting both the parent and the student. The parent should be asked if the student is being provided mental health services and, if a treatment plan has been developed. The parent/student will be asked to provide permission to contact the therapist. If the student is not receiving mental health services, the school will provide a list of mental health service agencies.
3. The counselor in cooperation with the parent and the outside mental health agency will develop a transition plan to monitor the student's functioning in school.

#### Attempted Suicide in the School Setting (School setting means on the school property or at school sponsored activities, i.e. games socials, etc)

1. The nurse or another qualified person should administer first aid to the student needing immediate medical attention as the result of a self-destructive act. The school site or area of occurrence should be cordoned off and the student provided as much privacy as possible.

2. The nurse or another qualified person should contact an ambulance service immediately. Simultaneously, the Principal, the Superintendent and the student's parents should be notified. The Principal will be responsible for contacting the parent. If the parents cannot be contacted or reached, the individual listed on the emergency card should be contacted immediately to meet the ambulance at the hospital.
3. The school nurse or other school staff member should accompany the student to the hospital.
4. The C.I.T. should be notified to handle the reactions of the students.

#### Actual Suicide

Administration should refer to Death of a Student Checklist – ([see attached](#))

#### Documentation and Confidentiality

District employees shall be responsible for effective documentation of incidents involving suicide prevention, intervention and response. Effective documentation assists in preserving the safety of the student and ensuring communication among school staff, parents/guardians and mental health service providers.

The District shall document observations, recommendations and actions conducted throughout the intervention and assessment process including verbal and written communications with students, parents/guardians and mental health service providers. The District shall maintain a file with copies of all documentation.

When a District employee takes notes on any conversations or situations involving or relating to an at-risk student, the notes should contain only factual or directly observed information, not opinions or hearsay.

The suicide prevention coordinator shall provide the Superintendent with a copy of all reports and documentation regarding the at-risk student. Information and reports shall be provided, as appropriate, to guidance counselors, District mental health professionals and school nurses.

If an expressed suicidal thought or intention is made during an after school program and no school personnel are available, call County Emergency Services at (610) 279-6100, 1-800-SUICIDE, or 1-800-273-TALK for help. Inform the principal of the incident and actions taken.

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[Suicide Risk Assessment Form.pdf \(108 KB\)](#)

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[Self-Harm Risk Assessment Form.pdf \(57 KB\)](#)

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Wallenpaupack Area School District

Policy

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Title

248 Unlawful Harassment

Section

200 Pupils

Adopted

Monday, November 8, 1999

Last Revised

Monday, June 20, 2016

Content

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**Purpose**

The Board strives to provide a safe, positive learning climate for students in the schools of the school district. Therefore, it shall be the policy of the district to maintain an educational environment in which harassment in any form is not tolerated.

**Authority**

The Board prohibits all forms of unlawful harassment of students and third parties by all school district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages students and third parties who have been harassed to promptly report such incidents to the designated employees.[1][2][3]

The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the school district's legal and investigative obligations.

Neither reprisals nor retaliation shall occur as a result of good faith charges of harassment.

**Definitions**

For purposes of this policy, **harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, **gender identity**, **gender expression**, or religion when such conduct:[2]

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment.



2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.
3. Otherwise adversely affects an individual's learning opportunities.

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:<sup>[4]</sup>

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.
2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.
3. Such conduct deprives a student of educational aid, benefits, services or treatment.
4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive educational environment.

Examples of conduct that may constitute **sexual harassment** include but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with a student's ability to work or learn or creates an intimidating, hostile or offensive learning or working environment.

**Disability harassment** consists of intimidation and/or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities from school district programming through such things as verbal acts and name calling, nonverbal behavior such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating. A hostile environment may exist even if there are no tangible effects on the student where the harassment is serious enough to adversely affect the student's ability to participate in or benefit from school district programming.

Examples of **disability harassment** include, but are not limited to: repeated remarks that are negative in nature and made aloud in the school setting regarding a student's disability and resulting in the harassed student having difficulty performing assigned educational tasks and/or causing a significant decline in his/her grades; physically impeding a disabled student's ability to function in the classroom setting; subjecting a student to inappropriate physical restraint resulting from conduct related to his/her disability, with the result that the student tries to avoid attending school on a regular, punctual basis; repeatedly denying a disabled student with access to lunch, field trips,

assemblies, and extracurricular activities as punishment for taking time off from school for required services related to the student's disability; repeatedly belittling and/or criticizing a student with a disability for using accommodations in the school setting, with the result that the student becomes discouraged and has difficulty performing in a manner commensurate with his/her ability; and/or continual taunting and/or belittling of a disabled student in a manner that focuses upon his/her disability, resulting in limited participation in the educational process.

### **Delegation of Responsibility**

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Assistant Superintendent for Personnel and General Administration as the school district's Compliance Officer.[5]

The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.

The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of their fellow students and district employees and to ensure an atmosphere free from all forms of unlawful harassment.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

### **Guidelines**

#### **Complaint Procedure – Student/Third Party**

1. A student shall report a complaint of harassment to the school principal or a school district employee, who shall inform the student of his/her rights and of

the complaint process.

2. The school principal or designee shall immediately conduct an impartial, thorough and confidential investigation of the alleged harassing behavior, which should include interviewing the harasser and the potential victim.
3. The school principal or designee shall summarize the investigation as per school procedures, recommending disposition of the complaint.
4. If the investigation results in a substantiated charge of harassment, the school district shall take corrective action to ensure the harassment ceases and will not recur and disciplinary action consistent with the school Code of Conduct and any other applicable Board policies. Such action may include guidance counseling, change of setting, change of class or schedule, other method of separation of the harasser and victim, recommending outside of school therapy, detention, suspension, or expulsion and reporting of the incident to law enforcement when appropriate.
5. If it is concluded that a student has made a false accusation, such student shall be subject to disciplinary action, consistent with the school Code of Conduct.
6. The findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

If the complainant or accused is not satisfied with the school principal's decision, s/he may file a written appeal to the Superintendent or designee.

Wallenpaupack Area School District

Policy

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Title

252 Dating Violence

Section

200 Pupils

Adopted

Monday, April 11, 2016

Content

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**Purpose**

The Board recognizes the importance of providing a safe, positive learning environment for all students that is free from dating violence. Dating violence is inconsistent with the educational goals of the district and is prohibited at all times.

Dating violence is promptly addressed when it is reported.

The Board adopts this policy to:

1. Apply the rights of students and responsibilities of school employees in the context of dating violence in the district.
2. Promote prevention of dating violence in the district.
3. Respond when there are cases of dating violence in district.

**Authority**

The Board declares that dating violence is prohibited.

The policy shall apply in any situation where a student is experiencing dating violence on school property, at any school-sponsored activity, or on any vehicle providing transportation to or from school or school-sponsored activity.

The district encourages students who have been a victim of dating violence to promptly report such incidents to designated staff. The district shall investigate promptly all complaints of dating violence and shall administer appropriate discipline to any student who violates this policy.

**Definitions**

**Perpetrator** - shall mean an individual who is accused of committing any act or threat of dating violence as defined by this policy.

**Dating Partner** - shall mean a person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term.

**Dating Violence** - shall mean the use of abusive behaviors, including, but not limited to, Internet, electronic, written, verbal, sexual or physical contact by a person to harm, threaten, intimidate or control a current or former dating partner, regardless of sex, sexual orientation or **gender identity**. Dating violence may be an isolated incident or a repeated course of conduct. Dating violence includes but is not limited to:

1. Physical Abuse: any intentional unwanted contact with the victim's body by either the perpetrator or an object within the perpetrator's control, regardless of whether such contact causes pain or injuries to the victim.
2. Emotional Abuse: the intentional infliction of mental or emotional distress by threat, coercion, stalking, humiliation, harassment, or other verbal or nonverbal conduct.
3. Sexual Abuse" any sexual behavior or contact by the perpetrator that is unwanted by the victim and/or interferes with the victim's ability to consent to or control the circumstance of sexual behavior.

### **Delegation of Responsibility**

The Superintendent/designee shall develop administrative protocols from investigating complaints of dating violence.

### **Guidelines**

#### Investigation

When a student believes that s/he has been the subject of dating violence, the student is encouraged to promptly report the incident to the appropriate school personnel. The complaint may be reported to, but not limited to, the following staff: principal/designee, guidance counselors, school nurses, teachers, school resource officers.

Once the complaint has been referred, the principal/designee shall responsible for a confidential (to the extent allowed by state and federal law), timely, impartial, and comprehensive investigation of the alleged dating violence. The principal/designee shall complete a report summarizing the investigation and recommending disposition of the complaint. The complainant and the accused shall (when not prohibited by law) be informed of the outcome of the investigation.

#### Documentation

Documentation of each complaint shall be maintained in the district's student information system (SIS).

In order to protect the safety and confidentiality of the victim and to comply with state and federal law, access to the information shall be consistent with the district's policy pertaining to student records. In addition to state law, the Federal Family Educational Rights and Privacy Act (FERPA) applies in order to protect the privacy of the student's educational records.

#### Confidentiality of School-Related Information

Information received in confidence from a student may be revealed to the student's parent/guardian, the building principal/designee or other appropriate authority when the health, welfare or safety of the student or other persons is clearly in jeopardy.

The appropriate staff shall encourage the victim to tell his/her parent/guardian about the dating violence and shall provide support to the victim.

#### Mandatory Child Abuse Reporting

Under no circumstances is this policy intended to abrogate the requirements related to mandatory child abuse reporting.

#### Protection From Abuse Orders

When a school is notified by the court, victim, parent/guardian, or otherwise provided a copy of the Protection From Abuse Order, the school will take appropriate actions to comply with the Protection From Abuse Order.

When notified of the Protection From Abuse Order, the school may hold meetings with the victim/student and perpetrator/student to:

1. Review the Protection From Abuse Order, the specific prohibitions under the order and ramification for violating the order, including juvenile court for minors and criminal consequences for anyone eighteen (18) years of age or older.
2. Clarify what the victim/student is asking of the school, if anything, to keep him/her safe from the perpetrator.
3. Review the school day, classes, lunch, and activities, paying attention to potential conflicts and opportunities for face-to-face contact between the victim/student and the perpetrator/student.
4. Identify schedule overlaps, such as arrival/dismissal times, classes, lunch, activities, etc.
5. Identify a plan to include safety precautions that eliminate or substantially diminish the opportunity for the victim and perpetrator to come into contact on school property, at any school-sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity.

6. Help the victim/student identify adults within the school-setting with whom s/he feels comfortable.
7. Assist the victim in developing a safety-plan or refer the victim to local domestic violence or rape crisis program

If the school knows or reasonably should have known that the perpetrator/student violated the Protection From Abuse Order on school property, the building principal/designee shall contact law enforcement.

#### Notice of Policy

The policy regarding dating violence shall be:

1. Disseminated in the student handbook at the beginning of each year.
2. Published on the district's website.

#### Training, and Education

The district may provide dating violence training to administrators, teachers, guidance counselors, nurses and staff as deemed necessary. The district may incorporate age-appropriate dating violence education into the health curriculum for students in grades nine through twelve. The district may consult local domestic violence programs or rape crisis programs when developing the educational program.

Trainings shall be designed to prepare staff to:

1. Conduct investigations and assessments.
2. Respond appropriately to disclosures of dating violence.
3. Assist victims with safety planning.
4. Make appropriate referrals.
5. Decide and implement appropriate disciplinary action.

Monitor compliance of disciplinary action.

West Chester Area School District

Policy

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Title

819AG1 Suicide Awareness and Prevention Resources

Section

800 Operations

Adopted

Thursday, December 17, 2015

Last Revised

Thursday, December 17, 2015

Content

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\*\*\*Please note that the resources listed here are free of charge. There are many more excellent resources for minimal cost.

**General Information** (many with webinar sessions)

**PA Youth Suicide Prevention Initiative**

<http://www.payspi.org/>

**Mission** - The Pennsylvania Youth Suicide Prevention Initiative is a multi-system collaboration to reduce youth suicide.

**Vision** - Youth suicide prevention will be embraced and incorporated into the fabric of every community in Pennsylvania to address the social and emotional needs of youth at risk and survivors of suicide.

**Suicide Prevention Resource Center**

<http://www.sprc.org/>

SPRC is the nation's only federally supported resource center devoted to advancing the *National Strategy for Suicide Prevention*. They provide technical assistance, training, and materials to increase the knowledge and expertise of suicide prevention practitioners and other professionals serving people at risk for suicide. They also promote collaboration among a variety of organizations that play a role in developing the field of suicide prevention.

**Toolkit for High Schools**

<http://store.samhsa.gov/product/SMA12-4669>

Assists high schools and school districts in designing and implementing strategies to prevent suicide and promote behavioral health. Includes tools to implement a multi-faceted suicide prevention program that responds to the needs and cultures of students. Released in June 2012.

**American Foundation for Suicide Prevention**

<http://www.afsp.org/>

The American Foundation for Suicide Prevention has been at the forefront of a wide range of suicide prevention initiatives – each designed to reduce loss of life from suicide. They are investing in groundbreaking research, new educational campaigns, innovative demonstration projects and critical policy work. And they are expanding their assistance to people, whose lives have been affected by suicide, reaching out to offer support and offering opportunities to become involved in prevention.



**American Association of Suicidology** <http://www.suicidology.org/home>  
AAS is a membership organization for all those involved in suicide prevention and intervention, or touched by suicide. AAS is a leader in the advancement of scientific and programmatic efforts in suicide prevention through research, education and training, the development of standards and resources, and survivor support services.

**Services for Teens At Risk (STAR Center)** <http://www.starcenter.pitt.edu/>  
Services for Teens At Risk (STAR-Center) is a comprehensive research, treatment, and training center. Funded by the State of Pennsylvania's General Assembly in 1986 to address adolescent suicide and depression, the program provides individual assessment and treatment to teens that are experiencing depression and suicidality. They also provide community education services about depression and suicidality to schools, social service agencies, churches and other organizations that request them.

**The Trevor Project** <http://www.thetrevorproject.org/>  
The Trevor Project is the leading national organization providing crisis intervention and suicide prevention services to lesbian, gay, bisexual, **transgender**, and questioning youth.

### **Comprehensive School Guide**

**Youth Suicide Prevention School-Based Guide** <http://theguide.fmhi.usf.edu/>  
The Youth Suicide Prevention School-Based Guide is designed to provide accurate, user-friendly information. The Guide is not a program but a tool that provides a framework for schools to assess their existing or proposed suicide prevention efforts (through a series of checklists) and provides resources and information that school administrators can use to enhance or add to their existing program. First, checklists can be completed to help evaluate the adequacy of the schools' suicide prevention programs. Second, information is offered in a series of issue briefs corresponding to a specific checklist. Each brief offers a rationale for the importance of the specific topic together with a brief overview of the key points. The briefs also offer specific strategies that have proven to work in reducing the incidence of suicide, with references that schools may then explore in greater detail. A resource section with helpful links is also included. The Guide provides information to schools to assist them in the development of a framework to work in partnership with community resources and families.

### **School Policy**

**Model School Policy on Suicide Prevention -**  
[https://www.afsp.org/content/download/10555/186750/file/Model%20Policy\\_FINAL.pdf](https://www.afsp.org/content/download/10555/186750/file/Model%20Policy_FINAL.pdf)

Written by American Foundation for Suicide Prevention, National Association of School Psychologists, American School Counselor Association, and The Trevor Project. This modular, adaptable document will help educators and school administrators implement comprehensive suicide prevention policies in communities nationwide.

**STAR Center Sample School Suicide Policy and Procedure -**  
<http://www.starcenter.pitt.edu/Sample-School-Suicide-Policy-And-Procedure/41/Default.aspx>

## **Training for School Staff**

### **Society for Prevention of Teen Suicide** <http://www.sptsusa.org/>

The mission of the Society for the Prevention of Teen Suicide is to reduce the number of youth suicides and attempted suicides by encouraging overall public awareness through the development and promotion of educational training programs for teens, parents and educators.

The free, interactive series Making Educators Partners in Suicide Prevention is designed to be completed at the viewer's own pace. Pennsylvania school staff requiring Act 48 hours may submit the certificate of completion to [c-paschool@pa.gov](mailto:c-paschool@pa.gov) or fax it to 717-783-4790, along with your Dept. of Education Professional ID number, to have these hours submitted.

### **More Than Sad Program** <http://www.afsp.org/preventing-suicide/our-education-and-prevention-programs/programs-for-professionals/more-than-sad-suicide-prevention-education-for-teachers-and-other-school-personnel>

The More Than Sad Program of the American Foundation for Suicide prevention provides education about factors that put youth at risk for suicide, in particular depression and other mental disorders. Instructional materials accompany the More Than Sad Program, including a PowerPoint presentation.

**American Foundation for Suicide Prevention** (<http://www.afsp.org/>) – PA AFSP chapters will make the "More Than Sad" DVD available **free** to all high and middle schools in PA that request one. **Contact Pat Gainey to receive your copy.** Patricia Gainey, Regional Director, American Foundation for Suicide Prevention, Greater Philadelphia Regional Office, 3535 Market Street, Suite 4047, Philadelphia, PA 19104; Office: (215)746-7256.

## **Suicide Prevention Resource Center – Best Practices Registry**

<http://www.sprc.org/bpr>  
The purpose of the Best Practices Registry (BPR) is to identify, review, and disseminate information about best practices that address specific objectives of *the National Strategy for Suicide Prevention*. The BPR is a collaborative project of the Suicide Prevention Resource Center (SPRC) and the American Foundation for Suicide Prevention (AFSP). It is funded by the Substance Abuse and Mental Health Services Administration (SAMHSA). Many of the best practice resources listed have to be purchased.

## **Material for Students**

### **More Than Sad Program** <http://www.afsp.org/preventing-suicide/our-education-and-prevention-programs/programs-for-teens-and-young-adults/more-than-sad-teen-depression>

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### **Suicide Prevention Resource Center Best Practices**

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### **Wisconsin Department of Public Instruction**

The curriculum is not SPRC listed, but does use elements of SOS and Lifelines.

<http://ssp.wisconsin.gov/ssp/suicideprev> main page

Link to Student programs: <http://ssp.wisconsin.gov/ssp/spstudentprograms>

Link to Curriculum: <http://ssp.wisconsin.gov/ssp/suicideprevcurriculum>

### **Postvention Assistance**

**Services for Teens At Risk (STAR Center)** <http://www.starcenter.pitt.edu/>

Services for Teens At Risk (STAR-Center) is a comprehensive research, treatment, and training center. Funded by the State of Pennsylvania's General Assembly in 1986 to address adolescent suicide and depression, the program provides individual assessment and treatment to teens that are experiencing depression and suicidality. They also provide community education services about depression and suicidality to schools, social service agencies, churches and other organizations that request them. Any PA school can contact the STAR-Center for assistance in the aftermath of a suicide or other tragic loss. STAR-Center can also provide in-service training and resource materials on a variety of mental health related topics.

### **Suicide Prevention Resource Center Postvention Toolkit**

<http://www.sprc.org/sites/sprc.org/files/library/AfteraSuicideToolkitforSchools.pdf>

This toolkit is designed to assist schools in the aftermath of a suicide (or other death) in the school community. It is meant to serve as a practical resource for schools facing real-time crises to help them determine what to do, when, and how. The toolkit reflects consensus recommendations developed in consultation with a diverse group of national experts, including school-based personnel, clinicians, researchers, and crisis response professionals. It incorporates relevant existing material and research findings as well as references, templates, and links to additional information and assistance.

Compiled by the: PA Youth Suicide Prevention Initiative: [www.payspi.org](http://www.payspi.org)

West Shore School District

Policy

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Title

103 Nondiscrimination in School and Classroom Practices

Section

100 Programs

Adopted

Thursday, September 17, 1987

Last Revised

Thursday, November 17, 2016

Content

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**Authority**

The West Shore School Board ("Board") declares it to be the policy of the West Shore School District ("District") to provide an equal opportunity for all students to achieve their potential through the programs offered in the schools regardless of race, age, color, creed, religion, sex, gender, **gender identity**, sexual orientation, ancestry, marital status, pregnancy, national origin, or disability. The District shall provide to all students, without discrimination, course offerings, counseling, assistance, athletics, and extracurricular activities.[1][2][3][4][5][6][7][8][9][10][11][16][17]

The equitable distribution of District resources is one means the District shall use to ensure all students receive a quality education. The District shall make reasonable accommodations for identified physical and mental impairments that constitute disabling conditions, consistent with the requirements of federal and state laws and regulations.

The Board encourages students and employees, as well as parents/guardians, independent contractors, and volunteers ("third parties") who have been subject to discrimination to promptly report such incidents to designated employees.

The Board directs that complaints of discrimination be investigated promptly, and corrective action be taken when allegations are substantiated, as outlined in the Complaint Procedures of this Policy. Confidentiality of all parties shall be maintained, consistent with the District's legal and investigative obligations. The procedure for filing and investigation of complaints of discrimination is set forth in Board Policies 248 and 348.[12][13]

Retaliation against any individual who files a complaint under this policy or participates in a complaint investigation shall not be tolerated.

**Delegation of Responsibility**

In order to achieve the aforesaid goal, the Board directs the Director of Human Resources, or Superintendent's designee, to assume the responsibility of coordinating all implementing activities as Compliance Officer/Title IX Coordinator.

It shall be the duty of the Assistant Superintendent to monitor:

1. Curricula Content - Review current and proposed curriculum guides and textbooks/eTextbooks to detect any bias based upon race, age, color, creed, religion, sex, gender, **gender identity**, sexual orientation, ancestry, marital status, pregnancy, national origin, or disability; ascertain that supplemental materials fairly depict the contribution to society of both sexes and the various races and ethnic groups.
2. Staff Development - Develop an ongoing program of inservice training for school personnel designed to identify and solve problems of race, age, color, creed, religion, sex, gender, **gender identity**, sexual orientation, ancestry, marital status, pregnancy, national origin, or disability bias in all aspects of the school program.
3. Student Access - Review current and proposed programs, activities and practices to ensure that all students have equal access and are not segregated on the basis of race, age, color, creed, sex, gender, **gender identity**, sexual orientation, ancestry, marital status, pregnancy, national origin, or disability in any duty, work, play, classroom or school practice, except as may be permitted under state regulations.[3][14]
4. District Support - Ensure that like aspects of the school program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to facilities and equipment, and related matters.
5. Student Assessment - Ensure that tests, procedures, and guidance and counseling materials designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged are not differentiated or stereotyped on the basis of race, age, color, creed, sex, gender, **gender identity**, sexual orientation, ancestry, national origin, pregnancy, or disability.

The Assistant Superintendent may be assisted in these duties by a committee composed of the Director of Pupil Services, the Director of Human Resources, teaching staff members, students, parents/guardians and other residents, and community/business people.

The Assistant Superintendent shall report to the Board on progress in the nondiscrimination program for school and classroom practices as requested.

### **Guidelines**

#### **Complaint Procedure – Student/Third Party**

A complainant has the right to be accompanied by a third party during all steps of this procedure.

### **Step One - Reporting**

1. A student or third party who witnesses or believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report such conduct to the building principal and/or Compliance Officer/Title IX Coordinator. In the event the alleged harassment is of a sexual or gender-based nature, the Title IX Coordinator must be notified.
2. An employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, and follow other reporting requirements, such as those required by the Child Protective Services Law, if warranted.
3. If the building principal is the subject of a complaint, the student, third party, or employee shall report the incident directly to the Director of Human Resources.
4. The complainant is encouraged to use the report form found on the District's website and available from the building principal, but oral complaints are acceptable. In the event an oral complaint is made, the employee to whom the complaint is made must complete the report form.

### **Step Two – Investigation**

1. Upon receiving a complaint of discrimination, the building principal shall immediately notify the Director of Human Resources (or Superintendent's designee) and begin an investigation. If the building principal is the subject of the complaint or is unable to conduct the investigation, the Director of Human Resources will designate an administrator to conduct the investigation.
2. The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.
3. If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the building principal shall inform law enforcement authorities about the incident.
4. The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded unless the District's investigation or a particular step in the investigation process would directly impede an ongoing criminal investigation.

5. Should a delay in the investigation be necessary due to an ongoing criminal investigation, the District shall take appropriate steps in the interim to provide for the safety of the alleged victim(s) and the school community as well as the avoiding of possible retaliation.
6. All students, employees, and third parties involved in such an investigation shall maintain strict confidentiality.
7. The investigation must be adequate, reliable, and impartial. Both parties shall be entitled to present witnesses and evidence.
8. During the investigation, the District will take interim steps ensuring that the discrimination ends, eliminating any intimidating, hostile, or offensive educational environment, preventing its reoccurrence, and remedying its effects as appropriate.

### **Step Three – Investigative Report**

1. The building principal shall prepare and submit a written report to the Director of Human Resources and to the Superintendent of Schools (or designee). The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.
2. The complainant and the accused shall be informed of the outcome of the investigation.
3. Complainants and the accused shall be notified of the final disposition/action taken by the District, subject to the confidentiality limitations of state and federal law.
4. Complainants and the accused, as well as those employees involved in the investigation, shall keep the nature of the accusation and final disposition/action taken by the District to be confidential within the limitations of state and federal law.
5. In the event that a report or investigation of sexual or gender-based discrimination is made to or conducted by an individual other than the Title IX Coordinator, the Title IX Coordinator shall be informed of all such reports and complaints so that s/he is able to identify and address any patterns or systematic problems revealed by such reports or complaints. Additionally, the Title IX Coordinator shall be consulted and involved in any final determination relating to such a complaint. The District shall ensure that each Compliance Officer/Title IX Coordinator receives the proper training, authority, and visibility to fulfill his/her obligations.

### **Step Four – District Action**

1. If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the District shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant in writing.
2. Disciplinary actions for students/staff shall be consistent with Board policies and administrative regulations, District procedures, applicable collective bargaining agreements, and state and federal laws. Potential disciplinary actions for staff include, but are not limited to, suspension, transfer/reassignment, termination, and/or referral to law enforcement. Potential disciplinary actions for students will be consistent with the Student Code of Conduct.
3. Records of each investigation and the conclusions thereof shall be maintained by the Superintendent of Schools.

#### Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, the complainant may submit a written appeal to the Director of Human Resources within ten (10) calendar days after receipt of the decision.
2. The Director of Human Resources shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Director of Human Resources shall prepare a written response to the appeal, consistent with the information protected by the Family Educational Rights and Privacy Act (FERPA). Copies of the response shall be provided to the complainant, the accused, the building principal who conducted the initial investigation, and to the Superintendent of Schools (or designee).
4. The determination of the Director of Human Resources shall be final and binding; there is no further right to appeal.

#### Equivalence Between Schools

The Board directs that services in Title I schools and programs, when taken as a whole, shall be substantially comparable to services in schools and programs that do not receive Title I funds.[8]

Curriculum materials, instructional supplies, and percentages of highly qualified personnel shall be equivalent between all District schools when compared on a grade-span basis or a school-by-school basis.

The Board understands that equivalence between programs and schools shall not be measured by:



1. Changes in enrollment after the start of the school year.
2. Varying costs associated with providing services to students with disabilities.
3. Unexpected changes in personnel assignments occurring after the beginning of the school year.
4. Expenditures on language instruction education programs.
5. Other expenditures from supplemental state or local funds consistent with the intent of Title I.

The District shall develop administrative regulations to implement this policy and shall maintain records documenting compliance that are updated biannually.

Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with Policy 906 Public Concern.[15]

West Shore School District

Policy

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Title

218 Student Discipline

Section

200 Pupils

Adopted

Thursday, September 17, 1987

Last Revised

Thursday, December 15, 2016

Content

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In order to offer the best possible educational climate in which students are free to learn and teachers are free to teach, an organized set of rules of social conduct must be established. Likewise, this set of rules must be communicated to all parties in the educational process. Uniform and consistent enforcement of the rules is also essential. This policy, which is to be considered the Student Code of Conduct, sets forth the rules for social interaction in the West Shore School District and is intended to offer direction to students, parents/guardians, teachers, and administrators. Emphasis shall be on courteous cooperation in all aspects of this policy. It is the responsibility and the discretion of the building administrator to utilize an appropriate disciplinary option available to achieve desired changes in student behavior.

**Authority**

Students shall not be subject to disciplinary action because of race, gender, color, religion, sexual orientation, natural origin, or handicap/disability.[1][2][3][16]

Any student disciplined by a District employee shall have the right to notice of the infraction.

Student Rights

Students, as citizens, have basic rights: the right to an education, the right to free speech, the right to due process, the right to be free from discrimination, to name only a few. Students also have rights customarily afforded to all human beings, including the right to be treated with dignity.

Students between the ages of eight (8) (unless earlier enrolled in school) and under the age of seventeen (17) are subject to compulsory attendance laws. Students seventeen (17) years of age or older are not required by law to attend school and do so for reasons which require more individual responsibility than those of students subject to compulsory attendance laws.[4]

### Student Responsibilities

Students have certain responsibilities regardless of age, including regular attendance, conscientious efforts in the classroom, and compliance with school rules, regulations, and expectations. Students also have the responsibility to make positive contributions to the school climate. No student has the right to interfere with the educational process of any other person. Students are expected to be courteous, cooperative, and respectful of the rights of other persons in the educational process. An individual student's rights end when that student's actions detract from the rights of other persons.[5][1][6]

The student's responsibilities are to:[5]

1. Be aware of all rules and regulations for student behavior and conduct themselves in accordance with them.
2. Be willing to volunteer information in matters relating to the health, safety, and welfare of the school community and the protection of District property.
3. Dress and groom to meet fair standards of safety and health and not cause substantial disruption to the educational process or the standards of decency accepted by the community.[7]
4. Assist the school staff in operating a safe school at all times.
5. Comply with all federal, state, and local laws.
6. Exercise proper care when using public facilities and property.
7. Attend school daily and be on time for school and classes.
8. Make up work when absent from school.
9. Pursue and attempt to satisfactorily complete the courses of study prescribed by state and local school authorities.
10. Report accurately and not use indecent or obscene language in student newspapers or publications. Likewise, refrain from using inappropriate language or gestures to students, teachers, or other members of the school staff.

### **Definitions**

In an effort to clarify some of the terms used in this policy, the following definitions are given.

**Alternative Education** - an alternative placement providing an educational program for assigned students, grades six through twelve. "At risk" students who meet the criteria for selection may be assigned by the administration, as well as students who are adjudicated by the Board at a student hearing.

**Bullying** - shall mean unwelcome verbal, written or physical conduct directed at a student by another student over time, that has the intent or effect of:[8]

1. Physically, emotionally or mentally harming or intimidating a student.
2. Damaging, extorting or taking a student's personal property by physical force, threat of force, threat of an intimidating nature or by other action designed or which has the effect of intimidating a student into relinquishing personal property.
3. Placing a student in reasonable fear of physical, emotional or mental harm.
4. Placing a student in reasonable fear of damage to or loss of personal property.
5. Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.
6. Retaliating against another student for reporting bullying or cyber bullying or for assisting or testifying in the investigation or hearing.

In some instances, **bullying** can constitute a violation of either or both state or federal law.

**Cyber Bullying** - includes, but is not limited to, the following misuses of technology occurring either on campus or off-campus: harassing, teasing, intimidating, threatening, or terrorizing another student, teacher or employee of the District by sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, website postings (including blogs) or any other form of social media apps, posts, or online activities. All forms of cyber bullying are unacceptable and, to the extent that such actions are disruptive of the educational process of the School District, offenders shall be the subject of appropriate discipline. Cyber bullying may also be violations of state and/or federal law. Likewise, retaliation for the making of a complaint of cyber bullying is a violation of this policy.[8]

The terms **bullying** and **cyber bullying** shall not be interpreted to infringe upon a student's right to engage in legally protected speech or conduct, but can include actions taken off of school property, outside of the school day, and/or through the use of a personal computer, cell phone or other communication device if such communication, speech, or conduct causes, or is reasonably foreseeable to cause, a substantial disruption or material interference to the school environment.

**Days** - days as used in this policy for discipline shall mean student days of attendance as listed in the Board adopted calendar for a school year.

**Detention** - keeping the student before/after/beyond school hours or during lunch for a specified period of time.

**Expulsion** - a period of time, exceeding ten (10) consecutive student days, when the student does not attend school and is removed from membership after a disciplinary violation. A student may be expelled by the Board after a hearing as set forth in this policy. A student may waive his/her right to a hearing before the Board and may accept a term of expulsion through a Hearing Waiver in lieu of attendance at a Board hearing. The period of expulsion shall be recommended by the administration.[9]

**Harassment** - to annoy, irritate, intimidate, or discriminate against another individual, student, or staff member, through conduct or communication, on the basis of that person's protected status (e.g., race, color, age, religion, gender, **gender identity**, national origin, disability, etc.).[10]

**Hearing** -

**Formal:** a conference scheduled by the School Board or its hearing administrator which may consist of Board members or an administrative hearing panel where the student, parents/guardians, and administrator(s) are expected to attend.

**Informal:** a conference scheduled by the administrator(s) where the student and/or parents/guardians are expected to attend.

**Paraphernalia** - apparatus or equipment designed or intended for particular use such as, but not limited to, pipes or bongs, roach clips, and other items designed or redesigned to be used for the consumption of controlled substances.[11]

**Suspension** -[9]

**In-School:** student reports to a specified area and is expected to complete regular assignments from teachers while under the direct supervision of faculty monitors. After-school participation in or attendance at school-sponsored activities may be prohibited on the day of an in-school suspension.

**Out-of-School:** student does not report to school for any classes or activities for a specified period of time. The student is expected to be at home during normal school hours and should be attempting to keep current with assignments. Students are not permitted on any school property or to attend any school-sponsored activities during an out-of-school suspension.

### **Guidelines**

Students within the West Shore School District are expected to manifest behaviors which enhance the learning process for themselves and their fellow students. District students have consistently exhibited both the willingness and the citizenship traits to accept the responsibilities expected of them as students within the District. The list of sample disciplinary infractions, interventions, and disciplinary options, while not all inclusive, is published to assist students to achieve a good understanding of prohibited behavior.

Disciplinary infractions are delineated into three (3) levels. Each successive level is considered to be of a more serious nature. The failure of a student to meet the behavioral expectations of the District will result in an appropriate form of disciplinary action. Possible interventions and disciplinary options are specified for each level.

Minor misbehavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school may be handled by an individual staff member and may not require administrative involvement.

Reoccurring failure to meet the same expectation, or simultaneously occurring infractions, may result in an infraction moving from one level to a higher level. The commission of any offense as defined under the Pennsylvania Crimes Code, if committed on school property or at a school-sponsored event, shall be a violation of Board policy whether or not there is a specific delineation of the particular offense contained within the discipline policy. The order of listed disciplinary actions is not ranked or sequential, nor is it to be considered an all-inclusive list.

A clarification of terminology is also included for reference. It is anticipated that an understanding of terms will be beneficial to the student when involved in any disciplinary situation. Investigations of disciplinary infractions will be handled by the administration in a fair and impartial manner. The administration will follow appropriate procedures that fully recognize and protect the rights of all students. Discipline will be assigned in a positive, fair, and consistent manner. Physical activity shall not be used as a form of punishment.[12]

It is the responsibility of the building administrator(s) to utilize an appropriate disciplinary option to achieve desired changes in student behavior. It is understood that a student will be verbally assigned any disciplinary actions and the parent/guardian will be notified of this action in a written and timely fashion. The administration will maintain student discipline files.

#### Students with a Disability

The School District differentiates between the need for discipline for students with disabilities, which implies punishment, and the need for behavior management, which includes teaching and instruction. In response to the inappropriate behavior of a student with a disability, the District recognizes and must determine the behavioral manifestation of the student's disability and the need for instructional intervention. Discipline issues concerning students with a disability must be dealt with in accordance with state and federal regulations.[13][14]

No disciplinary action may be taken against a student with a disability if the infraction relates directly to the student's disability, unless the student commits one of the following acts at school, on school premises, or at a school function: 1) carries to or possesses a dangerous weapon as defined under section 1365 of Title 18, United States Code; 2) knowingly possesses, uses, sells, or solicits the sale of illegal drugs or controlled substances; or 3) inflicts serious bodily injury upon another person. All students with a disability, with the exception of students who are diagnosed with an intellectual/developmental disability, may be suspended for up to ten (10) consecutive school days, or fifteen (15) cumulative school days, regardless of the child's disability,

or the relationship of the behavior to the child's disability. Chronic issues regarding all students with a disability require a functional behavior assessment as a precursor to developing a Positive Behavior Support Plan.[13][14][17][18]

### Infraction Levels

#### **Level I:**

Acts which constitute a violation of rules and regulations or acts which impede orderly classroom procedures or interfere with orderly operation of the school.

The order of listed disciplinary actions is not ranked or sequential, nor is it to be considered an all-inclusive list. The type and duration of discipline are within the discretion of the administration, based on the severity of the offense.

<u>Examples (not exclusive)</u>	<u>Intervention(s)</u>	<u>Disciplinary Options</u>
Bullying (Pol. 249)		Behavioral contract
Bus misconduct		Detention
Cheating		Counseling/Health services
Cyber bullying (Pol. 249)		Loss of make-up privilege and/or credit
Damage to property (unintentional)	Staff action	Parental conferences
<b>Disrespect</b>	Referral to Administration	Rearrangement of seating
Disruptive behavior	Verification of offense	Restitution for damage (replacement/repair of damaged property)
Improper use of District equipment, facilities, and/or resources	Notification to parent/guardian	School/Community service
Indecent/Obscene behavior	Referral to School Counselor	Special assignment
Hazing (Pol. 247)		Suspension
Late to class	Informal hearing	Temporary removal from class
Lying	Log of infraction	Verbal reprimand
Possession of laser device of any type/electronic devices without permission of school staff (Pol. 237)		Warning
Presence in unauthorized area		Withdrawal of privileges

Tardiness		
Unacceptable clothing (Pol. 221)		
Unacceptable language		
Unsafe behavior		
Use/Possession of personal audio/video equipment without permission of staff		

**Level II:**

Acts whose frequency or seriousness disrupt the learning climate of the school. Acts which may constitute a threat to the health, safety, property and/or welfare of students and/or staff.

Level II infractions may require the intervention of outside agencies, including the police.

The order of listed disciplinary actions is not ranked or sequential, nor is it to be considered an all-inclusive list. The type and duration of discipline are within the discretion of the administration, based on the severity of the offense.

<u>Examples (not exclusive)</u>	<u>Intervention(s)</u>	<u>Disciplinary Options</u>
Bullying (Pol. 249)		Administrative probation
Class cut	Staff action	Detention
Computer vandalism/physical damage to computer resources, purposeful deletion of information stored by others (Pol. 815)	Referral to administration	Expulsion
Cyber bullying (Pol. 249)	Verification of offense	Counseling
	Notification to parent/guardian	Health services
Disruption/Threat of disruption or harassment, caused by use of laser device of any type/electronic devices without permission of school staff (Pol. 237)	Referral to School Counselor	Parental conference
	Informal hearing	Police/Agency referral
	Police/Agency referral	Restitution for damage (replacement/repair of damaged property)
Extortion		School/Community service
Failure to serve detention or		Alternative Education



other disciplinary action		Citation
Fighting		Suspension
Forgery of a document		Withdrawal of privileges
Harassment (Pol. 248)		
Hazing (Pol. 247)		
Indecent/Obscene behavior or possession/use of indecent/obscene material		
Insubordination (failure to follow directives)		
Leaving school property without permission		
Plagiarism		
Possession/Use of a tobacco product (Pol. 222)		
Solicitation without permission		
Stalking		
Theft		
Truancy		
Vandalism/Destruction of property		
Violation of probation		

**Level III:**

Acts which result in violent actions directed toward another person, destruction of property, or which pose a clear and present threat to the health, safety, and/or welfare of others in the school.

Level III infractions are in violation of laws or regulations established by various government agencies, and will involve the police.

The order of listed disciplinary actions is not ranked or sequential, nor is it to be considered an all-inclusive list. The type and duration of discipline are within the discretion of the administration, based on the severity of the offense.

<u>Examples (not exclusive)</u>	<u>Intervention(s)</u>	<u>Disciplinary Options</u>
Arson		
Assault-verbal or physical	Staff action	
Bullying/Cyber bullying	Referral to administration	Administrative or Board probation
Hazing (Pol. 247)	Verification of offense	
Possession/Use of drug or controlled substance, look-alike, alcohol/being under the influence (Pol. 227)	Student removal from situation	Expulsion
Possession/Use of weapon or look-alike (Pol. 218.1)	Student/Parent/Guardian conference with administrator	Police/Agency referral
Selling/Distribution/Trafficking drug or controlled substance, look-alike, alcohol (Pol. 227)	Informal hearing	Restitution for damage (replacement/repair of damaged property)
Threatening/Terroristic statements or actions (Pol. 218.4)	Police/Agency referral	Suspension
Unauthorized use of fire alarm system	Board hearing	Withdrawal of privileges
Use of computer resources for obscene, threatening, violent or illegal purposes (Pol. 815)	Student Assistance Team referral leading to drug/alcohol evaluation	Alternative Education
Use of laser device of any type/electronic device which may pose a danger to the safety of others (Pol. 237)	Mental health evaluation	Citation
	Log of offense	School/Community service

### Corporal Punishment

The Board prohibits the use of corporal punishment to discipline students for violations of District policies, rules, or regulations.[15]

Reasonable force may be used by teachers and school authorities under any of the following circumstances: to quell a disturbance, to obtain possession of weapons or other dangerous objects, for the purpose of self-defense, and for the protection of persons or property.[15]

## Probation

Probation may be imposed by either the administration or the Board as part of the consequences or disciplinary action for students who violate this policy. As part of the rehabilitation process designed to modify student behavior, probation is intended to provide close monitoring of student performance and assistance as may be needed to help the student reach established goals.

Toward that end, the following procedures must be strictly adhered to once a student is placed on either Administrative or Board probation:

1. The student and building administration develop an **Action Plan** to contain goals and strategies to address inappropriate behaviors.
2. A **Progress Review** of that plan and a status report of student performance are to be conducted with the administration or counselor on a regular basis. Progress toward completion of the **Action Plan** should be noted in writing by the administrator/counselor on the plan and any additional direction or changes to be implemented at that time.

A student on Board probation shall be suspended from:

1. Appearing or representing his/her school before a school or public audience. This suspension includes but shall not be limited to student participation as:
  - a. A member of an interscholastic athletic team.
  - b. A graduating senior in baccalaureate/commencement ceremonies.
  - c. A member of the cast of any dramatic production.
  - d. A member of a musical performing group (band, chorus, etc.).

Students enrolled in credit courses involving any of the above activities shall not be excluded from activities of the course other than public performances with no adverse impact on the student's grade. Students on Board probation who are involved in extracurricular activities which are not part of courses for credit, shall not be permitted to practice or participate in these activities during the probationary period.

Examples:

1. Interscholastic athletics and dramatic productions.
2. Serving as an usher or guide.
3. Holding or executing the duties of any office in any school organization.

4. Attending any school dance, party, or other social event.
5. Parking an automobile in the school parking lot.
6. Exercising any privileges awarded to students on an honors basis.
7. Participating in school trips which are not course requirements.
8. Participating in clubs.

Generally, students on administrative probation shall also be suspended from participating in events and activities as outlined above. At the discretion of building administration, students on Administrative probation may be granted permission to attend events or participate in activities on a case-by case basis.

Students on probation may petition the administration or Board, as appropriate, to have their probation removed. The minimum length of time on administrative probation must be contained in the **Action Plan** and the **Progress Review** reports. When the Board imposes probation, the minimum length of time will be set as part of an adjudication. Procedures for removal of probation are as follows:

1. The student requests in writing to the building administration to have probation removed;
2. The administration conducts a review of the **Action Plan, Progress Review,** and student performance;
3. The building administration has the authority to remove administrative probation;
4. The Board considers the removal of Board probation based on a recommendation by the building administration; and
5. Students will be notified in writing regarding the removal of probation and the effective date.

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Westmoreland Intermediate Unit 7

Policy

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Title

249 Bullying/Cyberbullying

Section

200 Pupils

Adopted

Tuesday, June 25, 2013

Content

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**Purpose**

The Board is committed to providing a safe, positive learning environment for students attending Intermediate Unit programs. The Board recognizes that all students are entitled to a harassment-free school experience. Bullying and harassment will not be tolerated and shall be just cause for disciplinary action. Therefore, the Board prohibits bullying and cyberbullying by Intermediate Unit students.

**Definitions**

**“Bullying” or “harassment”** is any gesture or written, verbal, graphic, or physical act that is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress and may be motivated either by bias or prejudice based upon any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, **gender identity**, or **expression**; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic, or is based upon association with another person who has or is perceived to have any distinguishing characteristic. Bullying or harassment also includes forms of retaliation against individuals who report or cooperate in an investigation under this policy. Bullying may include, but is not limited to: unwanted teasing, threats, intimidation, stalking, physical violence, theft, and public humiliation.[1]

These behaviors are considered to be bullying or harassment whether they take place in the school setting, on or off school property, at any school-sponsored function, or in any school vehicle.

**“Cyberbullying”** would include bullying and/or harassment through electronically transmitted acts through the use of internet, cell phones, personal digital assistant (pda), computers, or any wireless handheld device.

**School setting** means in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.[1]

**Authority**

The Board prohibits all forms of bullying by Intermediate Unit students.[1]

The Board encourages students who have been bullied to promptly report such incidents to the program supervisor or building principal.

The Board directs that complaints of bullying shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the Intermediate Unit's legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith reports of bullying.

### **Delegation of Responsibility**

Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying.

The Executive Director or designee shall develop administrative regulations to implement this policy.

The Executive Director or designee shall ensure that this policy and administrative regulations are reviewed annually with students.[1]

The Executive Director or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the Board.[1]

The Intermediate Unit administration shall annually provide the following information with the Safe School Report:[1]

1. Board's Bullying Policy.
2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention or education programs.

### **Guidelines**

The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.[1][2][3]

This policy shall be accessible in every Intermediate Unit classroom. The policy shall be posted in a prominent location within each Intermediate Unit building and on the web site, if available.

### **Education**

The Intermediate Unit may develop and implement bullying prevention and intervention programs. Such programs shall provide Intermediate Unit staff and students with

appropriate training for effectively responding to, intervening in and reporting incidents of bullying.[1][4][6]

#### Consequences for Violations

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:[1][3][7]

1. Counseling within the Intermediate Unit or school.
2. Parental conference.
3. Loss of school privileges.
4. Exclusion from school-sponsored activities.
5. Detention.
6. Suspension.
7. Counseling/Therapy outside of the Intermediate Unit or school.

Referral to law enforcement officials.

Wissahickon School  
 District  
 Ambler, Pennsylvania  
 19002

No. 261

**SECTION: STUDENTS**

**TITLE: NONDISCRIMINATION –  
 TRANSGENDER AND GENDER  
 EXPANSIVE STUDENTS**

FIRST READING: May 23, 2016

SECOND READING: June 13, 2016

ADOPTED: June 13, 2016

REVISED:

NONDISCRIMINATION – TRANSGENDER AND GENDER EXPANSIVE STUDENTS	
1. Purpose	The Board is committed to creating a safe and inclusive learning environment for all students that is free from discrimination, regardless of sex, sexual orientation, gender identity, or gender expression and to ensuring that every student has equal access to all components of the educational program.
2. Authority Pol. 103, 249.1, 260; Title IX, 20 U.S.C. § 1681(a)  Pol. 218	<p>The purpose of this policy is to facilitate compliance with District policy and state and federal laws concerning bullying, harassment and discrimination.</p> <p>This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses, or vehicles and at bus stops, and on school computers, networks, forums, and mailing lists. This policy applies to the entire school community, including educators, school staff, students, parents/guardians, and volunteers. This policy applies when a student or the student’s parent(s) or guardian(s) notifies the District that a student is a transgender or gender expansive student.</p> <p>This policy may also apply to off-campus conduct committed in violation of District policies.</p>
3. Definitions	<p><b>Sex Assigned at Birth or Assigned Sex:</b> Refers to the gender designation listed on one’s original birth certificate.</p> <p><b>Gender Identity:</b> Refers to one’s internal sense of gender, which may be different from one’s assigned sex, and which is consistently and uniformly asserted most or all of the time, or for which there is other evidence that the gender identity is sincerely held as part of the individual’s core identity. It is one’s innermost concept of self as</p>



male, female, a blend of both, or neither (which is referred to as agender.) One's **gender identity** can be the same or different from their sex assigned at birth.

**Gender Expression:** Refers to external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Transgender:** An adjective describing an individual whose **gender identity** is different from the individual's assigned sex. "Transgender boy" and "transgender male" refer to an individual assigned the female sex at birth who has a male **gender identity**. "Transgender girl" and "transgender female" refer to an individual assigned the male sex at birth who has a female **gender identity**. Other terms that can have similar meanings are transsexual and trans. An individual can express or assert a **transgender gender identity** in a variety of ways, which may but do not always include specific medical treatments or procedures. Medical treatments or procedures are not considered a prerequisite for one's recognition as **transgender**. Being **transgender** does not imply any specific sexual orientation. Therefore, **transgender** people may identify as straight, gay, lesbian, bisexual, etc.

**Transgender Student:** A student who consistently and uniformly asserts a **gender identity** different from the student's assigned sex most or all of the time; or for which there is documented medical evidence that the **gender identity** is sincerely held as part of the student's core identity.

**Gender Transition:** The processes by which some individuals strive to more closely align their internal knowledge of gender with its outward manifestations. Some people socially transition, whereby they might begin dressing, using names and pronouns and/or be socially recognized as the "other" gender. Others undergo physical transitions in which they modify their bodies through medical interventions. It is also important to know that many people are unable or choose not to transition medically.

**Gender Stereotypes:** Refers to stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Gender Expansive:** A term for people whose **gender expression** differs from stereotypical expectations, such as "feminine" boys,

“masculine” girls, and those who are perceived as androgynous. Conveys a wider more flexible range of **gender identity** and/or **expression** than typically associated with the binary gender system. This includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include gender diverse or gender fluid.

**Note:** **Transgender** and **gender expansive** youth use a number of words to describe their lives and gender experiences. Terminology and language describing **transgender** individuals can differ based on language, race or ethnicity, age, culture, and many other factors. Generally speaking, school staff and educators should inquire which terms students may prefer and avoid terms that make these students uncomfortable. A good general guideline is to employ those terms which the students use to describe themselves.

**Bullying:** An intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting, that is severe, persistent or pervasive and has the intent or effect of: (1) creating an intimidating or hostile environment that substantially interferes with a student’s education; (2) physically, emotionally or mentally harming a student; or (3) placing a student in reasonable fear of physical or emotional harm; or (4) placing a student in reasonable fear of damage to or loss of personal property. Bullying, as defined in this policy, includes cyber-bullying. Bullying may include acts that occur outside of school if those acts are intentional, electronic, verbal or physical, are directed at another student or students, are severe, persistent or pervasive, and have the effect of (i) substantially interfering with a student’s education; (ii) creating a threatening environment; or (iii) substantially disrupting the orderly operation of the school.

**Unlawful Harassment:** For purposes of this policy, unlawful harassment shall consist of verbal, written, graphic or physical conduct relating to an individual’s race, color, national origin/ethnicity, gender, age, disability, sexual orientation, or religion when such conduct: (1) Is sufficiently severe, persistent, or pervasive that it affects an individual’s ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or hostile educational environment; (2) Has the purpose or effect of substantially or unreasonably interfering with an individual’s academic performance and (3) Otherwise adversely affects an individual’s learning opportunities.

**Gender-Based Harassment:** May include acts of verbal, nonverbal, or physical aggression intimidation, or hostility based on sex stereotyping.

	<p>Thus, harassment of a student for failing to conform to stereotypical notions of masculinity and femininity constitutes sex discrimination. Gender-based harassment can rise to a violation of District policy and/or Title IX when such conduct denies or limits a student’s ability to receive educational aid, benefits, services, or treatment; or when such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student’s ability to participate in or benefit from the school’s program (i.e., creating an intimidating, hostile or offensive educational environment).</p>
<p>4. Guidelines</p> <p>Pol. 103, 249.1, 260, SC 1303.1-A Title IX</p> <p>20 U.S.C. Sec. 1681 43 P.S. Sec. 951 et seq. 29 CFR Sec. 1606.8(a)</p> <p>20 U.S.C. §1232g 34 C.F.R. Part 99</p>	<p><u>Bullying, Harassment and Discrimination</u></p> <p>Complaints alleging discrimination or harassment based on a person’s actual or perceived <b>gender identity</b> or <b>expression</b> shall be handled in a manner consistent with Board policies, including but not limited to Board Policy # 249.1 (Bullying/Cyber Bullying) and Board Policy # 260 (Unlawful Harassment), law and regulation.</p> <p><u>Privacy and Confidentiality</u></p> <p>All students have a right to privacy and this right includes the right to keep one’s <b>transgender</b> status private at school. Information about a student’s <b>transgender</b> status, legal name and sex assigned at birth may also constitute confidential protected health information. Disclosing this information to other students, their parents/guardians, or other third parties may violate privacy laws, such as the Family Educational Rights and Privacy Act (FERPA). The District shall ensure that protected health information and education records relating to a student’s <b>transgender</b> or <b>gender expansive</b> status, legal name, or sex assigned at birth will be kept confidential in accordance with applicable state and federal privacy laws.</p> <p><b>Transgender</b> and <b>gender expansive</b> students have the right to discuss and express their <b>gender identity</b> and <b>expression</b> openly and to decide when, with whom, and how much to share private information. The fact that a student chooses to disclose his or her <b>transgender</b> status to District staff or other students does not authorize District staff to re-disclose that information, but such information may be re-disclosed by District staff as reasonably necessary to perform District operations related to the student.</p>

<p>Title IX 20 U.S.C. Sec. 1681 et seq. 34 C.F.R. Part 106</p>	<p>To ensure the safety and well-being of the student, District personnel should not disclose a student's transgender status to others, including the student's parents/guardians or other District personnel, unless: (1) legally required to do so, (2) the student has authorized such disclosure or (3) it is reasonably necessary to disclose to perform District operations related to the student. When contacting the parent or guardian of a transgender student, District staff should use the student's legal name and the pronoun corresponding to the student's sex assigned at birth unless the student, parent, or guardian has specified otherwise.</p> <p><u>Names and Pronouns</u></p> <p>Every student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. Misgendering is addressing a student in a way that contradicts the student's gender identity. It is recommended that District staff privately ask transgender or gender expansive students at the beginning of the school year how they want to be addressed in class, in correspondence to the home, or at conferences with the student's parent(s) or guardian(s). A court-ordered name or gender change is not required and the student need not change his or her official records.</p> <p><u>Student Records</u></p> <p>The District is required to maintain a mandatory permanent student record that includes a student's legal name and legal gender. However, to the extent that the District is not legally required to use a student's legal name and gender on other school records or documents, such as school IDs, classroom rosters or the yearbook, the District will use the name and gender preferred by the student. The District will change a student's official record to reflect a change in legal name or gender upon receipt of documentation that such change has been made pursuant to a court order, or through amendment of state or federally-issued identification. In situations where District staff are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, administration and school staff shall adopt reasonable practices to reduce the likelihood of the inadvertent disclosure of such confidential information to persons or entities other than to whom the use or reporting of the information is made.</p>
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<p>Title IX 20 U.S.C. Sec. 1681 et seq. 34 C.F.R. Part 106</p>	<p><u>Medical Treatments or Procedures</u></p> <p>Some, but not all transgender youth choose medical treatments to assist their transition. Treatments such as hormone therapy may be unaffordable, not medically indicated or contraindicated for many youth. Surgical treatments are generally not available for school-age transgender youth. With this in mind, District staff should not require proof of medical treatments as prerequisite for respecting the student's gender identity or expression. If any objective basis should occur that would justify questioning whether a student's asserted gender identity or expression is genuine, information may be requested to show that the gender identity or expression is sincerely held. No particular type of information (such as medical history information) should be specifically required.</p> <p><u>Dress Code</u></p> <p>Individual schools within the District may enforce dress codes, but individual school dress codes shall not differentiate student dress on the basis of gender. Students shall have the right to dress in accordance with their gender identity, within the constraints of the dress code adopted by the school. District staff shall not enforce a school's dress code more strictly against transgender and gender expansive students than other students.</p> <p><u>Sex-Specific Facilities</u></p> <p>District students shall have access to facilities including all restrooms, locker rooms, changing facilities, or overnight facilities, that correspond to their gender identity.</p> <p>In any gender-segregated facility, any student who is uncomfortable using a shared facility, regardless of the reason, shall, upon the student's request, be provided with a safe and reasonable alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule.</p> <p>A transgender or gender expansive student may request to use a separate restroom or changing area, however, no student shall be required to use an alternative restroom or changing facility because they are transgender or gender expansive. Under no circumstance should any student be required to use sex-segregated facilities that are inconsistent with their gender identity.</p>
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<p>Title IX 20 U.S.C. Sec. 1681 et seq. 34 C.F.R. Sec. 106.34</p>	<p>School staff who are responsible for supervising student activity in sex-specific facilities are directed to closely monitor such facilities when being used by an identified transgender or gender expansive student in order to foster student safety.</p> <p><u>Physical Education Classes and Intramural and Interscholastic Athletics</u></p> <p>All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.</p> <p>Regarding interscholastic sports teams, the District will follow the Pennsylvania Interscholastic Athletic Association’s (PIAA) rules regarding mixed-gender participation.</p> <p><u>Other Gender-Based Activities, Rules, Policies and Practices</u></p> <p>As a general rule, in any other circumstance where students are separated by gender, for instance at field trips, classroom activities, school ceremonies and school photos, each student should be permitted to participate in a manner consistent with his/her gender identity. Single-gender classes and activities may only be offered in certain circumstances and in accordance with District policy, law and regulation.</p> <p>Nothing in this policy shall be construed to excuse any student from following necessary or customary protocols for obtaining parental consent for athletic participation, including permission slips, consent forms and waivers. All staff will adhere to this policy when advising transgender students about the process for obtaining such parental consent.</p>
<p>5. Delegation of Responsibility</p>	<p><u>Training and Professional Development</u></p> <p>The Superintendent or designee shall ensure that training is provided for all staff members on their responsibilities under applicable laws and this policy, including teachers, administrators, counselors, social workers, security and health and physical education staff. Information regarding this policy shall be incorporated into training for new school employees.</p> <p>The District shall implement ongoing professional development to build the skills of all staff members to prevent, identify, and respond to bullying, harassment and discrimination. The content of such professional development shall include but not be limited to:</p>

1. Terms, concepts, and current developmental understandings of **gender identity**, **gender expression**, and gender diversity in children and adolescents.
2. Developmentally appropriate strategies for communication with students and parents/guardians about issues related to **gender identity** and **gender expression** that protect student privacy;
3. Developmentally appropriate strategies for preventing and intervening in bullying incidents, including cyber bullying;
4. School and District policies regarding bullying, discrimination, and **gender identity** and **expression** issues and responsibilities of staff.

#### Publication and Media Communications

The **Transgender** and **Gender Expansive** Student Policy shall be posted on the District's website. A summary of the policy shall be included in the Code of Student Conduct. The District and individual schools shall make reasonable efforts to ensure the visibility of this policy, as well as the school team for all students to confer with regarding its details and applicability.

#### References:

School Code – 24 P.S. Sec. 1302-A, 1303.1-A

State Board of Education Regulations – 22 PA

Code Sec. 12.3 Pennsylvania Human Relations

Act – 43 P.S. Sec. 951 et seq.

Federal Anti-Discrimination Law (Title IX) – 20 U.S.C.

Sec. 1681 et seq. Federal Anti-Discrimination Regulations

– 34 CFR Part 106

Harassment Regulations and Guidelines, Code of Federal Regulations – 29 CFR Sec. 1604.11(a), 1606.8(a)