

**LUZERNE
INTERMEDIATE
UNIT #18**

**SECTION: PROGRAMS
TITLE: NONDISCRIMINATION IN
EDUCATIONAL PROGRAMS/SERVICES
ADOPTED: NOVEMBER 20, 2002
REVISED: MAY 27, 2015**

103. Nondiscrimination in Educational Programs/Services	
<p>1. Authority SC 1310 Title 22 Sec. 4.4, 12.1, 12.4, 15.1 et seq 24 P.S. Sec. 5004 43 P.S. Sec. 951 et sea Title IX 20 U.S.C. Sec. 1681 et seq 29 U.S.C. Sec 794 Title VI 42 U.S.C. Sec. 2000d et seq 42 U.S.C. Sec. 12101 et seq</p>	<p>The Board declares it to be the policy of the Intermediate Unit to provide an equal opportunity for all eligible students to achieve their maximum potential through the programs offered by the Intermediate Unit regardless of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin or handicap/disability.</p> <p>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.</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 Intermediate Unit’s legal and investigative obligations.</p> <p>Neither reprisals nor retaliation shall occur as a result of good faith charges of discrimination.</p>
<p>2. Delegation of Responsibility</p>	<p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Executive Director or designee as the Compliance Officer for the Intermediate Unit.</p> <p>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.</p>

<p>3. Guidelines</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"> 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 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. <p>The Compliance Officer may be assisted in these duties by a committee composed of teaching staff members, students, parents/guardians and other residents, and community business people.</p> <p>The building administrator or program supervisor shall be responsible to complete the following duties when receiving a complaint of discrimination:</p> <ol style="list-style-type: none"> 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. <p><u>Complaint Procedure – Student/Third Party</u></p> <p>Step 1 – Reporting</p> <p>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 program supervisor.</p> <p>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.</p> <p>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.</p>
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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.

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 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 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 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 this complaint.

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

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.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and administrative 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 administrator or program supervisor who conducted the initial investigation.

References:

School Code – 24 P.S. Sec. 1310

State Board of Education Regulation – 22 PA Code Sec. 4.4, 12.1, 12.4, 15.1, et seq.

Unfair Educational Practices – 24 P.S. Sec. 5004

Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq

Section 504 of the Rehabilitation Act – 29 U.S.C. Sec. 794

Americans with Disabilities Act – 42 U.S.C. Sec. 12101 et seq.

Federal Anti-Discrimination and Civil Rights Laws – 20 U.S.C. Sec. 1681 et seq (Title IX)

42 U.S.C. Sec. 2000d et seq (Title VI)

Federal Anti-Discrimination and Civil Rights Regulation –
28 CFR Part 35, Part 41

34 CFR Part 100, Part 104, Part 106, Part 110

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