THE SCHOOL DISTRICT OF PHILADELPHIA

BOARD OF EDUCATION
POLICY COMMITTEE MEETING
AGENDA
APRIL 28, 2022; 4:00 PM

Call to Order

Roll Call

Agenda Items -

Adoption of Minutes - November 4, 2021

Opening Remarks

Review of Policies

Policy 102 - Multiracial, Multicultural, and Gender Education (Eliminate)

The District is recommending Policy 102 for elimination because the content included in the policy is already captured in policies 105 (Curriculum Development), 107 (Adoption of Planned Instruction), 112 (Comprehensive School Counseling Program), and 304 (Employment of District Staff), among other policies. Thus, Policy 102 is duplicative. In the fall of next school year, the District will put forth an Equity Framework policy, which will also capture many of the ideas set forth in Policy 102.

Policy 103 - Nondiscrimination in School and Classroom Practices

Policy 104 - Nondiscrimination in Employment Practices (Eliminate)

The District is recommending Policy 104 for elimination because the information contained in the policy is already covered in Policy 348. Thus, Policy 104 is duplicative. Any unique information contained in Policy 104 is being incorporated into Policy 348, which is also being revised this policy cycle.

Policy 138 - English Language Development/Bilingual Education Program

Policy 139 - Supporting Language Accessibility for Parents and Guardians Whose Primary Language is Not English (NEW)

Policy 248 - Harassment and Discrimination - Students

Policy 313 - Evaluation of Professional Employees

N/A

Policy 348 - Harassment and Discrimination - Employees

Policy 701 - Facilities Planning (Eliminate)

The District is recommending policy 701 for elimination because the policy is duplicative of policy 714. Any unique information contained in policy 701 is being incorporated into policy 714, which is also being revised this policy cycle.

Policy 714 - Facilities Rightsizing

Policy 803 - School Calendar

Public Participation

Commitee Recommendations

Adjourn

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 102
SECTION: 100 Programs
TITLE: Policy 102 - Multiracial, Multicultural, and Gender Education (Eliminate)
ADOPTED: August 18, 2004
REVISED:

POLICY 102 - MULTIRACIAL, MULTICULTURAL, AND GENDER EDUCATION (ELIMINATE)

Purpose
The district shall foster knowledge about and respect for those of all races, ethnic groups, social classes, genders, religions, disabilities, sexual orientations (perceived or known)**,** and gender identities (perceived or known).

Definitions
N/A

Authority
The SRC directs that the district shall take disciplinary or remedial action as appropriate in order to assure that further harassment does not occur. School District action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, Pennsylvania law, and federal law and School District policies. The district will monitor the grievance process internally and assess compliance with this policy.

Delegation of Responsibility
When a grievance is reported to any School District employee, that person shall turn it over to the Principal or Site Supervisor unless he/she is the subject of the complaint, in which case it shall be referred to the Regional Superintendent. The Principal shall be responsible for investigating the grievance and recommending action, unless he **or** /she is the subject of the complaint, in which case the Regional Superintendent shall be responsible. The investigation shall be completed within ten (10) calendar days, and the investigator shall determine if a violation of this policy has occurred and report that decision along with the evidence supporting it, to the School District Title IX Coordinator and Chief Executive Officer, or if the complaint involves the CEO, directly to the School Reform Commission for appropriate action.

Mandatory Regulatory Procedures:
Multiracial-Multicultural-Gender Education

Its purpose is to ensure equity and justice for all members of the school community, and society as a whole, and to give those members the skills and knowledge they need to understand and overcome individual biases and institutional barriers to full equality.

Federal and state laws prohibit harassment and/or discrimination and as a result, the School District is obligated to investigate and take appropriate action when this policy is violated.

Philosophy

The School District of Philadelphia envisions a society that will ensure respect for all cultures, dignity for all

communities**,** and justice for all people.

The School District of Philadelphia expresses its commitment to achieving this goal by recognizing that Multiracial-Multicultural-Gender Education is indispensable in attaining this objective.

To move us toward this goal, the School District is committed to:

1. Pursue academic excellence for all children.
2. Assist students to develop the necessary social and linguistic skills needed to communicate effectively in a multilingual, global society.
3. Teach students to respect their own cultural heritages and to appreciate other peoples from their neighborhood, city, state, nation**,** and the world.
4. Enable students to develop a deep multicultural understanding that reflects sensitivity toward all.
5. Foster opportunities for students, staff, parents, and other community members to engage in cooperative decision-making and problem solving and to develop a deep multicultural understanding that reflects sensitivity to the diversity present in a multicultural society.
6. Empower students to recognize and work to overcome injustices caused by bias and historical exclusion and to become active citizens and leaders in the quest for a just society.

In seeking to ensure educational equity and justice for all, Multiracial-Multicultural-Gender Education will be infused throughout all aspects of the educational process and will:

1. Integrate multiple perspectives in all curricular areas.
2. Utilize the variety of skills and knowledge that students and adults from diverse backgrounds bring to teaching and learning.
3. Incorporate learning activities to foster knowledge of, acceptance of, and respect for the diverse cultures and histories that make up the fabric of our school communities.
4. Foster among children the development of interpersonal and intergroup skills that will prepare them to live harmoniously in a multiethnic/multicultural/multilingual society.
5. Facilitate the practices necessary to assist all children to become effective and successful learners regardless of race, ethnicity, social class, gender, religion, disability, sexual orientation (perceived or known)**,** and gender identity or identities (perceived or known).
6. Ensure that staff throughout the District receive appropriate, ongoing opportunities for training and staff development in multicultural understanding.
7. Ensure that the commitment to Multiracial-Multicultural-Gender Education is reflected in the diversity of all levels of staffing in the School District of Philadelphia.
8. Respect and value parental and community input and participation in the educational process.
9. Extend training in Multiracial-Multicultural-Gender Education to parents and community members that reflects multiracial-multicultural-gender equity.
10. Implicit in this statement is the requirement that each staff member accept responsibility for the accomplishment of these goals.

In furtherance of these goals, the School District of Philadelphia has created a grievance process for a student who believes he/she has been harassed or discriminated against or been denied the rights guaranteed by this policy.

The grievances will be monitored by a School District Title IX Coordinator who will assure that complaints are investigated and resolved. The grievance form can be found in the Code of Student Conduct.

<u>Implementation</u>

Academic excellence and equity represent, in part, an institutional commitment to enable the school community, including faculty, staff, and students, to reach its fullest human and intellectual potential and the achievement of these goals and objectives requires the School District to:

1. Make an institutional commitment to teach to all children in every school, a curriculum informed by the principles of gender-equity, multiracial and multicultural knowledge and perspectives, including but not limited to the history and experiences of women, racial and ethnic minorities, and various religious denominations as well as individuals who are lesbian, gay, bisexual**,** or transgender and disabled people.
2. Seek equitable allotments for this activity from the District's resources for the ongoing development of appropriate curriculum, instruction, and assessment, as well as the ongoing evaluation of administrative policies, procedures, and performance standards.
3. Enhance and develop all school-based educational activities/programs/experiences including but not limited to curricula, instructional materials, after-school programs, community partnerships, professional staff development, support services, discipline/school climate, library acquisitions, as well as assessment, testing**,** and evaluation instruments to reflect the School District**'s** of Philadelphia's commitment to a school environment that reflects multiracial-multicultural-gender equity.

These activities are subject to staff evaluation, assessment, and reporting on an annual basis to the School Reform Commission.

Legal References:

1. School District of Philadelphia Policy 101, Philosophy, Mission and Goals, Section 4.2, December 1990
2. Commonwealth of Pennsylvania Statement of Principles Regarding Educational Equity 1993
3. Improving America's Schools Act of 1993
4. Regulations of the State Board of Education, Chapter 5: Curriculum 1993
5. Commonwealth of Pennsylvania Annex A, Title 22, Education Part XIV, Chapter 235, Code of Professional Practice and Conduct for Educators 1992
6. Title IX of the Education Amendments of 1972

Related Information:

N/A

Recommendation:

The District is recommending Policy 102 for elimination because the content included in the policy is already captured in policies 105 (Curriculum Development), 107 (Adoption of Planned Instruction), 112 (Comprehensive School Counseling Program), and 304 (Employment of District Staff), among other policies. Thus, Policy 102 is duplicative. In the fall of next school year, the District will put forth an Equity Framework policy, which will also capture many of the ideas set forth in Policy 102.

Administrative Procedures:

THE SCHOOL DISTRICT
OF PHILADELPHIA

No. 103
SECTION: 100 Programs
TITLE: Policy 103 - Nondiscrimination in School and Classroom Practices
ADOPTED: April 27, 1981
REVISED: September 14, 2017

POLICY 103 - NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES

Purpose

The Board of Education ("Board") is committed to maintaining schools that are spaces with inclusive climates and that support the social, emotional, and mental health of all students. The purpose of this policy is to require the School District of Philadelphia ("District") to maintain a program of nondiscrimination practices, including course offerings, counseling, assistance, employment, athletics, and extracurricular activities.

Definitions

For the purposes of this policy, terms are defined as follows:

Discrimination: To treat individuals differently based on a protected classification including race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification. A single incident of discrimination may implicate more than one protected class.

Authority

As required by federal, state, and local laws and regulations, the Board shall provide for an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the schools without discrimination on the basis of race, color, ethnicity, age, religion, sex, sexual orientation (known or perceived), gender identity or expression (known or perceived), ancestry, national origin, marital status, pregnancy, socio-economic status, English language proficiency, political beliefs, veteran status, disability, or other protected class. [1][2][3][4][5][6][7][8][9][10][11][12][13][14][15][16][17]

~~The School Reform Commission 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 orientation, ancestry, national origin, marital status, pregnancy or disability. [10][11][12][13][14][15][1][2][3][4][5][6][7][8][9]~~

The Board is committed to the maintenance of a safe and positive learning environment for all students that is free from ~~The District without~~ discrimination **by providing** ~~shall provide to~~ all students~~;~~ course offerings, counseling, assistance, **services,** employment, athletics**,** and extracurricular activities **without any form of discrimination. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the District and is prohibited at or, in the course of, District-sponsored programs or activities, including transportation to or from school or school-sponsored 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 disabilities, consistent with the requirements of federal and state laws and regulations.~~

~~The SRC encourages students and third parties who have been subject to discrimination, or parents/guardians of~~

~~students, to promptly report such incidents to designated employees.~~

~~The SRC 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. All parties will be treated with dignity and respect.~~

~~No reprisals nor retaliation shall occur as a result of good faith charges of discrimination or participation in an investigation.~~

~~In the event that the district fails to investigate a complaint of discrimination, fails to document the outcome of an investigation of discrimination, or if discrimination continues after an investigation has concluded, individuals may report the incident to the district's hotline at 215-400-SAFE and/or submit a complaint in accordance with applicable SRC policy.[16]~~

Delegation of Responsibility

To maintain a**n education environment that discourages and prohibits** ~~program of non~~discrimination ~~practices that is in compliance with applicable laws and regulations~~, the **Board** ~~SRC shall~~ designate**s the** ~~d~~**D**istrict's Compliance Officer**/Title IX Coordinator as the Compliance Officer responsible for coordinating** ~~to coordinate~~ the **D**~~d~~istrict's efforts to comply with this policy and applicable laws and regulations.

The Compliance Officer/Title IX Coordinator can be contacted at:

Address: 440 N. Broad Street, Philadelphia, PA 19130
Email: antiharassment@philasd.org
Phone Number: 215-400-4830

The Compliance Officer/Title IX Coordinator shall fulfill designated responsibilities to maintain adequate nondiscrimination procedures, to recommend new procedures or modifications to procedures, and to monitor the implementation of the District's nondiscrimination procedures as follows:

1. **Publish and disseminate this policy and the complaint procedure at least twice annually (at the beginning of school year and following winter break) to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the name, position, office address, telephone number, and email address of the Compliance Officer/Title IX Coordinator and be made available in various languages in accordance with applicable law or Board policy. [18]**
2. **Receive reports or complaints from District employees, students, families, and third parties if the school principal is the subject of a report or complaint.**
3. **Track all complaints, investigation materials and resolutions from discrimination complaints District-wide and monitor the timely and appropriate investigation of complaints.**
4. **Monitor and provide technical assistance to individuals involved in managing complaints.**
5. **Make ad hoc reports (as necessary or appropriate) and annual reports to the Board on discrimination complaints and resolutions.**

~~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 name, position, office address, telephone number and email address of the Compliance Officer.~~

The **Office of Student Support Services** ~~Compliance Officer~~**, the Office of Talent; the Office of Academic Supports; the Division of Operations; the Office of Schools; the Office of Evaluation, Research, and Accountability; and the Office of Diversity, Equity, and Inclusion,** ~~is~~ **are to monitor the application of an equity lens in accordance with Policy 102 - Equity Framework** ~~nondiscrimination procedures in~~ **regarding** the following ~~areas~~: **[19]**

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 - **Provision of structure, strategic guidance, and organizational leadership necessary to maintain an equitable District.** ~~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.

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

The Superintendent or designee**, through the Office of Student Support Services,** shall develop administrative procedures to implement this policy.

~~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. ~~Take interim action, as necessary, to address prohibited conduct prior to the completion of the investigation.~~

Mandatory Regulatory Procedures:

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 individuals with disabilities, consistent with the requirements of federal and state laws and regulations and in accordance with Board policy, including Policy 103.1 - Nondiscrimination-Qualified Students with Disabilities-Protected.

The Board encourages students and third parties who have been subject to discrimination, or parents/guardians of students, to promptly report such incidents to designated employees. Any reports of discrimination that are based on a violation of this policy shall follow the Administrative Procedure B: Bullying, Harassment, and Discrimination (Students).

The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated.

The District shall provide training for all employees to implement the equity framework as part of its work to become an equitable organization through implementation of Policy 102 - Equity Framework.

The District shall post a notice stating that the District does not discriminate in any manner, in any District education program or activity. The notice shall include the title, office address, telephone number, and email address of the individual(s) designated as the Compliance Officer(s) and shall be posted on the District's website.

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report, and the investigation related to any form of discrimination shall be handled in accordance with applicable law, regulations, this policy, the administrative procedures to this policy, and the District's legal and investigative obligations. [20][21][22][23][24][25]

Retaliation

The Board prohibits retaliation by the District against any person for: [24]

- **Reporting or making a formal complaint of any form of discrimination or retaliation.**
- **Testifying, assisting, participating, or refusing to participate in a related investigation, process, or other proceeding or hearing.**
- **Acting in opposition to practices the person reasonably believes to be discriminatory. The District its employees, and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Compliance Officer/Title IX Coordinator immediately if retaliation is believed to have occurred.**

Disciplinary Consequences

Appropriate disciplinary action/consequences for persons engaging in acts of discrimination and for persons engaged in reprisal or retaliation should be applied, when appropriate, after the investigation has determined that such an offense has occurred. A range of disciplinary actions/consequences are set forth in the Code of Conduct, Employee Code of Ethics, Collective Bargaining Agreement, or applicable Board policy.
[26][27][28][29][30]

~~This policy shall be made available in English and all other languages necessary to facilitate understanding by Ddistrict residents.~~

Legal References:

1. 22 PA Code 12.1
2. 22 PA Code 12.4
3. 22 PA Code 15.1 et seq
4. 22 PA Code 4.4
5. 24 P.S. 1301
6. 24 P.S. 1310
7. 24 P.S. 1601-C et seq
8. 24 P.S. 5004
9. 43 P.S. 951 et seq
10. 20 U.S.C. 1681 et seq
11. 34 CFR Part 106
12. 29 U.S.C. 794
13. 42 U.S.C. 12101 et seq
14. 42 U.S.C. 1981 et seq
15. 42 U.S.C. 2000d et seq
16. U.S. Const. Amend. XIV, Equal Protection Clause
17. Policy 103.1 - Nondiscrimination-Qualified Students with Disabilities-Protected Handicapped Students
18. Policy [insert number] - Supporting Language Accessibility for Parents and Guardians Whose Primary Language Is Not English
19. Policy 102 - Equity Framework
20. Policy 113.4 - Confidentiality of Special Education Student Information
21. _20 U.S.C. 1232g
22. 34 CFR 106.44
23. 34 CFR 106.45
24. 34 CFR 106.71
25. _34 CFR Part 99
26. Policy 113.1 - Discipline of Students with Disabilities
27. Policy 218 - Student Conduct and Discipline

28. Policy 233 - Suspension and Expulsion
29. Policy 317 - Employee Conduct and Reporting Requirements
29. Pol. 113.2 - Behavior Support

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1. ~~43 P.S. 951 et seq - 1955 Act 222 PENNSYLVANIA HUMAN RELATIONS ACT~~
2. ~~20 U.S.C. 1681 et seq - 20 U.S. Code Chapter 38 - DISCRIMINATION BASED ON SEX OR BLINDNESS~~
3. ~~24 P.S. 1310~~
4. ~~24 P.S. 1601-C et seq~~
5. ~~22 PA Code 12.1~~
6. ~~22 PA Code 12.4~~
7. ~~22 PA Code 15.1 et seq~~
8. ~~22 PA Code 4.4~~
9. ~~24 P.S. 5004~~
10. ~~43 P.S. 951 et seq~~
11. ~~20 U.S.C. 1681 et seq~~
12. ~~20 U.S.C. 6321~~
13. ~~29 U.S.C. 794~~
14. ~~42 U.S.C. 12101 et seq~~
15. ~~42 U.S.C. 2000d et seq~~
16. ~~Pol. 103.1~~
17. ~~Pol. 248~~
18. ~~Pol. 906~~
19. ~~20 U.S.C. 1232g~~

Related Information:
28 CFR Part 35
28 CFR Part 41
34 CFR Part 100
34 CFR Part 104
34 CFR Part 106
34 CFR Part 110
Philadelphia Code of Ordinances (Fair Practices Ordinance) - 9-1101 et seq
Policy 122
Policy 123
Policy 701
Philadelphia Commission on Human Relations Guidance

Administrative Procedures:

Administrative Procedure A: Bullying, Harassment, and Discrimination - Students
(Attachment for Policies 103, 248, and 249)

Purpose

The Board of Education ("Board") is committed to maintaining schools that are spaces with inclusive climates and that support the social, emotional, and mental health of all students. The purpose of these procedures is to maintain an educational environment in which bullying, discrimination, and harassment in any form is not tolerated and to establish procedures for handling complaints of bullying, harassment, and discrimination.

Definitions

For the purposes of these procedures, terms are defined as follows:

Bullying: An intentional electronic, written, verbal, nonverbal, psychological, or physical act or series of acts directed at another student or students, which occurs in and/or outside a school setting, that is severe, persistent, or pervasive and has the effect of doing any of the following:

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

Bullying is characterized by the following three (3) criteria:

1. **It is aggressive behavior or intentional harm doing.**
2. **It is carried out repeatedly over time.**
3. **It occurs between people where there is an imbalance of power (e.g. physical strength, mental capacity, popularity, or social skills).**

Bullying can take many forms and can include a variety of behaviors. As defined in this policy, bullying refers to direct or indirect action, which may include but is not limited to:

1. **Physical – hitting, kicking, pushing, shoving, getting another person to hurt someone;**
2. **Verbal – racial slurs, name-calling, teasing, taunting, harassment, gossiping;**
3. **Nonverbal – threatening, obscene gestures, isolation, exclusion, stalking;**
4. **Psychological or Relational - involves spreading malicious rumors, and engaging in social isolations or intimidation; and**
5. **Cyberbullying – any form of bullying that occurs by the use of electronic communication devices or through means of social networking, email, instant messaging, text messaging, tweets, blogs, photo and video sharing, chat rooms, dash boards, websites or apps including personal profile websites or apps, such as Snapchat, Instagram, and Facebook.**

It is the intent of this policy that the term bullying include, but not be limited to, incidents that are reasonably perceived as being motivated either by any actual or perceived

characteristic, such as gender, age, race, color, sexual orientation, gender identity expression, national origin, religion, disability, socioeconomic status and/or political beliefs.

Bullying designee: A school-based staff person who receives reports of incidents of alleged bullying, harassment, or discrimination; conducts investigations; and determines whether an allegation is substantiated.

Complainant: Any individual who is alleged to be the victim of bullying, harassment, or discrimination.

Discrimination: To treat individuals differently or to harass or victimize based on a protected classification including race, color, ethnicity, age, religion, sex, sexual orientation (known or perceived), gender identity or expression (known or perceived), ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification. A single incident of discrimination may implicate more than one protected class.

Electronic communication: A communication transmitted by means of an electronic or communication device, including, but not limited to, a telephone, cellular phone, or computing device.

Harassment: Verbal, nonverbal, written, graphic, virtual or physical conduct relating to an individual's known or perceived race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification.

Harassment includes unwelcome conduct such as graphic, written, electronic, verbal, or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, sexual misconduct, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when:

1. **Such conduct is sufficiently severe, persistent, or pervasive; and**
2. **A reasonable person in the complainant's position would find that it creates an intimidating, threatening, or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities, or opportunities offered by a school.**

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. A single incident of harassment may implicate more than one protected class. For example, a student may be targeted because of their race and sexual orientation.

Respondent: Any individual who is reported to be the perpetrator of conduct that could constitute bullying, harassment or discrimination.

School setting: 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.

Sexual Misconduct: Unwelcome conduct on the basis of sex or gender that does not meet the definition of Title IX sexual harassment as defined by Policy 248. Sexual Misconduct is a form of harassment under Policy 248.

Title IX sexual harassment: Conduct on the basis of sex, that satisfies one or more of the following: [18]

- **A District employee conditioning the provision of an aid, benefit, or District service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment;***
- **Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a District education program or activity; or**
- **Sexual assault, dating violence, domestic violence, or stalking.**

Title IX sexual harassment complaints are investigated in accordance with Administrative Procedure B: Title IX Sexual Harassment.

Conduct on the basis of sex or gender includes conduct on the basis of sexual orientation and gender identity. Examples of conduct on the basis of sex or gender include but are not limited to, sexual propositions; making unwanted sexual remarks in person or online, touching of a sexual nature; graffiti of a sexual nature; displaying or distributing sexually explicit drawings, pictures, or written material; sexual gestures or touching oneself sexually in front of others; telling sexual or dirty jokes; spreading sexual rumors or rating other students as to sexual activity or performance; and circulating or showing emails or websites of a sexual nature. Whether alleged conduct arises to sexual misconduct or Title IX sexual harassment will depend upon the totality of the cirucumstances. Sexual harassment can take place regardless of sexual orientation or gender identity and can happen among people of the same gender identity.

Procedures

The District will follow the procedures below regardless of whether the alleged bullying, harassment, or discrimination also is being investigated by another agency, including law enforcement, unless particular procedural steps would directly impede a criminal investigation. The District will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the complainant(s) and the school community and the avoidance of retaliation.

~~Complaint Procedure – Student/Third Party~~

~~Step 1 -~~ Reporting

~~A student or third party who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy, or the parent/guardian of a student, is encouraged to immediately report the incident to the building principal or designee, or to any other member of the school staff, including teachers, guidance counselors, coaches and administrators. A school employee who witnesses, 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 or designee.~~

Any person, whether the alleged Complainant or not, may submit a complaint alleging bullying, harassment, or discrimination by any means that results in the Compliance Officer/Title IX Coordinator receiving the person's verbal or written complaint including:

1. **Completing the online Bullying, Harassment/Discrimination Reporting form;[1]**
2. **Calling the Bullying/Harassment hotline at 215-400-SAFE;**
3. **Submitting a complaint via Safe2Say;[2]**
4. **Emailing the Compliance Officer/Title IX Coordinator directly at antiharassment@philasd.org; or**
5. **Reporting the incident to the building principal or designee, or to any other member of the school staff, including teachers, guidance counselors, bilingual counseling assistants (BCAs), coaches, and administrators.**

A report may be made at any time, including during non-business hours. Complaints will be treated the same, regardless of whether they are made verbally or in writing.

Any school employee who receives a complaint or witnesses, suspects, or is notified that a student may have been subject to conduct that constitutes a violation of Policy 103 - Nondiscrimination in School and Classroom Practices; Policy 248 - Harassment of Students; or Policy 249 - Bullying/Cyberbullying or other applicable Board policy related to discrimination shall immediately complete the online Bullying, Harassment, and Discrimination Reporting form; report the incident to the building principal or designee; and properly make any mandatory police or child protective services reports required by law. The person accepting the complaint shall handle the report objectively, neutrally, and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of violation of applicable Board policy.

If the building principal is the subject of a complaint, the student, parent/guardian, third party**,** or employee shall report the incident directly to the Compliance Officer/**Title IX Coordinator**. ~~The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.~~

The building principal or designee shall be responsible to complete the following duties:

[1] The online Bullying, Harassment, and Discrimination Reporting Form is available at https://pareporting.hibster.com/Pages/Home.aspx?id=241

[2] The Safe2Say complaint form is available at safe2saypa.org

1. **Notify the parent or guardian of the Complainant and Respondent of the complaint**
2. **Take interim action, as necessary, to address prohibited conduct prior to the completion of the investigation.**

Parents/Guardians have the right to act on behalf of their student who is a Complainant, Respondent, or witness at any time.

NOTE: It is critical that school employees who witness behavior that may constitute bullying, harassment, or discrimination or who receive a complaint determine whether immediate steps must be taken to avoid further harm, such as keeping students separated, getting medical/behavioral health aid for anyone harmed, etc.

Assessment

All reports of bullying, harassment, or discrimination shall be reviewed by the Compliance Officer/Title IX Coordinator, who shall conduct an assessment to determine whether the reported conduct falls within the scope of Policy 103 - Nondiscrimination in School and Classroom Practices, Policy 248 - Harrassment of Students, Policy 249 - Bullying/Cyberbullying, another Board policy, or the Code of Conduct[3] and shall determine whether to assign the complaint to the school's bullying designee or to the appropriate individual in the central office to investigate the allegations and offer supportive measures.[4]

If the assigned investigator has a personal relationship with any person substantially involved in the conduct that is the subject of the investigation or believes their role as investigator may constitute a conflict of interest they shall immediately notify the Compliance Officer/Title IX Coordinator who will reassign the investigation if they determine that a conflict may exist.

If the reported conduct, as alleged, would be sufficient to meet the definition of Title IX sexual harassment the Compliance Officer/Title IX Coordinator shall ensure that the complaint is addressed through Administrative Procedure B: Title IX Sexual Harassment.

~~Step 2 -~~ Investigation

~~Upon receiving a complaint of discrimination, the building principal or designee shall investigate the complaint, unless the building principal or designee is the subject of the complaint or is unable to conduct the investigation.~~

~~The building principal or designee shall conduct an adequate, reliable and impartial investigation and shall provide the opportunity for each party to present witnesses and other evidence.~~

[3] The Code of Conduct (attachment to Policy 218) is available at https://www.philasd.org/schoolboard/policies/

[4] Examples of relevant Board policies include, but are not limited to, polices 102, 103, 103.1, 104, 113.1, 218, 234, 247, 248, 249, 252, 348, and 906.

~~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 investigator shall attempt to secure statements from all participants in and witnesses to the complaint.~~

~~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. The investigator should coordinate with any other ongoing school or criminal investigation of the incident.~~

~~All investigations shall be completed by t~~**T**he assigned investigator **shall take immediate and appropriate action to conduct an investigation which shall be completed** within ~~fourteen (14)~~ **seven (7) school days** from the **reporting** ~~filing date~~ **of the complaint.** Extenuating circumstances for not able to comply with the deadline must be approved by the Compliance Officer/**Title IX Coordinator.** The extension must be a specified period of time not exceeding fourteen (14) school days **unless approved by the Compliance Officer/Title IX Coordinator**, and must be communicated to the Complainant.

The Complainant shall not be required to meet face-to-face with the Respondent. The obligation to conduct this investigation shall not be negated by the fact that the Complainant cannot identify the Respondent. The limited English proficiency of a Complainant, witness, or the Respondent is not an acceptable reason for failure to secure a statement from them.

To determine whether the alleged bullying, harassment, or discrimination occurred the investigator shall:

1. **Conduct individual interviews with the Complainant, the Respondent, and others with knowledge relative to the incident. The investigator shall also evaluate any other information and materials relevant to the investigation.**
2. **Attempt to secure statements and other evidence from all participants in, and witnesses to, the incident(s).**
3. **Offer interpretation and/or translation services when a student with limited English proficiency is a party or witness to a complaint.**
4. **Ensure that Complainants and Respondents have been offered supportive measures and notified of available resources, such as counseling, health, and mental health services, and, if applicable, their right to file a complaint with local law enforcement.**
5. **Follow all district guidelines and training to conduct a thorough and unbiased investigation .**

Based upon their investigation, the investigator shall determine whether the alleged conduct is found to be a violation of a Board policy or policies or Code of Conduct and notify the parents as set forth below under Parental Notification. If the investigator is a

central office investigator they or the Compliance Officer/Title IX Coordinator also shall notify the principal and bullying designee regarding the outcome.

The investigator shall document the investigation in *HIBster*, including a determination of whether the complaint has been substantiated as factual and whether the alleged conduct is founded or unfounded, based on a preponderance of the evidence. If the investigator does not have access to *HIBster*, the investigator shall coordinate with the Compliance Officer/Title IX Coordinator who will enter the information into *HIBster*.

~~Investigative Report~~

~~The building principal or designee shall prepare and submit a written report to the Compliance Officer, which 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, the basis for the determination, and a recommended disposition of the complaint.~~

~~The complainant and the accused shall be provided written notice of the outcome of the investigation, including the recommended disposition. The accused shall not be notified of the individual remedies offered or provided to the complainant.[17]~~

Notification of Outcome

IEP Team/Section 504 Team Notification

If a complaint is substantiated and either the Respondent or the Complainant is a student with a disability who has an Individualized Education Plan ("IEP") or a Section 504 Plan, the principal or bullying designee must notify the student's IEP Team or Section 504 Team.

Unless it is clear from the investigation that there was no effect on the student with a disability's receipt of a Free and Appropriate Public Education ("FAPE"), the appropriate team must convene to make a determination of whether and how the student's IEP or 504 plan should be amended and the extent to which additional or different services or evaluations,, are needed and ensure that any needed changes are made promptly. If a change of placement is considered, Section 504 or IEP services must be provided in an educational setting with persons who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

Parental Notification

***Founded complaints:* Parents/guardians of the Complainant and Respondent(s) shall be notified in writing, and the following steps shall be taken by the Principal/Bullying Designee or Compliance Officer/Title IX Coordinator:**

1. **The parent/guardian(s) of the Complainant will be informed of the specific steps that the school will take to intervene in the reported behavior(s), monitor future conduct, and protect the Complainant from reprisal or retaliation.**

2. **The parent/guardian(s) of the Complainant and the Respondent will be invited to participate in the development of an intervention plan for their respective child, when appropriate, and provided a copy of that plan if one is created . Each intervention plan must also be documented in the Infinite Campus Student Information System**
3. **The parent/guardian of the student Respondent will be informed of any proposed consequences as stipulated in the Code of Conduct.**

Unfounded complaints: **Parents/guardians of the Complainant and Respondent(s) shall be notified in writing of the type of incident that occurred as well as the specific steps that the school will take, regarding their child, to address the complaint and monitor future interactions. This communication will notify the parent/guardian of the basis for the District's decision (i.e. mutual conflict) and the availability of an appeal process. This notification shall also encourage ongoing communication with District staff.**

District Action

If the investigation ~~results in a finding that the complaint is factual and constitutes a violation of this policy~~ **determines that the Respondent engaged in conduct that constitutes a violation of Policy 103 - Nondiscrimination in School and Classroom Practices, Policy 248 - Harassment of Students, Policy 249 - Bullying/Cyberbullying, or another Board policy**, the District shall take prompt~~, corrective action to ensure that such conduct ceases~~ **and effective steps reasonably calculated to end the bullying, harassment, or discrimination; eliminate any hostile environment; remedy the discriminatory effect on the Complainant; and prevent the behavior from recurring.** ~~The district shall take steps to prevent the recurrence of prohibited conduct and to correct the discriminatory effect on the complainant and others, if appropriate. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.[17]~~

~~Disciplinary actions shall be consistent with the Code of Student Conduct, SRC policies and administrative 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.~~

Behavioral Interventions/Supportive Measures

Schools must provide intervention and support to Complainants, Respondents, and/or witnesses to address acts of bullying, harassment, or discrimination. Possible interventions include, but are not limited to, the following actions:

1. **Parent/student conferences;**
2. **Offer of one-to-one counseling with appropriate professional staff;**
3. **Behavioral supports, such as Functional Behavioral Assessments, check in/check out, and Positive Behavior Support Plans;**
4. **Increased adult supervision in hot spot areas and during transition times (e.g. admission and dismissal, classroom changes, lunch, recess);**

5. **Social skills training, including role playing;**
6. **Positive incentives and reinforcements for appropriate or improved behavior;**
7. **Development of a safety plan for the Complainant; and**
8. **Daily report.**

Disciplinary Action

While all founded incidents of bullying, harassment, or discrimination require intervention, some incidents may require disciplinary action/consequences for the Respondent(s). Appropriate disciplinary action/consequences for persons engaging in acts of bullying, harassment, or discrimination; for persons engaged in reprisal or retaliation; and for persons found to have made false accusations should be applied, when appropriate, after the investigation has determined that such an offense has occurred. The disciplinary action/consequences may vary depending on the severity of the bullying, harassment, or discrimination. A range of disciplinary actions/consequences are set forth in the Code of Conduct, Employee Code of Ethics,[5] Collective Bargaining Agreement, or applicable Board policy.

Appeal Procedure

If the Complainant or Respondent is not satisfied with the finding of ~~no violation of the policy or with the recommended corrective action~~ **the investigation,** ~~, s/he may submit~~ a written appeal **may be filed using the appeal form** ~~to the Compliance Officer within fifteen (15) days~~. **The appeal form must be received by the Office of Student Rights and Responsibilities within fifteen (15) calendar days of the date of the decision. The appeal will be conducted in an impartial manner by an impartial decision-maker in that office. Information about the appeal process, including the required appeal form, is available on the Office of Student Rights and Responsibilities' webpage.[6]**

~~1. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.~~
~~2. 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.~~

Central Office Support

In the event that the District fails to investigate a complaint, or a parent/guardian has not received notification of the outcome of an investigation, or if the reported conduct continues after an investigation has concluded, support may be requested by calling the Office of Family and Community Engagement ("FACE") at 1-215-400-SAFE. FACE will notify the District's Compliance Officer/Title IX Coordinator who will address the concern. Parents/guardians may also email bullying@philasd.org or antiharassment@philasd.org.

[5] The Employee Code of Ethics (attachment to Policy 300) is available at https://www.philasd.org/schoolboard/policies/

[6] The Office of Student Rights and Responsibilities' webpage is available at https://www.philasd.org/studentrights/

Exceptions to our policy of always prioritizing educational continuity may be considered as a last resort where all other options have been expended.

Data Reporting regarding Bullying Complaints

The Office of Student Support Services will post on its website annually the number of bullying and harassment complaints filed as well as the number of complaints found to constitute bullying or harassment by school or network.

Maintenance Schedule

These procedures originate with the Office of Student Support Services. Regular updating of these procedures will be accomplished, as needed.

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 104
SECTION: 100 Programs
TITLE: Policy 104 - Nondiscrimination in Employment Practices (Eliminate)
ADOPTED: April 27, 1981
REVISED: May 18, 2017

POLICY 104 - NONDISCRIMINATION IN EMPLOYMENT PRACTICES (ELIMINATE)

Purpose
N/A

Definitions
N/A

Authority
The School Reform Commission declares it to be the policy of this district to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin or handicap/disability, gender identity, or genetic information. 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. Additionally, the District shall make reasonable accommodations for sincerely held religious beliefs consistent with the requirements of federal and state laws and regulations. [1][2][3][4][5][6][7][8][9][10][11]

The district seeks to recruit, hire, and place into available jobs the most qualified persons and to administer personnel matters such as compensation, benefits, promotion, transfer, training, layoffs, discipline, termination, and district sponsored educational, social, and recreational programs in accordance with law and SRC policy.

The SRC encourages employees and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

The SRC 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 or participation in an investigation.

Delegation of Responsibility
In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the SRC designates the Chief Talent Officer and Office of General Counsel as the district's Compliance Officers.

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

The Compliance Officer(s) are responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Development of position qualifications, job descriptions and essential job functions.
2. Recruitment materials and practices.
3. Procedures for screening, interviewing and hiring.
4. Promotions.
5. Disciplinary actions, up to and including terminations.

The building principal/immediate supervisor or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the employee or third party of the right to file a complaint and the complaint procedure.
2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer(s) if the building principal/immediate supervisor is the subject of the complaint.
4. Take interim action, as necessary, to address prohibited conduct prior to the completion of the investigation.

Mandatory Regulatory Procedures:
N/A

Legal References:

1. 43 P.S. 336.3
2. 43 P.S. 951 et seq
3. 20 U.S.C. 1681 et seq
4. 29 U.S.C. 206
5. 29 U.S.C. 621 et seq
6. 29 U.S.C. 794
7. 42 U.S.C. 12101 et seq
8. 42 U.S.C. 1981 et seq
9. 42 U.S.C. 2000e et seq
10. 42 U.S.C. 2000ff et seq
11. Pol. 348 - Unlawful Harassment

Related Information:
16 PA Code 44.1 et seq
28 CFR 35.140
28 CFR Part 41
29 CFR Parts 1600-1691
Philadelphia Code of Ordinances (Fair Practices Ordinance) - 9-1101 et seq

Recommendation:
The District is recommending Policy 104 for elimination because the information contained in the policy is already covered in Policy 348. Thus, Policy 104 is duplicative. Any unique information contained in Policy 104 is being incorporated into Policy 348, which is also being revised this policy cycle.

Administrative Procedures:

Administrative Procedures for Nondiscrimination in Employment Practices
(Attachment for Policy No. 104)

The School Reform Commission declares it to be the policy of this district to provide to all applicants equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin or handicap/disability, gender identity, or genetic information. 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.

Procedures

Complaint Procedures

All School District employees who believe that they have been subject to conduct by an employee or third party that constitutes a violation of this policy, Policy 104, may file a complaint using the procedure below. This same procedure applies to applicants and third parties.

Step 1 – Reporting

An employee or third party who believes s/he has been subject to conduct by an employee or third party that constitutes a violation of this policy is encouraged to immediately report the incident to the District's Compliance Officer, the Chief Talent Officer.

Louis Bellardine, Chief Talent Officer
Email: talent@philasd.org
Phone: (215) 400-4690

If an employee or third party reports an incident to the building principal/immediate supervisor, building principal/immediate supervisor should refer the employee to send report to the Compliance Officer.

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

The complainant is encouraged to use the report form available, but verbal complaints shall be acceptable. Anyone who receives a verbal complaint should refer employee or third party to the Compliance Officer and, if possible, should notify the Compliance Officer in writing as soon as possible.

Step 2 - Investigation

Upon receiving a complaint of discrimination, the Compliance Officer or designee will investigate the complaint.

The Compliance Officer (referred to below as the 'investigator') or designee shall conduct an adequate, reliable and impartial investigation and shall provide the opportunity for each party to present witnesses and other evidence.

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 investigator shall attempt to secure statements from all participants in and witnesses to the complaint. The accused shall have the right of representation during his/her interview as required by the applicable collective bargaining agreement or district practice.

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. The investigator should coordinate with any other ongoing school or criminal investigation of the incident.

All investigations shall be completed by the assigned investigator within sixty (60) days from the filing date of the complaint. Extenuating circumstances for not being able to comply with the deadline must be approved by the Compliance Officer. The extension must be a specified period of time not exceeding twenty-five (25) days, and must be communicated to the complainant.

Step 3 – Investigative Report

The Compliance Officer shall prepare and submit a written report, which 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, basis for the determination and a recommended disposition of the complaint.

The complainant and the accused shall be provided written notice of the outcome of the investigation, including the recommended disposition. The accused shall not be notified of the individual remedies offered or provided to the complainant.

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. The district shall take steps to prevent the recurrence of prohibited conduct and to correct the discriminatory effect 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 SRC policies, administrative procedures, applicable collective bargaining agreements, and state and federal laws.

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 Chief Talent Officer within fifteen (15) days.
2. The Chief Talent Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Chief Talent 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 Compliance Officer who conducted the initial investigation.

THE SCHOOL DISTRICT
OF PHILADELPHIA

No. 138
SECTION: 100 Programs
TITLE: Policy 138 - English Language Development/Bilingual Education Program
ADOPTED: January 18, 2018
REVISED:

POLICY 138 - ENGLISH LANGUAGE DEVELOPMENT/BILINGUAL EDUCATION PROGRAM

Purpose

The Board of Education ("Board") is committed to giving each student what they need to reach their fullest potential. The purpose of this policy is to provide a ~~quality educational program for all students, the School District of Philadelphia shall provide~~ culturally and linguistically appropriate planned instructional program for English Learners (**"**ELs**"**) **and dual language learners ("DLLs")**, which builds on students' home language and culture. The goal of the program **is for** ~~shall be to ensure~~ ELs **and DLLs** at all levels of language proficiency **to** ~~can~~ access grade-level academic content standards while developing advanced levels of English with support for students' integration and participation in the community. ~~Students who are ELs shall be identified, assessed, and provided an equal opportunity to participate in instructional programs with equal access to educational programs and extracurricular activities, consistent with federal and state laws and regulations. [1][2]~~

Definitions

For purposes of this policy, terms are defined as follows:

Bilingual Education: Academic programs that are taught in two languages with the goal of all students becoming bilingual and biliterate**.**

~~**Career and Technical Education ("CTE")**: Academic programs that specialize in the skilled trades, applied sciences, modern technologies, and career preparation~~

Dual Language Learners ("DLLs") - Students who receive literacy and content instruction in two languages, specifically in a dual language ("DL") program.

English Learners ("ELs"): Students who are learning English as an additional language.

English Language Development ("ELD"): Instruction specifically designed to develop English proficiency.

English as a Second Language ("ESL"): Academic programs for students who are learning English**.**

Former English Learners ("FELs"): Students who have demonstrated proficiency in English and no longer qualify as an English Learner.

~~**Gifted Individualized Education Plan ("GIEP")**: A written plan describing the education to be provided a gifted student.~~

Home Language Survey ("HLS"): A survey completed for all students as part of the enrollment process. The survey indicates the language(s) used in the home.

~~**Individualized Education Plan ("IEP")**: A written plan describing the education to be provided a student who has a disability under the law.~~

Language Instruction Educational Program ("LIEP"): District plan and design of instruction for English Learners.

Newcomer: An English Learner who has been in the U.S. for less than one year.

~~**Positive Behavior Interventions and Supports ("PBIS")**: A framework for adopting evidence-based behavior interventions.~~

Student with Limited or Interrupted Formal Education ("SLIFE"): A diverse subset of English Learners who have limited backgrounds in reading and writing in their home language(s) and/or who are below grade level in most academic skills due to interruptions in their formal education.

Authority

As required by Pennsylvania Department of Education ("PDE") Regulations and other applicable laws, the District shall provide a program for each student whose dominant language is not English for the purpose of facilitating the student's achievement of English proficiency and the academic standards. [1][2][3][4]~~[5]~~

Delegation of Responsibility

The ~~SRC~~ **Board** authorizes the Superintendent or designee**, through the Office of Academic Supports,** to approve a written Language Instruction Educational Program (**"**LIEP**"**) for students whose dominant language is not English and to maintain an ~~o~~**O**ffic~~e for~~ **of** ~~m~~**M**ultilingual ~~c~~**C**urriculum and ~~p~~**P**rograms **("OMCP")** to develop and support a plan that shall include English Language Development (**"**ELD**"**) and bilingual instruction programs. The programs shall be evidence-based and implemented with sufficient resources and appropriately trained staff. Programs shall be evaluated regularly for effectiveness in developing students' language proficiency and access to grade-level content. **[1]**[2][3][4]~~[5]~~

~~The Superintendent or designee shall address ELs and programs in all District functions, partnerships, and planning processes, as necessary to provide effective ELD and Bilingual Education instruction programs in compliance with laws and regulations. The District's plan for ELs shall include:~~

1. ~~appropriate preparation and professional development for all professional staff, including core content and grade teachers, ESL teachers, and principals~~**;**
2. ~~sufficient resources to implement the language instruction program including appropriate textbooks/materials and supportive technology~~**;**
3. ~~effective curriculum and programming to meet the needs of ELs at varying levels of proficiency, including newcomers, students with interrupted or limited formal education (SLIFE) and older ELs (18-21);~~
4. ~~effective and accessible data management systems with accurate and relevant EL data points; and~~
5. ~~language access for families and community. [3][6]~~

~~The Superintendent or designee shall implement and supervise an ELD/Bilingual Education program that ensures appropriate instruction for ELs in all schools and complies with federal and state laws and regulations.~~

~~The Superintendent or designee, in conjunction with appropriate stakeholders, shall develop administrative procedures regarding the ELD/Bilingual Education program. Administrative procedures shall be updated and revised annually, made public through the District's website and appropriate offices and distributed to District~~

~~administrators, school-based administrators, teachers, and staff, to ensure the implementation of Policy 138 is being transparently, consistently, and equitably adhered to across the District.~~

The Superintendent or their designee, through the OMCP, shall create a plan that addresses the needs of ELs and DLLs in all District functions, partnerships, and planning processes, by providing effective ELD and Bilingual Education instruction programs in compliance with laws and regulations. The District's plan shall be captured in an English Language Development/Bilingual Education Program Manual that shall include:

1. **A system for identification, placement and notification;**
2. **Research/evidence-based programing;**
3. **A plan to ensure equitable access;**
4. **Program evaluation and accountability; and**
5. **Facilitating parent, family, and community engagement.**

Mandatory Regulatory Procedures:

The Superintendent or their designee, through the OMCP, in conjunction with appropriate stakeholders, shall review annually the implementation of this Policy. A summary of the review shall be made public through the District's website and appropriate offices and distributed to District administrators, school-based administrators, teachers, and staff, to facilitate the transparent, consistent, and equitable implementation of Policy 138 across the District.

The Superintendent or designee shall implement and supervise an ELD/Bilingual Education program that ensures appropriate instruction for ELs and DLLs in all schools and complies with federal and state laws and regulations.

Identification, Placement, and Notifications

~~The d~~**D**~~istrict shall establish procedures for identifying and assessing the needs of students whose dominant language is not English. The~~ **A** Home Language Survey **("HLS")** shall be completed for each student upon enrollment in the ~~d~~**D**istrict. Students who require language screening for ELD services, based on the ~~Home Language Survey~~**HLS**, must be administered **a state-approved language screener** ~~the Pennsylvania Department of Education's approved language screener~~. The ~~Home Language Survey~~ **HLS**, language screener results, and current language proficiency level as **determined** ~~indicated~~ by **the** annual State ELD assessment, must be maintained **in accordance with Policy 800 - Records Management.** ~~in the student's permanent record folder and recorded in the District's student information system through graduation~~. ~~[4]~~**[5][6]**[7]~~[8]~~

EL students shall be appropriately identified and placed in accordance with the LIEP within the first thirty (30) days of the school year, or within fourteen (14) days of enrollment. [8]

Families shall be notified, in the preferred home language, of **their** student's entry into ELD services, right of refusal as defined by State law, and student's current language proficiency level as indicated by **the** annual State ELD assessment. ~~[3]~~**[2][9]**

~~Students with a secondary school transcript will have their transcript evaluated in a timely manner to ensure proper placement in high school. Secondary EL students will be rostered in appropriate credit-bearing courses in accordance with the District's rostering guidelines for secondary students. Elementary and middle school students will be placed in an age appropriate grade based on District policy.~~

~~Promotion and retention of ELs must follow District, State, and Federal regulations, and procedures must align with District guidelines. An EL may not be retained in a grade based solely on his/her lack of English proficiency. [3]~~

Students shall be reclassified or exited from their EL status in accordance with **the English Language Development/Bilingual Education Manual** ~~District required criteria as specified in State law~~ with notification made to families in their preferred language. **[2]**~~[3]~~[10]

Programming

All students identified as ~~English Learner~~ (EL**s**~~) students~~ **or DLLs** will be provided an asset-based ~~Language Instruction Educational Program~~ (LIEP~~)~~, which values students' linguistic**,** ~~and~~ cultural**, and educational backgrounds** ~~resources,~~**;** is grounded in effective research-based theory~~,~~**;** and allows students to draw from their entire linguistic repertoire, including languages other than English. Curriculum in language and grade/content areas shall be standards-based and **grade-level aligned** ~~modified as appropriate for ELs~~. ~~In all language programs, students' home languages and cultures, as well as their educational experiences from the home country and family, shall be valued as a strong foundation for the acquisition of another language not limited to students participating in a designated Bilingual Education program.~~ [3]

The LIEP must include either Bilingual or English as a Second Language **("ESL")** program components. Both Bilingual Education and ESL programs shall be aligned to the core instructional program and utilize certified teaching personnel to **afford** ~~ensure that~~ ELs **and DLLs** ~~are afforded~~ the full opportunity to master the essential knowledge and skills of the core curriculum. Staff will incorporate all appropriate **scaffolds and** ~~modifications,~~ interventions to instruction and assessment to **promote** ~~allow ELs~~ meaningful access to the **core** ~~general~~ curriculum and to promote language **development** ~~and grade-appropriate content learning~~. Programs shall draw from students' linguistic and cultural resources and shall be assessed based on progress towards **language** proficiency and achievement in core subjects and skills including math, reading, science**,** and social studies. **[2]**~~[3]~~

Bilingual and ESL programs must meet or exceed minimum State requirements and include instructional strategies and/or curriculum which integrates language and content instruction that is culturally **inclusive and responsive** ~~competent~~, scaffolded**,** and aligned with state and national standards. ~~Instruction must be "high challenge with high support" to ensure access to the core curriculum.~~ **All teachers, including, but not limited, to grade level teachers, content area teachers, specialists, ESL teachers, and special education teachers** ~~ESL and non-ESL teachers, including grade or content teachers~~, will be provided with opportunities to plan instruction collaboratively to ensure academic language development and access to grade-level content for all ELs **and DLLs** including newcomer students. **[2]**~~[3]~~

Bilingual Education programs will include language and literacy instruction in both English and the additional language and shall promote bilingualism, biliteracy, and biculturalism for all students. Language and literacy proficiency, including reading proficiency, must be formally tracked and recorded for both English and the additional language in District-issued report cards for students in bilingual programs. Teachers and administrators shall be provided consistent and appropriate preparation and professional development opportunities in order to effectively implement and sustain Bilingual Education~~s~~ programs**.** ~~and~~ **Teachers** must be certified with appropriate content or grade certification and able to provide instruction in the additional language as demonstrated by the District's screening process. **[2]**~~[3]~~**[10]**

ESL Education Programs must include ~~English Language Development~~ (ELD~~)~~ instruction delivered by ESL certified teachers with appropriate content or grade certification in alignment with State requirements. ELD must be incorporated into all classes taught by ESL and non-ESL certified teachers, including grade and/or content teachers, in which ELs **and DLLs** are enrolled. All teachers of ELs **or DLLs** are responsible for ~~deliberately~~ planning ~~for,~~ and incorporating language instruction, as well as appropriate **scaffolding** ~~supports, modifications, interventions, and accommodations needed~~ to **provide access** ~~allow ELs~~ to ~~fully access course~~ **core** standards and curriculum. ELD instruction by ESL and non-ESL teachers shall promote the use of

students' home language skills and culture to support and enhance learning and development of ~~core~~ content skills and knowledge. ~~ELD instruction by~~ ESL and non-ESL ~~grade/content~~ teachers and administrators will be supported through consistent and research-based ~~supplemental education and~~ professional development opportunities in order to ~~effectively~~ implement and sustain effective ESL **and DL** programs. **[2]**~~[3]~~

Equitable Access

EL students, at all levels of language proficiency, shall be required, with accommodations, to participate in assessments~~, as appropriate,~~ and meet established academic standards and graduation requirements. ~~[9]~~[10] [11]**[12][13]**[14][15][16][17][18][19]~~[20][21]~~

~~Pursuant to establishing a positive and safe school environment for all students,~~ District policies apply to all students~~,~~ regardless of immigration status**, in order to establish a positive and safe school environment**~~, especially, but not limited to Bullying and Harassment Policies 248 and 249; Multiracial, Multicultural, Gender Education Policy 102; Nondiscrimination in Classroom Policy 103; Homeless Students Policy 251; Transgender and Gender Nonconforming Students Policy 252.~~ **[1][20][21][22][23][24]**

ELs and DLLs ~~students~~ shall have equitable access to ~~and be encouraged to participate in~~ all academic programs, including Career and Technical Education **("CTE"), as covered by Policy 115 - Career and Technical Education, and** special admission~~/magnet~~ schools and programs, ~~and~~ **as well as** extracurricular activities and programs available to ~~d~~**D**istrict students. Students shall be assisted by persons knowledgeable about ~~d~~**D**istrict schools and programs to consider a range of opportunities ~~programs~~ and to obtain the ~~accommodations and~~ supports needed for ~~the~~ student **success** ~~to be successful, including modifications~~. Families shall receive guidance in a language they understand. Students may not be excluded on the basis of admission criteria if they can participate successfully, given reasonable accommodations. ~~[22][23][24]~~[25]**[26][27][28]**

EL students in all settings, including alternative placements, newcomers programs, special admission~~/magnet~~, city-wide admission, ~~Career and Technical Education (~~CTE~~)~~, and students with an Individualized Education Plan ("IEP"), **as defined by Policy 113 - Special Education** ~~Gifted Individualized Education Plan (~~GIEP~~)~~, **as defined by Policy 114 - Gifted Education,** 504 plan, or students in schools with low EL enrollment, are entitled to equitable access to language development instruction and resources. **[2]**~~[3][22][23][24]~~[25]**[26][27][28][29][30]**

EL**s** ~~students~~ **and DLLs** are eligible for ~~Individualized Education Programs (~~IEP**s**~~)~~, 504 Plans**,** and/or ~~Gifted Education Programs (~~GIEP**s**~~)~~, and shall be identified in accordance with law, regulations**,** and District policy. ~~The District shall ensure that~~ **Any** assessment of a student for individualized and gifted education services **shall** include~~s~~ consideration of intervening factors, such as English proficiency, that may be interfering with school **staffs'** ~~officials~~' ~~ability to~~ identify**ication of** various learning abilities. **ELs and DLLs who are eligible for specialized education services shall continue receiving ESL/Bilingual Education instruction in accordance with their IEP, GIEP, or 504 Plan at the appropriate language proficiency and developmental level, and with regular input and monitoring from an ESL specialist or trained and certified designee. [4]**~~[13][5][12]~~**[29][30]**

Students' language proficiency or EL **or DLL** status cannot be grounds for denying or delaying evaluation to determine eligibility for special education services. ELs **and DLLs** may be eligible for special education services when they have been identified as a student with a disability and it is determined that the disability is not solely due to lack of instruction or proficiency in the English language. An evaluation for an EL **or DLL** student must be conducted in a language the student understands to accurately assess eligibility with bilingual evaluations conducted when feasible in accordance with state and federal laws. **[29]** Parents/guardians shall be

consistently and equitably offered the District's interpretation and translation services to ~~ensure~~ **facilitate** ~~meaningful~~ participation in **all educational opportunities and services.** ~~the special education process~~. **[2]**~~[3]~~**[4]**~~[5]~~~~[12]~~**[29]**

~~EL students who are eligible for specialized education services shall continue receiving ESL/Bilingual Education instruction in accordance with their Individualized Education Program (IEP), Gifted Individualized Education Plan (GIEP), or 504 Plan at the appropriate language proficiency and developmental level, and with regular input and monitoring from an ESL specialist or trained designee.~~ ~~[5][12][13]~~

~~Students who are~~ ELs **and DLLs** may remain in high school through their 21st birthday regardless of credit attainment. Students who do not finish high school by the age of 21 are eligible for alternative education programs with ELD and content classes deemed appropriate and necessary to enable the student to obtain a high school diploma. **[31]**

Evaluation & Accountability

The District's plan for ELs **and DLLs**, including ESL and Bilingual Education programs, professional development offerings, and curriculum and instruction**,** shall be regularly evaluated with asset-based approaches by District offices, superintendents**,** and school-based administrators with input from students, parents/families, and community stakeholders, at least once every three years, to ~~ensure~~ **determine whether** all components are aligned, implemented**,** and working effectively to facilitate the acquisition of the English language and achievement of academic standards, and shall be revised when necessary to **promote** ~~ensure~~ ~~greater~~ student achievement. ~~[9]~~[10][11]**[12]**

~~Students who are~~ ELs **and DLLs** must be assessed annually with Pennsylvania's ~~state-adopted English Language Development~~ **language proficiency** assessment. [3] Individual schools and the ESL ~~P~~**p**rogram shall collect and disaggregate data based on student progress ~~as reported~~ to inform ~~d~~**D**istrict and school-based planning, including school improvement planning. [5][12]

Parent, Family, and Community Engagement

In order to ~~ensure~~ **facilitate** meaningful participation, parents/guardians whose dominant language is not English shall be offered ~~appropriate~~ **qualified** interpretation and translation services by the District. These services, including training for families in how to be involved in a student's education and removing barriers to family involvement, shall be provided by trained professionals. The District will ~~ensure sufficient~~ train~~ing of~~ staff to ~~ensure~~ **promote** language access for all families.~~[1][3]~~**[2][32]**

School administrators must maintain a record of the family's ~~primary home~~ **preferred** language and **facilitate** ~~ensure that~~ meaningful opportunities for participation **in that language** ~~are provided in a language that the parents/guardians understand~~. ~~[1][3]~~**[2][32]**

The District shall maintain **a** clear, comprehensive, and reliable means of outreach, including web-based **platforms**, that is not solely reliant upon parents/families coming to a school building, to **facilitate** ~~ensure~~ community stakeholder and parental/family involvement in the education of their children. ~~The program(s) designed for outreach to parents~~ **Family and community outreach** will be carefully monitored and evaluated by the Superintendent or designee**, through the OCMP,** and school-based administration in accordance with the **PDE** ~~Pennsylvania Department of Education~~ and United States federal standards~~, for effectiveness~~. **[2]**~~[3]~~ ~~[9]~~[10]**[11]**

~~Annual meetings will be convened by appropriate District administrators for community stakeholders, District offices, and interested educators, and families to monitor and review Policy 138.~~

Legal References:

1. Policy 103 - Nondiscrimination in School and Classroom Practices
2. 22 PA Code 4.26
3. ~~20 U.S.C. 6801 et seq~~ 20 U.S.C. 6312
4. Policy 103.1 - Nondiscrimination-Qualified Students With Disabilities/Protected Handicapped Students
5. 22 PA Code 11.11
6. Policy 200 - Enrollment of Students
7. **Policy 800 - Records Management**
8. **20 U.S.C. 6823**
9. **34 CFR 100.3**
10. 20 U.S.C. 6826
11. 20 U.S.C. 6812
12. 20 U.S.C. 6841
13. 22 PA Code 4.51
14. 22 PA Code 4.51a
15. 22 PA Code 4.51b
16. 22 PA Code 4.51c
17. 22 PA Code 4.52
18. Policy 127 - Assessments
19. Policy 217 - Graduation **Requirements**
20. **Policy 102 - Multiracial, Multicultural, and Gender Education**
21. **Policy 248 - Harassment and Discrimination of Students**
22. **Policy 249 - Bullying/Cyberbullying**
23. **Policy 251 - Students Experiencing Homelessness**
24. **Policy 252 - Transgender and Gender Nonconforming Students**
25. 20 U.S.C. 1703
26. Policy 115 - Career and Technical Education
27. Policy 122 - Extracurricular Activities
28. Policy 123 - Interscholastic Athletics
29. Policy 113 - Special Education
30. Policy 114 - Gifted Education
31. **22 PA Code 11.12**
32. 42 U.S.C. 2000d et seq

~~Pol. 333 - Professional Development~~
~~20 U.S.C. 6842~~

Related Information:
Related Information:
English Language Development/Bilingual Education Program Manual
34 CFR Part 200
LeGare 1994, Consent Decree
Policy 304 - Employment of District Staff
Policy [insert number] - Supporting Language Accessibility for Parents and Guardians Whose Primary Language is Not English

Administrative Procedures:

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 139
SECTION: 100 Programs
TITLE: Policy 139 - Supporting Language Accessibility for Parents and Guardians Whose Primary Language is Not English (NEW)
ADOPTED:
REVISED:

POLICY 139 - SUPPORTING LANGUAGE ACCESSIBILITY FOR PARENTS AND GUARDIANS WHOSE PRIMARY LANGUAGE IS NOT ENGLISH (NEW)

Purpose
The Board of Education ("Board") is committed to improving communication with and promoting access to School District of Philadelphia ("District") language accessibility services and activities for parents and guardians whose primary language is not English.

Definitions
N/A

Authority
To further promote the goal of creating safe and welcoming schools for all students and families, the Board directs the District to define the means by which it makes families and staff aware of the availability of language access services and to enhance and support parents and guardians and District staff in accessing District services for parents and guardians whose primary language is not English.

Delegation of Responsibility
The Board directs the Superintendent or their designee, through the Office of Family and Community Engagement ("FACE"), to develop administrative procedures to further promote communication with parents and guardians whose primary language is not English about the educational programs and opportunities in the District, as well as their students' academic learning, and to aid District staff in helping to identify, offering and/or directing those parents and guardians to these resources. [1][2][3][4]

Mandatory Regulatory Procedures:
N/A

Legal References:
1. 22. Pa. Code § 11.11(e)
2. Policy 901- School-Community Relations Objectives
3. Policy 918- District-Wide Parent & Family Engagement Policy
4. Policy 138- English Language Development/Bilingual Education Program

Related Information:
N/A

Administrative Procedures:

THE SCHOOL DISTRICT OF PHILADELPHIA

Effective:

Administrative Procedures for Supporting Language Accessibility for Parents and Guardians Whose Primary Language is Not English (Attachment for Policy No. 139)

PURPOSE

The Board of Education ("Board") is committed to promoting access to School District of Philadelphia ("District") language accessibility services and activities for parents and guardians whose primary language is not English. These parents and guardians are sometimes referred to as Limited English Proficient (LEP), or Deaf or Hard of Hearing (DHOH). DHOH parents and guardians might communicate using American Sign Language (ASL) or some other system of visual communication. The District strongly supports and encourages the meaningful participation of all parents/guardians in the education of their child. Translation and interpretation services allow parents/guardians of other language backgrounds to be active participants in the school community and communicate effectively with staff, regardless of the language they speak at home.

The purpose of this administrative procedure is to: (1) provide written guidance for staff regarding how and when to access interpretation (spoken) and translation (written) services; and (2) explain the resources and support available from schools and/or the District to deliver translation and interpretation services to parents/guardians whom need them.

DEFINITIONS

For purposes of this policy, terms are defined as follows:

- **American Sign Language (ASL):** a visual-gesture language created for Deaf or Hard of Hearing (DHOH) individuals of all ages.
- **Limited English proficiency** ("LEP"): refers to individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English.
- **LEP parent(s):** refers to the parent(s) or guardian(s) of a student or students enrolled in the District whose primary language is other than English and who have limited English proficiency in one of the four domains of language proficiency (speaking, listening, reading, or writing).
- **Primary Language:** means the primary language spoken by a student's parent or guardian, or the predominant language spoken in the student's home. Parents may have more than one primary language and/or dialect.
- **Interpretation:** relies on the spoken word. It refers to the process of orally rendering communication from one language into another language among speakers of different languages.
    - **Consecutive Interpretation:** Method of interpretation in which the speaker speaks a few sentences and then pauses to allow the interpreter to repeat them in the other language.
    - **Simultaneous Interpretation:** Method of interpreting in which the interpreter interprets the speaker's message at the same time as the speaker is talking.
- **Translation:** relies on the written word. It refers to the process of converting the written word from one language into another language in a way that is culturally and linguistically appropriate so it can be understood by its intended audience.
- **Home Language Survey ("HLS"):** a survey completed for all students as part of the enrollment process. The survey indicates the language(s) spoken in the home.
- **Top Languages:** the most common primary languages other than English spoken by LEP parents enrolled in the District as identified by the home language survey.

- **Language Access Services** – oral and written language services needed to assist LEP parents to communicate effectively with staff, and to provide LEP parents with access to, and an opportunity to participate fully in, the services, activities, or other programs administered by the District.
- **Qualified Translator or Interpreter:** an in-house or contracted translator or interpreter who has demonstrated their competence to interpret or translate through testing, or certification by a qualified entity, or is authorized to do so by contract.
- **Sight Translation:** oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.
- **Languages of lesser diffusion:** refers to languages for which there are not many speakers.

PROCEDURES

I. The Translation and Interpretation Unit

The Translation and Interpretation Unit is responsible for coordinating all efforts related to language access within the District. It operates within the Office of Family and Community Engagement (FACE) to promote language access as a key consideration in all family engagement initiatives and communications. The Unit:

- Collects and analyzes data every two (2) years to identify and update a list of primary languages spoken by the parent of each child enrolled in school and whether such parent requires language assistance to communicate with the District. Such information will help to enable the provision of appropriate language access services and assist the District in effectively planning and budgeting for services necessary to communicate with parents;
- Provides and coordinates interpretation and translation services to schools and central office teams;
- Serves as primary contact for schools and central office staff for ongoing guidance and support with language access services;
- Provides input regarding appropriate budget allocations for translation and interpretation services;
- Develops and provides language access training for school staff;
- Maintains outside language services vendor contracts; and
- Oversees and monitors the provision of language assistance services provided by FACE to LEP parents including, but not limited to:
    - the number of distinct documents that it translates into the covered languages and the general nature of such documents;
    - the number of meetings at which it provides interpretation services and the languages for which it provides such services;
    - the number of Department employees who provide language access services; and
    - the number of times interpretation services are provided by the District's telephonic service vendor, and the language in which such services are provided.

Inquiries pertaining to this procedure should be directed to: Office of Family and Community Engagement, Translation and Interpretation Unit, Telephone: (215) 400-4180, option 4; Email: translation@philasd.org; Website: https://www.philasd.org/face/multilingual/

II. Identifying LEP Parents And Their Language

- The District will promptly identify the language and communication needs of parents/guardians whose primary language is not English to help provide consistent and meaningful access to services and activities.
- Upon student enrollment in the District, parents/guardians complete the Home Language Survey (HLS), which informs the District of the primary language spoken by the parent/guardian of each student enrolled. The HLS shall be translated into the top languages spoken in the District and will be included in the enrollment packet provided to all District parents/guardians. In instances in which it is not feasible to provide written translations of the HLS to a LEP parent, such as in the case of languages of lesser diffusion, the school or office will provide telephonic interpretation or another approved source for interpretation to adequately convey the information orally to parents whose communication needs are not met in written format.
- To determine the need for interpretation or translation services, District and school staff should refer to the student information system which will indicate the parent/guardian's primary language as reported on the HLS.

III. Notification Of Available Services

- District staff and parents/guardians will be annually notified of these procedures and the accompanying Board policy, which can be accessed on the FACE website and made available in the top languages spoken by parents in the District.
- Staff will receive written guidance regarding how and when interpretation and translation services should be accessed, and such guidance will be updated as needed to reflect available services.
- Parents/guardians will also be annually notified regarding the process for filing complaints through the District's policy *906 addressing constituent concerns* and *policy 248 harassment and discrimination* if they believe that language assistance services have not been appropriately provided.

IV. Translator And Interpreter Qualifications

- The District will take reasonable steps to utilize interpreters and translators who have demonstrated language proficiency through certification or similar means; or who are employed by a particular vendor or service contracted to provide translation and interpretation services and are similarly qualified.
- Interpreters and translators utilized by the District will at a minimum have knowledge in both languages of any specialized terms or concepts to be used in the communication at issue, and be trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality.
- Parents/guardians may voluntarily choose to decline the District's offer of an interpreter and choose instead to rely on an adult friend/companion or relative for language and interpretation services, but staff may not suggest this as an alternative to providing appropriate language and interpretation services.
- Students and other minor children under the age of 18 may not serve as interpreters or translators for school staff and parents except in an emergency, where there is a clear and imminent danger.

V. Language Accessibility Services

Each school and District office will, consistent with this Policy and Administrative Procedure and law, provide free interpretation and translation services to parents/guardians in order to communicate effectively during interactions with District staff. The next section will discuss language assistance services in detail. There are two primary types of language assistance services: oral and written.

Interpretation Services (oral)

The District will provide interpretation services when necessary and feasible to parents and guardians whose primary language is not English to enable participation in school-based as well as District-wide programs and activities, including but not limited to:

- Meetings of the Board of Education for registered speakers to give testimony
- Parent conferences, information meetings and workshops
- Student discipline, including suspension and expulsion, and disciplinary hearings
- Referral, assessment or placement of students for special education
- Other activities pre-approved by the Translation and Interpreting Unit

Such interpretation services may be provided either at the location where the parent is seeking to communicate or by electronic means, such as telephone or video conferencing.

The following interpretation and translation services are currently available in the District:

- **LanguageLine:** The School District of Philadelphia provides free access to telephonic interpretation to schools and District central offices during school hours. LanguageLine offers interpretation services in over 200 languages. Any school employee can use LanguageLine to communicate with parents/guardians of District students.
    - Instructions for offices and schools to use the District's Language Line account
    - Language Line can also be used for "sight" translation. Once connected with the Language Line interpreter, the assigned school staff will read the communication aloud in English and the Language Line interpreter will repeat in the caregiver's preferred language.
- **Language Hotlines:** If families would like to contact the District for any reason in their primary language, they can call one of the language hotlines. They will be directed to leave a voicemail, and a District interpreter will contact them within 24 hours. If a parent/guardian requires interpretation in a language not listed below, they should speak with school staff to obtain a translator or interpreter. The individual phone numbers for each hotline are as follows:
    - 215-400-8480 – Albanian
    - 215-400-8481 – Arabic
    - 215-400-8482 – Chinese
    - 215-400-5300 – English
    - 215-400-8483 – French
    - 215-400-8484 – Khmer
    - 215-400-8474 – Portuguese
    - 215-400-8485 – Russian
    - 215-400-8489 – Spanish
    - 215-400-8486 – Vietnamese

- **Robocalls:** These relate to school-level and District-wide messages. They go out in English and the other top languages spoken in the District. School-level messages may be disseminated in additional languages.

Translation Services (Written)

Translation of District Documents

- When at least 5 percent of the District's parent/guardian population or 1,000 persons (whichever is less) speak a primary language other than English, all notices, reports, statements, or records sent to the parents/guardians will, in addition to being written in English, be translated in the top nine primary languages. Central office departments are responsible for arranging translation.
- The Translation and Interpretation Unit staff and qualified contracted vendors are responsible for translating the majority of these documents.
- When the Translation and Interpretation Unit, a school, or office is temporarily unable to translate a document due to resource limitations or if a small number of families require the information in a language other than English such that document translation is not feasible, the Translation and Interpretation Unit, a school, or office will still provide the information to parents/guardians in a language they can understand, such as through competent oral interpretation.

Translation of School Documents

- The principal or designee is responsible for arranging translation of student-level and school-wide documents when necessary and feasible through the school's bilingual counseling assistant (BCA) or the Translation Unit. Examples of school-wide documents to be translated could include: announcements of school-wide programs, school improvement plans, and school-wide family engagement activities.

The following translation services are currently available in the District:

- **Bilingual Counseling Assistant (BCAs):** BCAs serve as a cultural broker and linguistic bridge between school staff, students, families, and community members. BCAs are responsible for translating documents for communication purposes for non-English speaking families at all assigned schools, as well as interpreting the spoken word between school staff, students, and parents/guardians as necessary and feasible.
- **Website translation:** The District's website integrates with Google Translate and aids non-English speaking families with navigating the District's online resources. The website has a translate tab at the top of our webpages. This tab accesses Google Translate to convert our website copy into any language selected. Please note, however, that automated translations are not intended to replace human translators and are provided as a service to users of the District's website, through Google Translate. The District cannot guarantee the accuracy, reliability, or correctness of this software for translations made from English into any other language. Some content (such as images, videos, Flash, etc.) may not be accurately translated due to the limitations of the translation software.
- **Language Web Pages:** Webpages in top primary languages that direct multilingual families to the most pertinent topics for families.
- **TransAct Parent Notices**: The Pennsylvania Department of Education (PDE) provides access to TransAct, an online school document translation service that allows every district, every school, and *every educator* in Pennsylvania with professional multilingual parent notifications to effectively meet the parent communication requirements mandated by federal law. (PDE's Educating English Learners Webpage)

- The TransAct Staff Quick Start Guide explains how to (1) register for an account, (2) add parents that will receive the notices, (3) add students associated with parents, (4) find documents and fill-in details, and (5) print or email the notices in up to 22 languages.

VI. Procedures for Requesting Services

District Employee Requests

- Schools and District departments are responsible, as described above, for communicating effectively with parents and guardians whose primary language is not English, and that they obtain qualified interpreters and/or translators for this purpose.
- Employees should follow the procedures outlined on the Translation and Interpretation Unit website in order to meet the requirements set forth in this procedure, visit: https://www.philasd.org/face/multilingual/

Parent/Guardian Requests

- Parents/guardians needing translation or interpretation services should contact their student's school at any time by notifying the office staff, principal, or teacher at their child's school.
- Parents needing translation or interpretation services to access district level services should call the language hotline for their respective primary language, as provided above.

VII. Accommodations for Death and Hard of Hearing

All Deaf and Hard of Hearing parents and guardians have a legal right to services and accommodations provided by the District through enhanced communications.

Sign Language Interpretation Services

Parents/guardians can access sign language interpreting services for such activities, including but not limited to report card conferences, IEP meetings, extra-curricular school functions, and Board of Education public meetings. Services are available by completion of the request form located at https://www.philasd.org/accommodations/sign-language-request-form/ or via email at signlanguagerequest@philasd.org.

Telephone Communications

A telecommunications relay service (TRS) acts as an intermediary between the person who is deaf or hard-of-hearing and the person who uses a standard telephone. All rely on a 'communications assistant' (CA) who either relays the communications via text telephone or, if qualified, sign interprets the hearing participant's communications to the deaf or hard-of-hearing participant's video monitor equipment. In Pennsylvania, a text telephone TRS is available free-of- charge through the Pennsylvania Relay Center Service at: 1-800-654-5988.

VIII. Special Education Requests:

- Consistent with special education requirements, the District will provide translation and interpretation services to parents/guardians with limited English proficiency who have students with disabilities. A request for the translation or interpretation services should be sent to the

school's special education compliance monitor (SPECM) who will coordinate document translation.

IX. Staff Training

All District staff shall be advised at least annually of:

- How to access, or help parents and guardians access, translation and interpretation services;
- Resources and supports available from the school and/or the District for language access services for parents and guardians whose primary language is not English; and
- Training for appropriate school-based and district-level personnel on the procedures and best practices with respect to the District and school's roles in facilitating the provision of services;
- And other information deemed necessary to implement these procedures.

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 248
SECTION: 200 Students
TITLE: Policy 248 - Harassment and Discrimination - Students
ADOPTED: September 22, 2010
REVISED: March 15, 2018

POLICY 248 - HARASSMENT AND DISCRIMINATION - STUDENTS

Purpose

The ~~School Reform Commission~~ **Board of Education ("Board") is committed to maintaining schools that are spaces with inclusive climates and that support the social, emotional, and mental health and well-being of all students. The purpose of this policy is to require the** ~~strives to provide a healthy, safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the d~~**School District of Philadelphia ("D**istrict**")** to maintain an educational environment in which harassment and ~~sex~~ discrimination ~~(including sexual harassment, sexual assault and sexual violence)~~ in any form is not tolerated **and to establish procedures for investigating, responding to, and resolving reports of harassment and discrimination.** ~~It shall also be the policy of the District that each staff member shall be responsible for maintaining an educational environment free from all forms of harassment and sex discrimination, and that each student shall be responsible to respect the rights of his/her fellow students and employees and to ensure an atmosphere free from all forms of harassment and sex discrimination.~~

Definitions

For the purposes of this policy, terms are defined as follows:

Discrimination: To treat individuals differently or to harass or victimize based on one or more known or perceived protected classifications including race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification. A single incident of discrimination may implicate more than one protected class. [1][2][3][4][5][6][7][8][9][10][11][12][13][14][15][16][17]

Harassment: Verbal, nonverbal, written, graphic, virtual, or physical conduct relating to an individual's known or perceived race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification.

Harassment includes unwelcome conduct such as graphic, written, electronic, verbal, or nonverbal acts including offensive jokes, slurs, epithets, and name-calling; ridicule or mockery; insults or put-downs; offensive objects or pictures; physical assaults or threats; intimidation; sexual misconduct or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when:

1. **Such conduct is sufficiently severe, persistent, or pervasive; and**
2. **A reasonable person in the complainant's position would find that it creates an intimidating, threatening, or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities, or opportunities offered by a school.**

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. A single incident of harassment may implicate more than one protected class. For example, a student may be

targeted because of ~~his/her~~ **their** race and sexual orientation.

~~Harassment can create a hostile environment when it:~~

1. ~~Is 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 a student's education.~~
3. ~~Otherwise adversely affects an individual's learning opportunities, safety or well-being.~~

~~Sexual discrimination - unequal treatment of any person on the basis of sex unless expressly authorized by statute or regulation. Sexual discrimination may include sexual harassment, sexual violence and sexual assault.~~

~~Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, written, graphic or physical conduct of a sexual nature.~~

~~*Examples of sexual harassment, as defined above, include but are not limited to, sexual propositions; touching of a sexual nature; graffiti of a sexual nature; displaying or distributing sexually explicit drawings, pictures, or written material; sexual gestures or touching oneself sexually in front of others; telling sexual or dirty jokes; spreading sexual rumors or rating other students as to sexual activity or performance; circulating or showing emails or websites of a sexual nature.*~~

~~For purposes of this policy, the term sexual harassment includes sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.[2][5]~~

Title IX sexual harassment: Conduct on the basis of sex, that satisfies one or more of the following:[18][19][20]

- **A District employee conditioning the provision of an aid, benefit, or District service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment;***
- **Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectiv offensive that it effectively denies a person equal access to a District education program or activity; c**
- **Sexual assault, dating violence, domestic violence, or stalking.[21][22]**

Conduct on the basis of sex or gender includes conduct on the basis of sexual orientation and gender identity. Examples of conduct on the basis of sex or gender include but are not limited to, sexual propositions; making unwanted sexual remarks in person or online, touching of a sexual nature; graffiti of a sexual nature; displaying or distributing sexually explicit drawings, pictures, or written material; sexual gestures or touching oneself sexually in front of others; telling sexual or dirty jokes; spreading sexual rumors or rating other students as to sexual activity or performance; and circulating or showing emails or websites of a sexual nature. Sexual harassment can take place regardless of sexual orientation or gender identity and can happen among people of the same gender identity.

Authority

~~The SRC prohibits all forms of harassment and sex discrimination of students and third parties by all District students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The SRC encourages students and third parties or parents/guardians of students who believe that this Policy has been violated, to promptly report such incidents to the school principal or designee, or to any other member of the school staff, including teachers, guidance counselors, bilingual counseling assistants (BCAs), coaches and administrators.[1][2][3][4]. Any staff member who receives such a report shall immediately notify the principal or designee of same. If the behavior continues or if the school does not take action, students or parents/guardians should report the incident to the District's hotline at 215-400-4000.~~

As required by federal, state, and local laws and regulations, the Board shall provide for an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the schools without discrimination, including harassment which is a form of discrimination, on the basis of known or perceived race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification. [1][2][3][4][5][6][7][8][9][10][11][12][13][14][15][16][17]

The Board also declares it to be the policy of this District to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the District may be referred to the Compliance Officer/Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both. [12]

~~This policy applies to students in connection with all the academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, in transit to and from school, at a class or training program sponsored by the school at another location or elsewhere. The policy also applies to any off-campus conduct that has a continuing effect on the campus.~~

~~The SRC directs that complaints of harassment or sex discrimination shall be investigated promptly, and corrective action taken when allegations are substantiated in accordance with the provision of any applicable state and federal laws. Confidentiality of all parties shall be maintained, consistent with the District's legal and investigative obligations. Only those with a "need to know" will be apprised of the complaint, and staff participants in the complaint process confidentiality shall be informed of their duty of confidentiality to the process as well.~~

~~The basic rights of all concerned shall be respected at all times. All parties will be treated with dignity and due process.~~

~~No reprisals nor retaliation shall occur as a result of good faith charges of violation of this Policy or participation in an investigation. Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation.~~

Delegation of Responsibility

To maintain an educational environment that discourages and prohibits harassment and ~~sex~~ discrimination**,** the **Board** ~~SRC shall~~ **directs the Superintendent or their designee to** designate **and authorize a Compliance Officer/Title IX Coordinator to ensure this policy is consistently enforced. [23]**

The Compliance Officer/Title IX Coordinator can be contacted at:

Address: 440 N. Broad Street, Philadelphia, PA 19130
Email: antiharassment@philasd.org
Phone Number: 215-400-4830

~~the Student Support Services Chief as the District's Title IX Deputy Coordinator to coordinate the District's efforts to comply with this policy and applicable laws and regulations.~~

The Board directs the Superintendent or their designee, through the Office of Student Support Services, to develop administrative procedures to implement this policy, including timeframes for the conclusion of the complaint processes, and for filing and resolving appeals.

The **Compliance Officer/**Title IX ~~Deputy~~ Coordinator shall **fulfill designated responsibilities, ensure adequate nondiscrimination procedures are in place, and recommend new procedures or modifications to**

procedures, as well as the following:

1. Publish and disseminate this policy and ~~the complaint~~ **related** procedure**s and notice of nondiscrimination** at least twice annually to students, parents/guardians, and employees, ~~independent contractors, vendors, and the public~~. The publication shall include the name, position, office address, telephone number**,** and email address of the **Compliance Officer/**Title IX ~~Deputy~~ Coordinator.
2. **Ensure that the Online Bullying Harassment and Discrimination Reporting Page is available in multiple languages.**

3. Receive ~~and investigate~~ reports or complaints from District employees, students, families, and third parties ~~if the school principal is the subject of a report or complaint~~.
4. **Coordinate the provision of training for students and staff to identify and alleviate problems of discrimination and harassment, including appropriate training for Compliance Officer/Title IX Coordinator, investigator(s), decision-maker(s), and any individual designated to facilitate an informal resolution process related to Title IX sexual harassment. All Title IX training materials shall be posted on the District's website.**
5. Track and monitor the completion of all complaints, investigation materials**,** and resolutions from harassment **and discrimination** complaints District-wide and by school.
6. **Monitor and provide technical assistance to individuals involved in managing complaints.**
7. Make ad hoc reports (as necessary or appropriate) and annual reports to the **Board** ~~School Reform Commission~~ on harassment complaints and resolutions.
8. **Maintain and provide information to staff on resources available to complainants in addition to the complaint procedure.**

~~The District shall be responsible to provide training for students and employees regarding all aspects of harassment and sex discrimination. Student training shall include the definition of harassment and sex discrimination, examples of harassment and sex discrimination, the reporting process and consequences of participating in prohibited behavior. Staff training shall include how to appropriately identify, address, and report incidents of harassment and sex discrimination.~~

~~Each staff member~~ **All employees** shall be responsible to maintain an educational environment free from all forms of harassment and ~~sex~~ discrimination.

Each student shall be responsible to respect the rights of ~~his/her~~ **their** fellow students and **D**~~d~~istrict employees and to **conduct themselves in a manner** ~~ensure an atmosphere~~ free from all forms of harassment and ~~sex~~ discrimination.

~~The building principal or designee shall be responsible to complete the following duties when receiving a complaint of harassment or sex discrimination in accordance with the procedures listed in this policy. At a minimum, the building principal or designee shall be responsible to complete the following duties when receiving an oral or written report or complaint:~~

1. ~~Inform the student or third party of the right to file a complaint and the complaint procedure, including their right to English Language interpretation and translation during all steps of the complaint procedures. Even if the student does not explicitly request interpretation, employees are encouraged to use interpretation and translation if they feel it will improve the ability to communicate accurately with the student or third party.~~
2. ~~Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.~~
3. ~~Ensure that complainants are notified of available resources, such as counseling, health, and mental health services, and their right to file a complaint with local law enforcement.~~
4. ~~Notify the complainant and the accused of the progress at appropriate stages of the procedure.~~
5. ~~Refer the complainant to the Title IX Deputy Coordinator if the building principal is the subject of the complaint.~~
6. ~~In cases involving potential criminal conduct, determine whether appropriate law enforcement authorities should be notified.~~

7. ~~Take interim action, as necessary, to address prohibited conduct prior to the completion of the investigation.~~

~~The SRC directs that District employees respond to all incidents of harassment and sex discrimination according to the procedures in this policy, regardless of whether they are alleged to have created a hostile environment.~~

Mandatory Regulatory Procedures:

~~The Code of Student Conduct, which shall incorporate this policy, shall be disseminated annually to students.~~

~~This policy shall be accessible in every classroom, posted in a prominent location within each school building and posted on the district website. The policy shall be made available in English and all other languages necessary to facilitate understanding by district residents. This policy shall be reviewed with every district student within ninety (90) days after the initial adoption or a revision by the SRC, and annually on the first day of school thereafter.~~

The Board prohibits all forms of harassment and discrimination of students and third parties by all District students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools.

The Board directs that the foregoing statement of Board policy be included in each student and staff handbook, and that this policy be posted to the District's website.

The Board requires a notice stating that the District does not discriminate in any manner, including Title IX sexual harassment, in any District education program or activity, to be issued to all students, parents/guardians, employment applicants, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the District. All discrimination notices and information shall include the title, office address, telephone number, and email address of the individual(s) designated to monitor compliance.

Verbal complaints of an incident or incidents shall be accepted and documented via the Online Bullying Harassment and Discrimination Reporting Page[1] in accordance with Administrative Procedure A and B.

This policy applies to students in connection with all of the academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, in transit to and from school, at a class or training program sponsored by the school at another location, or elsewhere. The policy also applies to any off-campus conduct that has a continuing effect on the campus.

Upon receipt of a report, the Compliance Officer/Title IX Coordinator shall conduct an assessment to determine the appropriate process for handling the report. If the reported circumstances, as alleged, would be sufficient to meet the definition of Title IX sexual harassment the report shall be addressed through Administrative Procedure B: Title IX Sexual Harassment. All other reports of harassment or discrimination shall be addressed through Administrative Procedure A: Bullying, Harassment, and Discrimination - Students.

Supportive Measures

Schools must provide intervention and support to Complainants, Respondents, and/or witnesses to address acts of bullying, harassment, or discrimination. Possible interventions include, but are not limited to, the following actions:

1. **Parent/student conferences;**
2. **Offer of one-to-one counseling with appropriate professional staff;**
3. **Positive behavioral supports, such as functional behavioral assessments and check in/check out;**
4. **Increased adult supervision in hot spot areas and during transition times (e.g. admission and dismissal, classroom changes, lunch, recess);**
5. **Social skills training, including role playing;**
6. **Positive incentives and reinforcements for appropriate or improved behavior;**
7. **Development of a safety plan for the Complainant; and**
8. **Daily report.**

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report, and the investigation related to any form of harassment or discrimination, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, this policy, the administrative procedures to this policy, and the District's legal and investigative obligations.[18][19][24][25][26][27]
The basic rights of all concerned shall be respected at all times. All parties will be treated with dignity and due process.

Retaliation

The Board prohibits retaliation by the District or any other person against any person for: [26]

- **Reporting or making a formal complaint of any form of harassment or discrimination or retaliation, including Title IX sexual harassment;**
- **Testifying, assisting, participating, or refusing to participate in a related investigation, process, or other proceeding or hearing; or**
- **Acting in opposition to practices the person reasonably believes to be discriminatory. The District, its employees, and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Compliance Officer/Title IX Coordinator immediately if retaliation is believed to have occurred.**

Disciplinary Consequences

Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences or corrective actions under applicable Board policy and procedures. [28][29][30][31]

Disciplinary or corrective action may include, but is not limited to, appropriate supports and interventions, which may include:

- **Multi-tiered System of Supports ("MTSS");**
- **Positive Behavior Interventions & Supports ("PBIS");**
- **Student Assistance Program ("SAP");**
- **Counseling services;**
- **Parent meetings;**
- **Referrals to appropriate resources outside of the District;**
- **Loss of school privileges;**
- **Permanent transfer to another school building, classroom, or school bus;**
- **Exclusion from school-sponsored activities;**
- **Detention; and**
- **Referral to law enforcement officials.**

Students Convicted or Adjudicated Delinquent of Sexual Assault

Upon notification of a conviction or adjudication of a student in the District for sexual assault against another student enrolled in the District, the District shall comply with the disciplinary or placement requirements established by state law. [22]

~~*Complaint/Grievance Procedure – Student/Third Party*~~

~~**Step 1 – Reporting Bullying, Harassment, or Discrimination**~~

~~A student or third party who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of the District's anti-harassment or nondiscrimination policy(s), or the parent/guardian of a student, is encouraged to immediately report the incident to the building principal or designee, or to any other~~

member of the school staff, including teachers, guidance counselors, bilingual counseling assistants (BCAs), coaches and administrators. A school employee who witnesses, 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 or designee.

The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable. The principal or designee shall complete the District's complaint form if the complainant chooses to make an oral or electronic report. In each building, to the extent practicable, compliant forms shall be readily available in any and all languages that are spoken by one or more students attending that school.

If the building principal is the subject of a complaint, the student, parent/guardian, third party or employee shall report the incident directly to the Title IX Deputy Coordinator for inquiries under this Policy:

Chief Student Support Services Officer/Title IX Deputy Coordinator
440 N. Broad Street
Philadelphia PA 19130
215-400-4000
antiharassment@phillasd.org

Step 2 – Investigation

Upon receiving a complaint of harassment or sex discrimination, the building principal or designee shall take immediate and appropriate action to investigate or otherwise determine what occurreds. At a minimum, the investigation shall consist of the following:

1. The investigation should 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.
2. The parties may present witnesses and other evidence as part of the investigation.
3. The investigator shall attempt to secure statements from all participants i n, and witnesses to, the incident(s). The complainant shall not be required to meet face-to-face with the accused.
4. When a student with limited English proficiency is a party to a complaint, interpretation and/or translation services shall be provided. The limited English proficiency of a complainant, witness, or the accused is not an acceptable reason for failure to secure a statement from him or her.
5. 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.
6. The obligation to conduct this investigation shall not be negated by the fact that the complainant cannot identify the accused.

All complaints should be forwarded and/or uploaded to the Title IX Deputy Coordinator for the purpose of monitoring, evaluating and providing District level support to diminish harassment.

All investigations shall be completed by the assigned investigator within fourteen (14) days from the reporting of the complaint. Extenuating circumstances for not being able to comply with the deadline must be approved by the Title IX Deputy Coordinator. The extension must be a specified period of time not exceeding fourteen (14) days, and must be communicated to the complainant.

The District will follow the Complaint Procedures regardless of whether the alleged harassment also is being investigated by another agency, including law enforcement, unless particular procedural steps would directly impede a criminal investigation. The District will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the school community and the avoidance of retaliation.

In the event that school-based staff fail to investigate a complaint of harassment or sex discrimination, fail to

document the outcome of an investigation, or if violations continue after an investigation has concluded, individuals shall report the incident to the district's Title IX Deputy Coordinator at 215-400-4000 and/or submit a complaint to antiharassment@philasd.org.

Step 3 – Investigative Report

The building principal or designee shall prepare a written report which 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, and his or her parent, if s/he is under 18 years old, the accused, and the Title IX Deputy Coordinator.

Step 4 – District Action

If the investigation determines that the accused engaged in conduct that constitutes a violation of this policy, the District shall take prompt and effective steps reasonably calculated to end the harassment or sex discrimination, eliminate any hostile environment. remedy the discriminatory effect on the victim, and prevent the harassment or sex discrimination from recurring. .When appropriate, students who have been found to violate this policy will receive instruction or training on why their actions were inappropriate and/or hurtful.

Complainants and the accused, and their parents, if they are under 18 years old, shall be notified of the final disposition/action taken by the District.

Appeal Procedure

1. If the complainant or 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 Title IX Deputy Coordinator(s) within fifteen (15) days of her/his receipt of written notice of final disposition/action taken. The appeal will be conducted in an impartial manner by an impartial decision-maker.
2. The Title IX Deputy Coordinator(s) shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Title IX Deputy Coordinator(s) shall prepare a written response to the appeal within fifteen (15) days. This time period may be extended by the Title IX Deputy Coordinator(s) under circumstances where winter, spring or summer break coincides with the investigatory period or for other reasonable cause. Copies of the response shall be provided to the complainant, the accused and the building principal/immediate supervisor who conducted the initial investigation.

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies, and administrative procedures outlined in this policy, and state and federal laws. The corrective action may include, but is not limited to, appropriate supports and interventions for students who are either victims or perpetrators of improper conduct, in accordance with District services and programs, which may include MTSS; Positive Behavior Interventions & Supports (PBIS); Student Assistance Program (SAP); counseling services; parent meetings; referrals to appropriate resources outside of the District; student discipline pursuant to the Code of Student Conduct which could include suspension or expulsion; employee discipline in accordance with any applicable collective bargaining agreement or contract, including but not limited to counseling, suspension, expulsion.

If it is concluded that a student has intentionally made a false report or complaint under this policy, such student may be subject to disciplinary action.

Expedited Resolution of Harassment Incidents

While the SRC cautions that all incidents of harassment are hurtful to students and negatively impact the school

~~environment, there are some harassment incidents that District employees can effectively address and resolve immediately. The investigative procedures (Steps 1-4 above) shall not apply when a District employee witnesses or receives a report of harassment and the District employee, in his/her professional judgment determines:~~

1. ~~The harassment was not severe, persistent, or pervasive, and~~
2. ~~The District employee is able to fully and adequately address the harassment with the target(s) (if any) and the perpetrator(s), including:~~
    1. ~~Educating the perpetrator(s) on the wrongfulness of his/her actions, identifying the harassing language and behavior involved, and referring the student for counseling, community service or imposing discipline, if appropriate, and~~
    2. ~~Speaking with the target student(s) (if any) to ensure s/he has not been a repeated target of harassment, is satisfied with the employee's response, and is notified of his/her right to file a complaint with the principal.~~

~~Whenever the Expedited Resolution process is followed, the District employee shall file a written report on the incident in accordance with the administrative procedures outlined in this policy.~~

Examples of behavior that should be reported include, but are not limited to, the following:
~~The following are examples of harassment prohibited by this policy:~~

Some students anonymously inserted offensive notes into African-American students' lockers and notebooks, used racial slurs, and threatened African-American students who tried to sit near them in the cafeteria.

*Students mockingly refer to Asian students as "Bruce Lee", "China boy","f"ckm' Asian" and use racial slurs and create noises intended to reference made-up speech around Asian languages. Asian students are routinely targeted in unmonitored student-centric areas such as stairwells, hallways, bathrooms, and walking to and from school with students screaming at them with threats of harm and physical assault. One student threatens an Asian student by drawing a finger across the throat with the statement, "F*ck you China people."*

School employees at junior high school received reports of several incidents of anti-Semitic conduct at the school Anti-Semitic graffiti, including swastikas, was scrawled on the stalls of the school bathroom. At the same school, a teacher caught two ninth-graders trying to force two seventh-graders to give them money. The ninth-graders told the seventh-graders, "You Jews have all of the money, give us some. "At the same school, a group of eighth-grade students repeatedly called a Jewish student "Drew the dirty Jew."

Shortly after enrolling at a new high school, a female student had a brief romance with another student. After the couple broke up, other male and female students began routinely calling the new student sexually charged names, spreading rumors about her sexual behavior; and sending her threatening text messages and e-mails.

A gay high school student was called names (including anti-gay slurs and sexual comments) both to his face and on social networking sites, physically assaulted, threatened, and ridiculed because he did not conform to stereotypical notions of how teenage boys are expected to act anti appear (e.g., effeminate mannerisms, nontraditional choice of extracurricular activities, apparel, and personal grooming choices).

Several classmates repeatedly called a student with a learning disability "stupid," "idiot," and "retard" while in school and on the school bus. On one occasion, these students tackled him, hit him with a school binder, and threw his personal items into the garbage.

Students yell "Speak English!" at immigrant youth at a school who speak their native language in school. In full view of other students, native born English speakers routinely mimic or otherwise make fun of immigrant students' accents and comment on how "weird" they sound.

Students who are in a romantic relationship get into an argument while at lunch and one of them punches the other.

A student sexually assaults another student while on a field trip.

A teacher requests sexual favors in exchange for a passing grade on a test.

After two students end their relationship, one waits for the other outside of all of their classes and repeatedly asks them to reconsider. The student replies that they are not interested but continues to be followed around the building. The student is fearful and no longer feels comfortable going to class, or safe at school.

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[1] The reporting page is **Online Bullying Harassment and Discrimination Reporting Page**

Legal References:

1. 22 PA Code 12.1
2. 22 PA Code 12.4
3. 22 PA Code 15.1 et seq
4. 22 PA Code 4.4
5. 24 P.S. 1301
6. 24 P.S. 1310
7. 24 P.S. 1601-C et seq
8. 24 P.S. 5004
9. 43 P.S. 951 et seq
10. 20 U.S.C. 1681 et seq
11. 34 CFR Part 106
12. 29 U.S.C. 794
13. 42 U.S.C. 12101 et seq
14. 42 U.S.C. 1981 et seq
15. 42 U.S.C. 2000d et seq
16. U.S. Const. Amend. XIV, Equal Protection Clause
17. **Policy 103.1 - Nondiscrimination – Qualified Students With Disabilities/Protected Handicapped Students**
18. 34 CFR 106.44
19. 34 CFR 106.45
20. 34 CFR 106.30
21. 34 U.S.C. 12291
22. **24 P.S. 1318.1**
23. 34 CFR 106.8
24. **Policy 113.3 - Screening and Evaluations for Students with Disabilities**
25. 20 U.S.C. 1232g
26. 34 CFR 106.71
27. 34 CFR Part 99
28. **Policy 113.1 - Discipline of Students with Disabilities**
29. **Policy 218 - Student Conduct and Discipline**
30. **Policy 233 - Suspension and Expulsion**
31. **Policy 317 - Employee Conduct and Reporting Requirements**

1. ~~43 P.S. 951 et seq - 1955 Act 222 PENNSYLVANIA HUMAN RELATIONS ACT~~
2. ~~20 U.S.C. 1681 et seq - 20 U.S. Code Chapter 38 - DISCRIMINATION BASED ON SEX OR BLINDNESS~~
3. ~~29 CFR 1606.8 - 29 CFR 1606.8 - Harassment~~

4. ~~29 CFR 1604.11 - 29 CFR 1604.11 - Sexual harassment~~
5. ~~Office for Civil Rights - Questions and Answers on Title IX and Sexual Violence~~

Related Information:

18 Pa. C.S.A. 2709
20 U.S.C. 1400 et seq
28 CFR Part 41
28 CFR Part 35
34 CFR Part 100
34 CFR Part 104
34 CFR Part 110
U.S. Const. Amend. I
Pol~~.~~**icy** 122
Pol~~.~~**icy** 123
Pol~~.~~**icy** 138
Pol~~.~~**icy** 216
Pol~~.~~**icy** 220
Pol~~.~~**icy** 247
Pol~~.~~**icy** 251
Pol~~.~~**icy** 252
Pol~~.~~**icy** 320
Pol~~.~~**icy** 701
Pol~~.~~**icy** 815

~~Office for Civil Rights – Revised Sexual Harassment Guidance: Harassment of Students By School Employees, Other Students, or Third Parties~~
~~Philadelphia Commission on Human Relations Guidance~~
~~Pol. 103.1 - Nondiscrimination – Qualified Students With Disabilities/Protected Handicapped Students~~
~~Pol~~**~~icy~~**~~. 249 - Bullying/Cyberbullying~~
~~Pol~~**~~icy~~**~~. 806 - Child Abuse~~
Online Bullying Harassment and Discrimination Reporting Page

Administrative Procedures:

248 Procedure A
248 Procedure B

Administrative Procedure A: Bullying, Harassment, and Discrimination - Students
(Attachment for Policies 103, 248, and 249)

Purpose

The Board of Education ("Board") is committed to maintaining schools that are spaces with inclusive climates and that support the social, emotional, and mental health of all students. The purpose of these procedures is to maintain an educational environment in which bullying, discrimination, and harassment in any form is not tolerated and to establish procedures for handling complaints of bullying, harassment, and discrimination.

Definitions

For the purposes of these procedures, terms are defined as follows:

Bullying: An intentional electronic, written, verbal, nonverbal, psychological, or physical act or series of acts directed at another student or students, which occurs in and/or outside a school setting, that is severe, persistent, or pervasive and has the effect of doing any of the following:

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

Bullying is characterized by the following three (3) criteria:

1. **It is aggressive behavior or intentional harm doing.**
2. **It is carried out repeatedly over time.**
3. **It occurs between people where there is an imbalance of power (e.g. physical strength, mental capacity, popularity, or social skills).**

Bullying can take many forms and can include a variety of behaviors. As defined in this policy, bullying refers to direct or indirect action, which may include but is not limited to:

1. **Physical – hitting, kicking, pushing, shoving, getting another person to hurt someone;**
2. **Verbal – racial slurs, name-calling, teasing, taunting, harassment, gossiping;**
3. **Nonverbal – threatening, obscene gestures, isolation, exclusion, stalking;**
4. **Psychological or Relational - involves spreading malicious rumors, and engaging in social isolations or intimidation; and**
5. **Cyberbullying – any form of bullying that occurs by the use of electronic communication devices or through means of social networking, email, instant messaging, text messaging, tweets, blogs, photo and video sharing, chat rooms, dash boards, websites or apps including personal profile websites or apps, such as Snapchat, Instagram, and Facebook.**

It is the intent of this policy that the term bullying include, but not be limited to, incidents that are reasonably perceived as being motivated either by any actual or perceived

characteristic, such as gender, age, race, color, sexual orientation, gender identity expression, national origin, religion, disability, socioeconomic status and/or political beliefs.

Bullying designee: A school-based staff person who receives reports of incidents of alleged bullying, harassment, or discrimination; conducts investigations; and determines whether an allegation is substantiated.

Complainant: Any individual who is alleged to be the victim of bullying, harassment, or discrimination.

Discrimination: To treat individuals differently or to harass or victimize based on a protected classification including race, color, ethnicity, age, religion, sex, sexual orientation (known or perceived), gender identity or expression (known or perceived), ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification. A single incident of discrimination may implicate more than one protected class.

Electronic communication: A communication transmitted by means of an electronic or communication device, including, but not limited to, a telephone, cellular phone, or computing device.

Harassment: Verbal, nonverbal, written, graphic, virtual or physical conduct relating to an individual's known or perceived race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification.

Harassment includes unwelcome conduct such as graphic, written, electronic, verbal, or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, sexual misconduct, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when:

1. **Such conduct is sufficiently severe, persistent, or pervasive; and**
2. **A reasonable person in the complainant's position would find that it creates an intimidating, threatening, or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities, or opportunities offered by a school.**

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. A single incident of harassment may implicate more than one protected class. For example, a student may be targeted because of their race and sexual orientation.

Respondent: Any individual who is reported to be the perpetrator of conduct that could constitute bullying, harassment or discrimination.

School setting: 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.

Sexual Misconduct: Unwelcome conduct on the basis of sex or gender that does not meet the definition of Title IX sexual harassment as defined by Policy 248. Sexual Misconduct is a form of harassment under Policy 248.

Title IX sexual harassment: Conduct on the basis of sex, that satisfies one or more of the following: [18]

- **A District employee conditioning the provision of an aid, benefit, or District service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment;***
- **Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a District education program or activity; or**
- **Sexual assault, dating violence, domestic violence, or stalking.**

Title IX sexual harassment complaints are investigated in accordance with Administrative Procedure B: Title IX Sexual Harassment.

Conduct on the basis of sex or gender includes conduct on the basis of sexual orientation and gender identity. Examples of conduct on the basis of sex or gender include but are not limited to, sexual propositions; making unwanted sexual remarks in person or online, touching of a sexual nature; graffiti of a sexual nature; displaying or distributing sexually explicit drawings, pictures, or written material; sexual gestures or touching oneself sexually in front of others; telling sexual or dirty jokes; spreading sexual rumors or rating other students as to sexual activity or performance; and circulating or showing emails or websites of a sexual nature. Whether alleged conduct arises to sexual misconduct or Title IX sexual harassment will depend upon the totality of the cirucumstances. Sexual harassment can take place regardless of sexual orientation or gender identity and can happen among people of the same gender identity.

Procedures

The District will follow the procedures below regardless of whether the alleged bullying, harassment, or discrimination also is being investigated by another agency, including law enforcement, unless particular procedural steps would directly impede a criminal investigation. The District will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the complainant(s) and the school community and the avoidance of retaliation.

~~Complaint Procedure – Student/Third Party~~

~~Step 1 -~~ Reporting

~~A student or third party who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy, or the parent/guardian of a student, is encouraged to immediately report the incident to the building principal or designee, or to any other member of the school staff, including teachers, guidance counselors, coaches and administrators. A school employee who witnesses, 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 or designee.~~

Any person, whether the alleged Complainant or not, may submit a complaint alleging bullying, harassment, or discrimination by any means that results in the Compliance Officer/Title IX Coordinator receiving the person's verbal or written complaint including:

1. **Completing the online Bullying, Harassment/Discrimination Reporting form;[1]**
2. **Calling the Bullying/Harassment hotline at 215-400-SAFE;**
3. **Submitting a complaint via Safe2Say;[2]**
4. **Emailing the Compliance Officer/Title IX Coordinator directly at antiharassment@philasd.org; or**
5. **Reporting the incident to the building principal or designee, or to any other member of the school staff, including teachers, guidance counselors, bilingual counseling assistants (BCAs), coaches, and administrators.**

A report may be made at any time, including during non-business hours. Complaints will be treated the same, regardless of whether they are made verbally or in writing.

Any school employee who receives a complaint or witnesses, suspects, or is notified that a student may have been subject to conduct that constitutes a violation of Policy 103 - Nondiscrimination in School and Classroom Practices; Policy 248 - Harassment of Students; or Policy 249 - Bullying/Cyberbullying or other applicable Board policy related to discrimination shall immediately complete the online Bullying, Harassment, and Discrimination Reporting form; report the incident to the building principal or designee; and properly make any mandatory police or child protective services reports required by law. The person accepting the complaint shall handle the report objectively, neutrally, and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of violation of applicable Board policy.

If the building principal is the subject of a complaint, the student, parent/guardian, third party**,** or employee shall report the incident directly to the Compliance Officer/**Title IX Coordinator**. ~~The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.~~

The building principal or designee shall be responsible to complete the following duties:

[1] The online Bullying, Harassment, and Discrimination Reporting Form is available at https://pareporting.hibster.com/Pages/Home.aspx?id=241

[2] The Safe2Say complaint form is available at safe2saypa.org

1. **Notify the parent or guardian of the Complainant and Respondent of the complaint**
2. **Take interim action, as necessary, to address prohibited conduct prior to the completion of the investigation.**

Parents/Guardians have the right to act on behalf of their student who is a Complainant, Respondent, or witness at any time.

NOTE: It is critical that school employees who witness behavior that may constitute bullying, harassment, or discrimination or who receive a complaint determine whether immediate steps must be taken to avoid further harm, such as keeping students separated, getting medical/behavioral health aid for anyone harmed, etc.

Assessment

All reports of bullying, harassment, or discrimination shall be reviewed by the Compliance Officer/Title IX Coordinator, who shall conduct an assessment to determine whether the reported conduct falls within the scope of Policy 103 - Nondiscrimination in School and Classroom Practices, Policy 248 - Harrassment of Students, Policy 249 - Bullying/Cyberbullying, another Board policy, or the Code of Conduct[3] and shall determine whether to assign the complaint to the school's bullying designee or to the appropriate individual in the central office to investigate the allegations and offer supportive measures.[4]

If the assigned investigator has a personal relationship with any person substantially involved in the conduct that is the subject of the investigation or believes their role as investigator may constitute a conflict of interest they shall immediately notify the Compliance Officer/Title IX Coordinator who will reassign the investigation if they determine that a conflict may exist.

If the reported conduct, as alleged, would be sufficient to meet the definition of Title IX sexual harassment the Compliance Officer/Title IX Coordinator shall ensure that the complaint is addressed through Administrative Procedure B: Title IX Sexual Harassment.

~~Step 2 -~~ Investigation

~~Upon receiving a complaint of discrimination, the building principal or designee shall investigate the complaint, unless the building principal or designee is the subject of the complaint or is unable to conduct the investigation.~~

~~The building principal or designee shall conduct an adequate, reliable and impartial investigation and shall provide the opportunity for each party to present witnesses and other evidence.~~

[3] The Code of Conduct (attachment to Policy 218) is available at https://www.philasd.org/schoolboard/policies/

[4] Examples of relevant Board policies include, but are not limited to, polices 102, 103, 103.1, 104, 113.1, 218, 234, 247, 248, 249, 252, 348, and 906.

~~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 investigator shall attempt to secure statements from all participants in and witnesses to the complaint.~~

~~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. The investigator should coordinate with any other ongoing school or criminal investigation of the incident.~~

~~All investigations shall be completed by t~~**T**he assigned investigator **shall take immediate and appropriate action to conduct an investigation which shall be completed** within ~~fourteen (14)~~ **seven (7) school days** from the **reporting** ~~filing date~~ **of the complaint.** Extenuating circumstances for not able to comply with the deadline must be approved by the Compliance Officer/**Title IX Coordinator.** The extension must be a specified period of time not exceeding fourteen (14) school days **unless approved by the Compliance Officer/Title IX Coordinator**, and must be communicated to the Complainant.

The Complainant shall not be required to meet face-to-face with the Respondent. The obligation to conduct this investigation shall not be negated by the fact that the Complainant cannot identify the Respondent. The limited English proficiency of a Complainant, witness, or the Respondent is not an acceptable reason for failure to secure a statement from them.

To determine whether the alleged bullying, harassment, or discrimination occurred the investigator shall:

1. **Conduct individual interviews with the Complainant, the Respondent, and others with knowledge relative to the incident. The investigator shall also evaluate any other information and materials relevant to the investigation.**
2. **Attempt to secure statements and other evidence from all participants in, and witnesses to, the incident(s).**
3. **Offer interpretation and/or translation services when a student with limited English proficiency is a party or witness to a complaint.**
4. **Ensure that Complainants and Respondents have been offered supportive measures and notified of available resources, such as counseling, health, and mental health services, and, if applicable, their right to file a complaint with local law enforcement.**
5. **Follow all district guidelines and training to conduct a thorough and unbiased investigation .**

Based upon their investigation, the investigator shall determine whether the alleged conduct is found to be a violation of a Board policy or policies or Code of Conduct and notify the parents as set forth below under Parental Notification. If the investigator is a

central office investigator they or the Compliance Officer/Title IX Coordinator also shall notify the principal and bullying designee regarding the outcome.

The investigator shall document the investigation in *HIBster*, including a determination of whether the complaint has been substantiated as factual and whether the alleged conduct is founded or unfounded, based on a preponderance of the evidence. If the investigator does not have access to *HIBster*, the investigator shall coordinate with the Compliance Officer/Title IX Coordinator who will enter the information into *HIBster*.

~~Investigative Report~~

~~The building principal or designee shall prepare and submit a written report to the Compliance Officer, which 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, the basis for the determination, and a recommended disposition of the complaint.~~

~~The complainant and the accused shall be provided written notice of the outcome of the investigation, including the recommended disposition. The accused shall not be notified of the individual remedies offered or provided to the complainant.[17]~~

Notification of Outcome

IEP Team/Section 504 Team Notification

If a complaint is substantiated and either the Respondent or the Complainant is a student with a disability who has an Individualized Education Plan ("IEP") or a Section 504 Plan, the principal or bullying designee must notify the student's IEP Team or Section 504 Team.

Unless it is clear from the investigation that there was no effect on the student with a disability's receipt of a Free and Appropriate Public Education ("FAPE"), the appropriate team must convene to make a determination of whether and how the student's IEP or 504 plan should be amended and the extent to which additional or different services or evaluations,, are needed and ensure that any needed changes are made promptly. If a change of placement is considered, Section 504 or IEP services must be provided in an educational setting with persons who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

Parental Notification

***Founded complaints:* Parents/guardians of the Complainant and Respondent(s) shall be notified in writing, and the following steps shall be taken by the Principal/Bullying Designee or Compliance Officer/Title IX Coordinator:**

1. **The parent/guardian(s) of the Complainant will be informed of the specific steps that the school will take to intervene in the reported behavior(s), monitor future conduct, and protect the Complainant from reprisal or retaliation.**

2. **The parent/guardian(s) of the Complainant and the Respondent will be invited to participate in the development of an intervention plan for their respective child, when appropriate, and provided a copy of that plan if one is created . Each intervention plan must also be documented in the Infinite Campus Student Information System**
3. **The parent/guardian of the student Respondent will be informed of any proposed consequences as stipulated in the Code of Conduct.**

Unfounded complaints: **Parents/guardians of the Complainant and Respondent(s) shall be notified in writing of the type of incident that occurred as well as the specific steps that the school will take, regarding their child, to address the complaint and monitor future interactions. This communication will notify the parent/guardian of the basis for the District's decision (i.e. mutual conflict) and the availability of an appeal process. This notification shall also encourage ongoing communication with District staff.**

District Action

If the investigation ~~results in a finding that the complaint is factual and constitutes a violation of this policy~~ **determines that the Respondent engaged in conduct that constitutes a violation of Policy 103 - Nondiscrimination in School and Classroom Practices, Policy 248 - Harassment of Students, Policy 249 - Bullying/Cyberbullying, or another Board policy**, the District shall take prompt~~, corrective action to ensure that such conduct ceases~~ **and effective steps reasonably calculated to end the bullying, harassment, or discrimination; eliminate any hostile environment; remedy the discriminatory effect on the Complainant; and prevent the behavior from recurring.** ~~The district shall take steps to prevent the recurrence of prohibited conduct and to correct the discriminatory effect on the complainant and others, if appropriate. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.[17]~~

~~Disciplinary actions shall be consistent with the Code of Student Conduct, SRC policies and administrative 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.~~

Behavioral Interventions/Supportive Measures

Schools must provide intervention and support to Complainants, Respondents, and/or witnesses to address acts of bullying, harassment, or discrimination. Possible interventions include, but are not limited to, the following actions:

1. **Parent/student conferences;**
2. **Offer of one-to-one counseling with appropriate professional staff;**
3. **Behavioral supports, such as Functional Behavioral Assessments, check in/check out, and Positive Behavior Support Plans;**
4. **Increased adult supervision in hot spot areas and during transition times (e.g. admission and dismissal, classroom changes, lunch, recess);**

5. **Social skills training, including role playing;**
6. **Positive incentives and reinforcements for appropriate or improved behavior;**
7. **Development of a safety plan for the Complainant; and**
8. **Daily report.**

Disciplinary Action

While all founded incidents of bullying, harassment, or discrimination require intervention, some incidents may require disciplinary action/consequences for the Respondent(s). Appropriate disciplinary action/consequences for persons engaging in acts of bullying, harassment, or discrimination; for persons engaged in reprisal or retaliation; and for persons found to have made false accusations should be applied, when appropriate, after the investigation has determined that such an offense has occurred. The disciplinary action/consequences may vary depending on the severity of the bullying, harassment, or discrimination. A range of disciplinary actions/consequences are set forth in the Code of Conduct, Employee Code of Ethics,[5] Collective Bargaining Agreement, or applicable Board policy.

Appeal Procedure

If the Complainant or Respondent is not satisfied with the finding of ~~no violation of the policy or with the recommended corrective action~~ **the investigation,** ~~, s/he may submit~~ a written appeal **may be filed using the appeal form** ~~to the Compliance Officer within fifteen (15) days~~. **The appeal form must be received by the Office of Student Rights and Responsibilities within fifteen (15) calendar days of the date of the decision. The appeal will be conducted in an impartial manner by an impartial decision-maker in that office. Information about the appeal process, including the required appeal form, is available on the Office of Student Rights and Responsibilities' webpage.[6]**

~~1. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.~~
~~2. 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.~~

Central Office Support

In the event that the District fails to investigate a complaint, or a parent/guardian has not received notification of the outcome of an investigation, or if the reported conduct continues after an investigation has concluded, support may be requested by calling the Office of Family and Community Engagement ("FACE") at 1-215-400-SAFE. FACE will notify the District's Compliance Officer/Title IX Coordinator who will address the concern. Parents/guardians may also email bullying@philasd.org or antiharassment@philasd.org.

[5] The Employee Code of Ethics (attachment to Policy 300) is available at https://www.philasd.org/schoolboard/policies/

[6] The Office of Student Rights and Responsibilities' webpage is available at https://www.philasd.org/studentrights/

Exceptions to our policy of always prioritizing educational continuity may be considered as a last resort where all other options have been expended.

Data Reporting regarding Bullying Complaints

The Office of Student Support Services will post on its website annually the number of bullying and harassment complaints filed as well as the number of complaints found to constitute bullying or harassment by school or network.

Maintenance Schedule

These procedures originate with the Office of Student Support Services. Regular updating of these procedures will be accomplished, as needed.

Administrative Procedure B: Title IX Sexual Harassment
(Attachment for Policies 248 and 348)

The Title IX sexual harassment procedures and grievance process for formal complaints prescribed in this document apply only when the Compliance Officer/Title IX Coordinator or Employee Title IX Coordinator determines that a report or complaint includes allegations of Title IX sexual harassment subject to Title IX regulations.

All other reports or complaints of discrimination, harassment, or retaliation, other than Title IX sexual harassment, shall follow the complaint process established in the relevant policy and its administrative procedures and its administrative procedures. [1][2][3][4][5]

Purpose

The School District of Philadelphia ("District") is committed to maintaining schools that are spaces with inclusive climates and that support the social, emotional, and mental health of all students and staff. The purpose of these procedures is to maintain an educational environment in which Title IX sexual harassment, which is a form of discrimination, is not tolerated and to establish procedures for handling reports of Title IX sexual harassment.

Definitions

For purposes of these procedures, terms are defined as follows:

Actual knowledge: Notice of sexual harassment or allegations of sexual harassment to the District's Compliance Officer/Title IX Coordinator or to any employee, other than the Respondent.

Complainant: Any individual who is alleged to be the victim of Title IX sexual harassment.

Disciplinary transfer: Transfer of student made pursuant to a disciplinary hearing or recommendation of the Decision-maker pursuant to the Title IX grievance procedure.

Exculpatory evidence: Evidence tending to exonerate the Respondent or help to establish their innocence.

Formal complaint: A document filed by a Complainant or signed by the applicable Title IX Coordinator alleging Title IX sexual harassment and requesting that the District investigate the allegation. The authority for the applicable Title IX Coordinator to sign a formal complaint does not make the applicable Title IX Coordinator the Complainant or other party during the grievance process. The phrase "**document filed by a Complainant**" refers to a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

Inculpatory evidence: Evidence tending to incriminate the Respondent or indicate their guilt.

Respondent: Any individual who is reported to be the perpetrator of conduct that could constitute Title IX sexual harassment.

Retaliation: Actions including, but not limited to, intimidation, threats, coercion, or discrimination against a Complainant or other person because they report conduct that may constitute discrimination or harassment, including Title IX sexual harassment, in accordance with Board policy and procedures, participate in an investigation or other process addressing discrimination or Title IX sexual harassment, or act in opposition to discriminatory practices.

The following actions shall ***not*** constitute retaliation:

1. An individual exercising free speech under the rights protected by the First Amendment.
2. The assignment of consequences consistent with Board policy, the Pennsylvania Public School Code, applicable collective bargaining agreements, and the District's Code of Conduct[1] when an individual knowingly makes a materially false statement in bad faith in an investigation. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

Supportive measures: Nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Possible supportive measures include, but are not limited to, the following actions:

1. Parent/student conferences;
2. Offer of one-to-one counseling with appropriate professional staff;
3. Behavioral supports, such as Functional Behavioral Assessments, check in/check out, and Positive Behavior Support Plans;
4. Increased adult supervision in hot spot areas and during transition times (e.g. admission and dismissal, classroom changes, lunch, recess);
5. Social skills training, including role playing;
6. Positive incentives and reinforcements for appropriate or improved behavior;
7. Development of a safety plan for the Complainant; and
8. Daily report.

Title IX sexual harassment: Conduct on the basis of sex that satisfies one or more of the following:

1. A District employee conditioning the provision of an aid, benefit, or District service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*;

[1] The Code of Conduct is available at https://www.philasd.org/studentrights/

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, *and* objectively offensive that it effectively denies a person equal access to a District education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.
    a. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
        1) Length of relationship.
        2) Type of relationship.
        3) Frequency of interaction between the persons involved in the relationship.
    b. **Domestic violence**: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
    c. **Sexual assault**: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
    d. **Stalking:** Under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
        1) Fear for their safety or the safety of others, or
        2) Suffer substantial emotional distress.

Such conduct must have taken place during a District education program or activity and against a person in the United States to qualify as sexual harassment. An **education program or activity** includes the locations, events, or circumstances over which the District exercises substantial control over both the Respondent and the context in which the harassment occurs.

Conduct on the basis of sex or gender includes conduct on the basis of sexual orientation and gender identity. Sexual harassment can take place regardless of sexual orientation or gender identity and can happen among people of the same gender identity.

Title IX Sexual Harassment Procedures

I. General Response

A. *Reporting*

A report may be made at any time, including during nonbusiness hours.

NOTE: It is critical when receiving a complaint to determine whether immediate steps must be taken to avoid further harm, such as keeping students separated, getting medical/behavioral health aid for anyone harmed, etc.

A.1. Reporting Sexual Harassment of a Student

Any person, whether the alleged victim or not, may submit a report alleging Title IX sexual harassment of a student by any means that results in the Compliance Officer/Title IX Coordinator receiving the person's verbal or written complaint including:

1. Completing the online Bullying Harassment and Discrimination Reporting form;[2]
2. Calling the Bullying/Harassment hotline at 215-400-SAFE;
3. Submitting a complaint via Safe2Say;[3]
4. Emailing the Compliance Officer/Title IX Coordinator directly at antiharassment@philasd.org; or
5. Reporting the incident to the building principal or designee, or to any other member of the school staff, including teachers, guidance counselors, bilingual counseling assistants (BCAs), coaches, and administrators.

A report may be made at any time, including during nonbusiness hours. Complaints will be treated the same, regardless of whether they are made verbally or in writing.

Any school employee who receives a complaint or witnesses, suspects, or is notified that a student may have been subject to conduct that constitutes a violation of this policy shall immediately complete the online Bullying Harassment and Discrimination Reporting form, report the incident to the building principal or designee, and properly make any mandatory police or child protective services reports required by law or Board policy.

If the building principal is the subject of a complaint, the student, parent/guardian, third party, or employee shall report the incident directly to the Compliance Officer/Title IX Coordinator.

A.2. Reporting Sexual Harassment of an Employee

Any person, whether the alleged victim or not, may report Title IX sexual harassment of an employee by any means that results in the Employee Title IX Coordinator receiving the person's verbal or written complaint including:

[2] The online Bullying, Harassment, and Discrimination Reporting form is available at https://pareporting.hibster.com/Pages/Home.aspx?id=241

[3] The Safe2Say complaint form is available at safe2saypa.org

1. Using the Employee Discrimination, Harassment, and Sexual Misconduct Reporting and Investigation form;[4]
2. Making a general report verbally or in writing to their supervisor; or
3. Using the contact information listed for the Employee Title IX Coordinator.

Upon receipt of a report, all supervisors and employees shall immediately notify the Employee Title IX Coordinator at employeerelations@philasd.org.

District staff who become aware of conduct that may constitute Title IX sexual harassment affecting a staff member shall promptly report it to their supervisor or the Employee Title IX Coordinator.

All reports shall be documented by the Employee Title IX Coordinator and these procedures shall be implemented appropriately.

B. *District's Initial Response*

When the District has actual knowledge of Title IX sexual harassment, the District is required to respond promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances. If either party is an identified student with a disability, or thought to be disabled, the Compliance Officer/Title IX Coordinator shall contact the school's Director of Special Education to coordinate the required actions in accordance with Board policy.

If a student is identified as a party in the report, parents/guardians of students have the right to act on behalf of the Complainant, the Respondent, or other individual at any time.

The District's initial response through the applicable Title IX Coordinator shall include the following steps which are set forth in more detail in sections B.1 through B.4 below:
1. Conduct an initial assessment of the information submitted in the report;
2. If the Complainant or Respondent is a student, notify their parents/guardians;
3. Contact the Complainant to discuss the availability of supportive measures; and
4. Work with appropriate school personnel to promptly conduct an individualized safety and risk analysis.

An emergency reassignment of an employee may be initiated when warranted to address an immediate threat to the health, well-being, or safety of an individual or a school community. Emergency reassignment must be approved by Deputy, Employee and Labor Relations.

An accused nonstudent District employee may be placed on administrative leave or administrative assignment during the pendency of the grievance process for Formal Complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with

[4] The Employee Discrimination, Harassment, and Sexual Misconduct Reporting and Investigation form is available at https://www.philasd.org/employeerelations/forms/employee-discrimination-and-harassment-reporting-and-investigation-form/

Disabilities Act, and in accordance with state law and regulations, Board policy, and an applicable collective bargaining agreement or individual contract.

When an emergency removal of a student is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability, where applicable.

B.1. Initial Assessment by Compliance Officer/Title IX Coordinator

Based on the chart below, the applicable Title IX Coordinator shall gather additional information from the reporter and/or other parties identified in the report, to determine if the allegations meet the definition and parameters for Title IX sexual harassment.

The applicable Title IX Coordinator shall promptly contact the Complainant to gather additional information as necessary, and to discuss the availability of supportive measures. The applicable Title IX Coordinator shall consider the Complainant's wishes with respect to supportive measures.

The applicable Title IX Coordinator shall assess whether the reported conduct:

1. Meets the definition of Title IX sexual harassment;
2. Occurred in a District program or activity under the control of the District against a person in the United States;
3. Involves other Board policies;
4. Indicates, based on the individualized safety and risk analysis,[5] that there is an immediate threat to the physical health or safety of an individual; and
5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.

Complainant	**Respondent**	**Initial assessment conducted by:**	**Investigation/Decision-making/Appeal:**	**Supportive measures provided by:**
Student	Student	Compliance Officer/Title IX Coordinator	Compliance Officer/Title IX Coordinator	Compliance Officer/Title IX Coordinator
Employee	Student	Employee Title IX	Compliance	Employee Title

[5] When the Respondent is an employee, the Employee Title IX Coordinator shall conduct the Safety and Risk analysis and oversee the process for emergency removal. When the Respondent is a student, the Compliance Officer/Title IX Coordinator shall conduct the Safety and Risk analysis and oversee the process for emergency removal.

		Coordinator	Officer/Title IX Coordinator	IX Coordinator
Student	Employee	Compliance Officer/Title IX Coordinator	Employee Title IX Coordinator	Compliance Officer/Title IX Coordinator
Employee	Employee	Employee Title IX Coordinator	Employee Title IX Coordinator	Employee Title IX Coordinator

If the result of this initial assessment determines that the reported conduct does not meet the definition of Title IX sexual harassment but could involve other Board policies, the individual conducting the assessment shall assess whether the reported conduct involves other Board policies or the Code of Conduct and, if so, shall inform the Complainant of this assessment and redirect the Complaint to the appropriate administrator to address the allegations.

If the result of the initial assessment determines that the allegations may constitute Title IX sexual harassment, the individual conducting the assessment shall promptly explain to the Complainant the process for filing a Formal Complaint and inform the Complainant of the continued availability of supportive measures with or without the filing of a Formal Complaint. If the Complainant does not wish to file a Formal Complaint, the applicable Title IX Coordinator shall inform the Complainant of other options available to them, as appropriate, and direct the report to the appropriate office or administrator to address the allegations under other Board policies, if applicable.

The District is required to initiate the grievance process for Formal Complaints when a Complainant or the Complainant's parent/guardian files a Formal Complaint. The applicable Title IX Coordinator is also authorized, but not required, to initiate this process despite a Complainant's wishes when the applicable Title IX Coordinator determines it is not clearly unreasonable to initiate the Formal Complaint process against the Complainant's wishes. Only the applicable Title IX Coordinator is authorized to initiate the Formal Complaint process despite a complainant's wishes, but the applicable Title IX Coordinator may consult with the Office of General Counsel ("OGC") and other District officials in making this decision. A decision not to initiate the Formal Complaint process does not bar the District from investigating and resolving the complaint pursuant to the Code of Conduct or other Board policies or administrative procedures.

B.2. Parental Notification

If the Complainant or Respondent is a student, the Compliance Officer/Title IX Coordinator shall contact the parents/guardians of the Complainant and Respondent to provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for Formal Complaints.

If the Complainant, school staff, or others with professional knowledge relating to the Complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the Complainant or other person(s), the Compliance Officer/Title IX Coordinator will determine, in consultation with such individuals and upon advice of OGC, whether to delay notification of the report from the Complainant's parents/guardians until such time as it has been determined that the student's safety is not at risk.

B.3. Supportive Measures

The applicable Title IX Coordinator, in conjunction with the building administrator or other appropriate District or school-based staff, shall determine what supportive measures may be offered to both the Complainant and the Respondent.

Supportive measures shall be designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:

1. Counseling or Employee Assistance Program,
2. Extensions of deadlines or other course-related adjustments,
3. Modifications of work or class schedules,
4. Campus escort services,
5. Mutual restrictions on contact between the parties,
6. Changes in work or housing locations,
7. Leaves of absence,
8. Increased security measures or protocols,
9. Monitoring of certain areas of the campus,
10. Referrals to domestic violence or rape crisis programs, and
11. Referrals to community health resources including counseling resources.

Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program ("IEP") or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or Functional Behavioral Assessment ("FBA"), in accordance with applicable law, regulations, or Board policy. Supports may need to be changed to meet a student's evolving needs and may span multiple school years.

When any party is an identified student with a disability, or thought to be a student with a disability, the Compliance Officer/Title IX Coordinator shall notify the school's Director of Special Education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, FBA, or other assessment or evaluation, in accordance with applicable law, regulations, or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming,

and when a student's behavior violates the Code of Conduct and is determined to be a manifestation of a student's disability.

B.4. Safety and Risk Analysis/Emergency Removal

Nothing precludes the District from removing a Respondent from the education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student, employee, or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with appropriate notice and an opportunity to challenge the decision immediately following the removal in accordance with applicable Board policy or administrative procedures or collective bargaining agreements.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. If the Respondent is an identified student with a disability, or thought to be disabled, the Compliance Officer/Title IX Coordinator shall contact the school's Director of Special Education to coordinate the required actions in accordance with Board policy.

When expulsion of a student is necessary because continuation of educational services is not feasible, the Board's written adjudication of expulsion shall address the pending Title IX process and the impact of the outcome of the Title IX process on a student's emergency removal status.

C. Disciplinary Procedures When Reports Allege Title IX Sexual Harassment

When reports allege Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of this grievance process. The District shall presume that the Respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for Formal Complaints.

C.1. Discipline/Placement of Student Convicted or Adjudicated of Sexual Assault

Upon notification of a conviction or adjudication of a student in the District for sexual assault against another student enrolled in the District, the District shall comply with the disciplinary or placement requirements established by state law and the Code of Conduct.

D. Confidentiality

All supportive measures provided by the District shall remain confidential, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.

Confidentiality regarding the identity of the individuals making a report or Formal Complaint, Complainant(s), Respondent(s), and witnesses shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation.

E. Reasonable Accommodations

Throughout the Title IX sexual harassment procedures, the District shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, and address barriers being experienced by disadvantaged students such as English learners and students experiencing homelessness, consistent with the requirements of federal and state laws and regulations and Board policy.

F. Required Reporting Under Other Policies

In addition to implementing the Title IX sexual harassment procedures, the applicable Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations, or Board policies is also appropriately reported in accordance with the applicable laws, regulations, or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse.

G. Timeframes

The established timeframes included in these procedures, below, may be adjusted to allow for a temporary delay or a limited extension of time for good cause. The applicable Title IX Coordinator shall provide written notice of the delay or extension and the reason for such action to the Complainant and the Respondent, and document such notice with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence or temporary unavailability of a party, a party's advisor, or a witness;
2. Concurrent law enforcement activity; or
3. Need for language assistance or accommodation of disabilities.

H. Dismissal and Redirection of Title IX Formal Complaints

The applicable Title IX Coordinator shall dismiss Formal Complaints, if at any time during the investigation or prior to the written determination it is determined that none of the allegations, even if true, would meet the definition and parameters of Title IX sexual harassment within the District's jurisdiction.

The applicable Title IX Coordinator may dismiss Formal Complaints, if at any time during the investigation or prior to the written determination:

1. A Complainant provides written notification of withdrawal of any allegations or of the Formal Complaint;
2. The Respondent is no longer enrolled or employed by the District in a District program or activity; or

3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations.

Regardless of dismissal as a Formal Complaint, if the matter merits review and possible action under the Code of Conduct, other Board policies, or administrative procedures, then the applicable Title IX Coordinator shall redirect the report to the appropriate individual to address the allegations. Appropriate individuals could include a principal or school administrator, central-office administrator, or contracted entity.

Written notification shall be promptly issued by the applicable Title IX Coordinator to the parties simultaneously of any allegations found not to qualify or that are dismissed in compliance with Title IX. Written notification shall state whether the allegations will continue to be addressed pursuant to the Code of Conduct, other Board policies, or administrative procedures.

A dismissal may be appealed by either the Respondent or Complainant via the appeal procedures set forth below.

I. Consolidation of Title IX Formal Complaints

The Compliance Officer/Title IX Coordinator may consolidate Formal Complaints against more than one (1) Respondent, or by more than one (1) Complainant against one (1) or more Respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

II. Grievance Process for Formal Complaints

A. Formal Complaint

To file a Formal Complaint, a Complainant must provide the applicable Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants may file a Formal Complaint under this Policy only if they are currently participating in, or attempting to participate in, the education programs or activities of the District, including as an employee.

The District is required to initiate the grievance process for Formal Complaints when a Complainant files a Formal Complaint.

The Title IX Formal Complaint Form shall be used to file or sign a Formal Complaint.

The applicable Title IX Coordinator shall investigate the complaint or promptly assign the investigation to another appropriately trained individual.[6]

[6] The applicable Title IX Coordinator, investigator, Decision-maker, and appeal Decision-maker must have completed the required training for such roles and shall not have a conflict of interest or bias for or against an individual Complainant or Respondent, or for or against Complainants or Respondents in general.

An employee Complainant who files a Formal Complaint may request, at any time, to address the matter through the District's informal resolution process.

B. Notice

The applicable Title IX Coordinator shall provide written notice of a Formal Complaint to all known parties, and the parents/guardians of known parties, where applicable, providing the following information:

1. Notice of the District's grievance process for Formal Complaints and any informal resolution process that may be available.
2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
    a. the identity of the parties involved, if known;
    b. the conduct allegedly constituting sexual harassment; and
    c. the date and location of the alleged incident(s), if known.
3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for Formal Complaints and, until that time, the Respondent is presumed not responsible for the alleged conduct.
4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.
5. Notice that Board policy, the Employee Code of Ethics,[7] and the Code of Conduct prohibit knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints.
6. Notice of any additional allegations that the District decides to investigate during the course of the investigation.

C. Investigation

The designated investigator, if other than the applicable Title IX Coordinator, shall work with the applicable Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed, and what records or evidence may be relevant to the investigation.

The Respondent shall be presumed not responsible for the alleged conduct until a written determination regarding responsibility has been made at the conclusion of the grievance process for Formal Complaints.

The investigation stage shall be concluded within ninety (90) calendar days but the investigator shall strive to complete the investigation within thirty (30) calendar days whenever possible.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including

[7] The Employee Code of Ethics is available at https://www.philasd.org/schoolboard/policies/

agreeing to request for a delay in fulfilling the District's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation and the reason for such delay shall be documented by the investigator.

When investigating a Formal Complaint, the investigator shall:

1. Gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the District obtains the voluntary, written consent of the party, or the party's parent/guardian when legally required, the District cannot access, consider, disclose, or otherwise use, as part of the investigation, a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party.
2. Provide written notice to any individual whose participation is invited or expected during the investigation process with the following information, in sufficient time for the individual to prepare to participate:
    a. Date,
    b. Time,
    c. Location,
    d. Participants, and
    e. Purpose of all investigative interviews or other meetings.
3. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
4. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
5. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. However, the District may request a nondisclosure agreement be signed by the parties and their advisor(s), if any, stating that they will not disseminate or disclose evidence and documents exchanged in the investigation.
6. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The District may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the District does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

C.1. New Allegations

If at any point the investigation expands to include additional allegations that were <u>not</u> included in the initial notice provided upon initiation of the grievance process for Formal Complaints, the investigator shall alert the applicable Title IX Coordinator. The applicable Title IX Coordinator

or assigned investigator shall provide written notice of the new allegations to the known parties.

C.2 Simultaneous Investigations

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX sexual harassment may be identified as part of the same incident or set of circumstances. The fact that there may be Title IX sexual harassment involved does not preclude the District from addressing other identified violations of the Code of Conduct, Employee Code of Ethics, or Board policy. If such other conduct is being investigated and addressed together with Title IX sexual harassment as part of the Title IX grievance process for Formal Complaints, disciplinary action normally should not be imposed until the completion of the Title IX grievance process for Formal Complaints. A decision whether and when to take such action should be made in consultation with OGC.

C.3. Possible Violation of Criminal Law

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the applicable Title IX Coordinator, who, if required by state law and regulations or the procedures set forth in the memorandum of understanding with local law enforcement, shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations, and Board policy.

C.4. Investigative Report and Report Review

Prior to finalizing the investigative report, the investigator shall:

1. Send to each party and the party's advisor, if any, the draft investigative report and any evidence obtained as part of the investigation that is directly related to the allegations, subject to inspection and review, in electronic or hard copy format;
2. Provide the parties at least ten (10) calendar days following receipt of the draft report and evidence to submit a written response; and
3. Consider the written response and incorporate any relevant additional information or comments into the investigative report prior to finalizing the report.

Once the report is finalized, the investigator shall provide the investigative report to all parties and to the designated Decision-maker.

D. Written Determination and District Action

D.1. Designation of Decision-Maker

To avoid any conflict of interest or bias, the Decision-maker cannot be the same person as the applicable Title IX Coordinator or the investigator. The responsibility as the Decision-maker for complaints of Title IX sexual harassment shall be determined by the applicable Title IX Coordinator on a case by case basis. If the assigned Decision-maker has a conflict of interest or

is a party in the Formal Complaint process, they shall disclose the conflict and the applicable Title IX Coordinator shall designate another individual to serve as the Decision-maker.

D.2. Submissions for Written Determination

Before the Decision-maker reaches a written determination of responsibility ("Determination"), the Decision-maker shall afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party. Therefore, a Determination must not be finalized less than fourteen (14) days after the investigator completes the investigative report and provides it to all parties.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant as part of the follow-up questions and responses, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The Decision-maker may determine that a question is not relevant and shall explain to the party proposing the question their reasoning for any decision to exclude a question as not relevant.

Relevant questions for a party or witness must be submitted by each party within seven (7) calendar days following receipt of the investigative report. Follow-up questions must be submitted by each party within seven (7) calendar days of being provided the answers to the initial questions.

D.3. Written Determination

The Decision-maker must issue a Determination for the conduct alleged in Formal Complaints. To reach this Determination, the Decision-maker shall apply the preponderance of the evidence standard, meaning that the decision-maker must find that it is more probable than not that the alleged conduct occurred and constitutes Title IX sexual harassment.

In considering evidence, the Decision-maker shall ensure credibility determinations are not based on an individual's status as a Complainant, Respondent, or witness.

After considering all relevant evidence, the Decision-maker shall issue a Determination in writing that includes:

1. Identification of the allegations potentially constituting Title IX sexual harassment.
2. A description of the procedural steps taken from the receipt or signing of the Formal Complaint through to the Determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
3. Findings of fact supporting the Determination.

4. Conclusions regarding the application of the Code of Conduct or Board policies to the facts.
5. A statement of, and rationale for, the result as to each allegation, including:
    a. Determination regarding responsibility.
    b. Recommended disciplinary sanctions.
    c. Remedies designed to restore or preserve equal access to the District's education program or activity that will be provided by the District to the Complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the Respondent.
6. The procedures, deadline, and permissible bases for the Complainant and Respondent to appeal.

The Determination shall be provided to the parties simultaneously. The Determination becomes final either:

1. On the date that the District provides the parties with the written decision of the result of the appeal, if an appeal is filed;
2. Or, if an appeal is not filed, on the date on which an appeal would no longer be considered timely, in accordance with the timeframe established for appeals set forth below.

The applicable Title IX Coordinator or designee shall be responsible to ensure that any remedies are implemented by the appropriate District officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions, including a recommendation of disciplinary transfer or expulsion, shall be consistent with the Code of Conduct, Board policies and administrative procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities.

Employees shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreements, and individual contracts, up to and including dismissal and/or referral to law enforcement officials.

IEP Team/Section 504 Team Notification

If a complaint is substantiated and either the Respondent or the Complainant is a student with a disability who has an Individualized Education Plan ("IEP") or a Section 504 Plan, the principal or bullying designee must notify the student's IEP Team or Section 504 Team.

The appropriate team must convene to make a determination of whether and how the student's IEP or 504 plan should be amended and the extent to which additional or different services or evaluations are needed and ensure that any needed changes are made promptly. If a change of placement is considered, Section 504 or IEP services must be provided in an educational setting with persons who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

E. Appeals

Complainants and Respondents have the right to appeal a Determination and the right to appeal the District's dismissal of a Title IX Formal Complaint or dismissal of any allegation in the Title IX Formal Complaint.

Written notice of an appeal shall be submitted to the applicable Title IX Coordinator within fifteen (15) calendar days after the date of the Determination. Students should send appeals to antiharassment@philasd.org, and employees should send appeals to employeerelations@philasd.org, using the Notice of Appeal form referenced in the Determination Letter. Regardless of form, an appeal is required to include a brief statement describing the basis for the appeal, which is limited to the following reasons as stated in the Title IX regulations:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that could affect the outcome was not reasonably available at the time the decision to dismiss or Determination was made; or
3. The applicable Title IX Coordinator, investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against the individual Complainant or Respondent or for or against Complainants or Respondents generally that affected the outcome of the matter.

The applicable Title IX Coordinator shall forward the appeal for review and processing to the Appeal Decision-maker. If the assigned Appeal Decision-maker has a conflict of interest, they shall disclose the conflict and the applicableTitle IX Coordinator shall designate another Appeal Decision-maker.

The Appeal Decision-maker shall provide written notice to the other party when Notice of Appeal is filed and implement appeal procedures equally for both parties as follows.

Statements in support of the stated basis for the appeal must be submitted to the Appeal Decision-maker within seven (7) calendar days of the written notice of appeal. All responses and appeals will be shared with all parties.

Statements in opposition to the appeal shall be submitted within seven (7) calendar days of the submission of the statement in support.

The Appeal Decision-maker shall determine whether the appeal meets the grounds for permitted reasons for appeal and if so, justifies modifying the written determination. Within twenty-one (21) calendar days of receipt of the appeal, the Appeal Decision-maker shall issue a written decision denying the appeal or setting forth the respects in which the written determination is modified and the rationale. The written decision shall be provided simultaneously to both parties as well as to the applicable Title IX Coordinator.

F. Disciplinary Action

Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions, terminations, or other disciplinary actions, including specific provisions to address a student with a disability, where applicable.

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement, and individual contract, up to and including dismissal and/or referral to law enforcement officials.

III. Title IX Sexual Harassment Training Requirements

The Compliance Officer/Title IX Coordinator, Deputy, Employee & Labor Relations, investigator(s), decision-maker(s), and any individual designated to facilitate an informal resolution process related to Title IX sexual harassment shall receive the following training, as required or appropriate to their specific role:

1. Definition of sexual harassment;
2. Scope of the District's education program or activity, as it pertains to what is subject to Title IX regulations;
3. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals, and informal resolution processes, as applicable;
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
5. Use of relevant technology;
6. Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant;
7. Issues of relevance, weight of evidence, and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence; and
8. How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or Board policy.

All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex, sexual orientation and gender identity stereotypes.

IV. Recordkeeping

The District shall maintain the following records for a minimum of seven (7) years after conclusion of procedures and implementation of disciplinary sanctions and/or remedies, or in the case of a Complainant or Respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation:

1. Each Title IX sexual harassment investigation, including any written determination and any audio or audiovisual recording or transcript, and disciplinary sanctions imposed on

the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the District's education program or activity;
2. Any appeal filings and the result;
3. Any records related to an informal resolution and the result;
4. All materials used to train the applicable Title IX Coordinator, investigators, Decision-makers, and any person who facilitates an informal resolution process; and
5. Records of any District actions, including any supportive measures, taken in response to a report or Formal Complaint of Title IX sexual harassment.
    a. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity.
    b. If the District does not provide a Complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

Related References:

1. Policy 102 - Multiracial, Multicultural, and Gender Education
2. Policy 103 - Nondiscrimination in School and Classroom Practices
3. Policy 103.1 - Nondiscrimination-Qualified Students with Disabilities-Protected Handicapped Students
4. Policy 248 - Harassment and Discrimination of Students
5. Policy 348 - Harassment and Discrimination of Eemeregemployees
6. Policy 806 - Child Abuse
7. Policy 805.1 - Relations with Law Enforcement
8. Policy 317 - Employee Misconduct and Reporting Requirements
9. Policy 113 - Special Education
10. Policy 113.1 - Discipline of Students with Disabilities
11. Policy 113.2 - Behavior Support
12. Policy 113.3 - Screening and Evaluations for Students with Disabilities
13. Policy 104 - Nondiscrimination in Employment Practices
14. Policy 218 - Student Conduct and Discipline
15. Policy 234 - Pregnant/Parenting/Married Students
16. Policy 247 - Hazing
17. Policy 249 - Bullying/Cyberbullying
18. Policy 252 - Transgender and Gender Non-conforming Students
19. Policy 348 - Harassment and Discrimination of Employees
20. Policy 906 - Addressing Student and Constituent Concerns
21. Policy 233 - Suspension and Expulsion
22. 24 P.S. 1318.1
23. Policy 138 - English Language Development/Bilingual Education Program
24. Policy 251 - Students Experiencing Homelessness

25. Policy 824 - Maintaining Professional Adult/Student Boundaries
26. Policy 113.4 - Confidentiality of Special Education Information
27. Policy 207 - Confidential Communications of Students
28. Policy 216 - Student Records
29. Policy 805 - Emergency Preparedness
30. Policy 300 - Employee Code of Ethics

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 313
SECTION: 300 Employees
TITLE: Policy 313 - Evaluation of Professional Employees
ADOPTED: April 27, 1981
REVISED: May 18, 2017

POLICY 313 - EVALUATION OF PROFESSIONAL EMPLOYEES

Purpose

The Board of Education ("Board") is committed to giving each student what they need to reach their fullest potential, including access to employees who are regularly evaluated on their job performance and given the opportunity to grow professionally. ~~Evaluation is a continuing process in which the administrative, professional, and support employees and the respective supervisors cooperatively identify strengths and weaknesses in an individual's job performance.~~ **The purpose of this policy is to define the process by which the School District of Philadelphia ("District") will evaluate Professional** Employee**s and Temporary Professional Employees. These** ~~E~~**e**valuations shall be used to assess and improve performance, encourage professional growth, promote positive behavior, and facilitate attainment of ~~d~~**D**istrict goals and objectives.

Definitions

Professional Employee: A professional employee is 1) a classroom teacher who provides direct instruction to students related to a specific subject or grade level, 2) a non-teaching professional who provides services other than classroom instruction or is an educational specialist, and 3) principals, assistant principals, vice principals, directors of career and technical education and supervisors of special education. [2]

Temporary Professional Employee: Non-tenured classroom teachers or non-tenured non-teaching professionals. **[2]**

Authority

As required by the Pennsylvania Public School Code, the Board ~~The School Reform Commission~~ shall approve plans for regular, periodic evaluations of ~~administrative, p~~**P**rofessional ~~and support e~~**E**mployees **and Temporary Professional Employees, as defined by the Pennsylvania Public School Code,** consistent with law, applicable administrative compensation plans, individual contracts, collective bargaining agreements, and ~~SRC~~ **Board** resolutions. ~~Central office administrative staff are not covered by this policy~~. [1]~~[2]~~

Delegation of Responsibility

The **Board directs the** Superintendent or **their** designee ~~shall~~ **to** develop plans for the evaluation of ~~district~~ **Professional Employees and Temporary Professional E**mployees and ~~shall~~ **to review** ~~ensure~~ th**e** ~~at~~ evaluation plans ~~are reviewed~~ periodically and update~~d~~ as necessary.

~~Evaluations shall be performed by the Superintendent or by an assistant administrator, supervisor, or principal who has supervision over the work of the employee being evaluated and is designated by the Superintendent to perform the evaluation.~~

Mandatory Regulatory Procedures:

Evaluation plans shall:

1. Be clear and unambiguous in intent and language~~.~~**;**
2. Establish **objectively** reasonable standards~~.~~**;**
3. Apply in a consistent and uniform manner to all employees in the same class~~.~~**; and**
4. Place emphasis on the identification and development of the knowledge, skills**,** and attitudes which improve employee competency.

Ratings shall be performed by or under the supervision of the chief school administrator or, if so directed by the chief school administrator, by an assistant administrator, a supervisor, or a principal who has supervision over the work of the Professional Employee or Temporary Professional Employee being rated, except that no unsatisfactory rating shall be valid unless approved by the chief school administrator. [3]

~~Efforts shall be made to involve the employee in developing specific performance goals and methods for attaining such goals, to the greatest extent possible.~~

Findings of an evaluation shall be objective and shall cite observable and verifiable data.

The evaluation plan for ~~p~~**P**rofessional **E**~~e~~mployees and **T**~~t~~emporary **P**~~p~~rofessional **E**~~e~~mployees shall **comply with the law and** utilize the appropriate state-approved rating form or an alternative rating tool approved by the ~~SRC~~ **Board** and the Pennsylvania Department of Education. [1]~~[2]~~**[4]**

All completed evaluation materials shall be confidential and disclosed only as the law ~~may provide~~ **permits**. **[5] [6][7]**

Legal References:

1. 24 P.S. 11-1108
2. **24 P.S. § 11-1101**
3. **24 P.S. 11-1138.9**
4. **24 P.S. 11-1138.7**
5. **65 P.S. § § 67.101—67.3104**
6. **43 P.S. §1331, et seq.**
7. **Policy 234 - Personnel Files**

~~24 P.S. 11-1123~~

Related Information:

24 P.S. 1122
Philadelphia Home Rule Charter - 12-300

Recommendation:

N/A

Administrative Procedures:

THE SCHOOL DISTRICT
OF PHILADELPHIA

No. 348
SECTION: 300 Employees
TITLE: Policy 348 - Harassment and Discrimination - Employees
ADOPTED: October 15, 1996
REVISED: March 15, 2018

POLICY 348 - HARASSMENT AND DISCRIMINATION - EMPLOYEES

Purpose

The ~~School Reform Commission~~ **Board of Education ("Board") is committed** ~~strives~~ to provide**ing** a safe, positive working climate for its ~~administrative, professional and support~~ employees. ~~Therefore, it shall be the~~ **The purpose of this** policy **is to require** ~~of~~ the ~~d~~**D**istrict to maintain a~~n~~ **work** ~~employment~~ environment in which harassment ~~or sex~~ **and** discrimination in any form is not tolerated **and to establish procedures for handling reports of harassment and discrimination.**

Definitions

For purposes of this policy, terms are defined as follows:

Discrimination: To treat individuals differently or to harass or victimize based on one or more known or perceived protected classifications including race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification. A single incident of discrimination may implicate more than one protected class. [1][2][3][4][5][6][7][8][9][10][11][12]

Harassment: A form of discrimination based on an individual's known or perceived race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, sexual misconduct, or other conduct that may be harmful or humiliating or interfere with a person's work performance, including when: [9]

1. **Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or**
2. **Submission to or rejection of such conduct is used as the basis for employment-related decisions affectin an employee; or**
3. **Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or other creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions.**

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. A single incident of harassment may implicate more than one protected class. For example, an individual may be targeted because of their race and sexual orientation.

~~For purposes of this policy, harassment shall consist of verbal, nonverbal, written, graphic, or physical conduct relating to an individual's race, color national origin/ethnicity, sex, age, disability, sexual orientation religion or gender information when such conduct:[4][5]~~

1. ~~Is severe, persistent or pervasive enough that it affects an individual's ability to perform job functions or creates an intimidating, threatening or abusive work environment.~~
2. ~~Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance.~~
3. ~~Otherwise adversely affects an individual's employment opportunities.~~

~~For the purposes of this policy, sexual discrimination is unequal treatment of any person on the basis of sex unless expressly authorized by statute or regulation. Sexual discrimination may include sexual harassment, sexual violence and sexual assault.~~

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

1. ~~Acceptance of such conduct is made, explicitly or implicitly, a term or condition of an individual's continued employment.~~
2. ~~Submission to or rejection of such conduct is the basis for employment decisions affecting the individual.~~
3. ~~Such conduct is severe, persistent or pervasive enough that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive work environment.~~

~~Examples of sexual harassment, as defined above, include but are not limited to, sexual propositions; touching of a sexual nature; graffiti of a sexual nature; displaying or distributing sexually explicit drawings, pictures or written material; sexual gestures or touching oneself sexually in front of others; telling sexual or dirty jokes; spreading sexual rumors or rating others as to sexual activity or performance; circulating or showing emails or websites of a sexual nature.~~

~~For purposes of this policy, the term sexual harassment includes sexual assault and sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.[2] [7]~~

Title IX sexual harassment: Conduct on the basis of sex, that satisfies one or more of the following: [18]

- **A District employee conditioning the provision of an aid, benefit, or District service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment;***
- **Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a District education program or activity; or**
- **Sexual assault, dating violence, domestic violence, or stalking.**

Examples of conduct on the basis of sex or gender, include but are not limited to sexual propositions; touching of a sexual nature; graffiti of a sexual nature; displaying or distributing sexually explicit drawings, pictures, or written material; sexual gestures or touching oneself sexually in front of others; telling sexual or dirty jokes; spreading sexual rumors or rating other students as to sexual activity or performance; and circulating or showing emails or websites of a sexual nature.

Authority

As required by federal, state, and local laws and regulations, the Board shall provide for an equal opportunity for all employees and prohibits discrimination in the workplace, including harassment which is a form of discrimination, on the basis of race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification. [1][2][3][4][5][6][7][8][9][10][11][12]

The Board also declares it to be the policy of this District to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the District may be referred to the Office of Employee and Labor Relations, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

~~The SRC prohibits all forms of harassment and sex discrimination (including sexual harassment, sexual assault and sexual violence) of employees and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The SRC encourages employees and third parties who have been harassed or discriminated against to promptly report such incidents to the designated administrators.[1][2][3][4][5][6]~~

~~While harassment and sex discrimination will not be tolerated by any employee, supervisors shall be held to the highest of conduct standards and shall be subject to a higher level of discipline when engaging in harassment or sex discrimination.~~

~~The SRC directs that complaints of harassment or sex discrimination shall be investigated promptly, and corrective action taken when allegations are substantiated, in accordance with the provisions of any applicable collective bargaining agreement and state and federal laws.~~

~~Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. Only those with a "need to know" will be apprised of the complaint, and staff participants in the complaint process shall be informed of their duty of confidentiality to the process as well.~~

~~The basic rights of all concerned shall be respected at all times. No reprisals nor retaliation shall occur as a result of good faith charges of violation of this policy or participation in an investigation.~~

Delegation of Responsibility

In order to maintain a work environment that discourages and prohibits harassment and ~~sex~~ discrimination, the ~~SRC~~ **Board directs the Superintendent or their designee in the Office of Talent to ensure this policy is consistently enforced.**

~~the Chief Talent Officer as the district's Title IX Deputy Coordinator relating to employees and third parties.~~

The Compliance Officer/Title IX Coordinator can be contacted at:
Deputy, Employee & Labor Relations
440 N. Broad Street
Philadelphia PA 19130
215-400-4600
employeetitleIXcomplaints@philasd.org

~~The Title IX Deputy Coordinator 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 name, position, office address, telephone number and email address of the Title IX Deputy Coordinator(s).~~

~~Chief Talent Officer/Title IX Deputy Coordinator~~
~~440 N. Broad Street~~
~~Philadelphia PA 19130~~
~~215-400-4600~~
~~employeetitleIXcomplaints@philasd.org~~

~~The administration shall be responsible to provide training for students and district employees regarding harassment and sex discrimination and the district's policy prohibiting harassment and sex discrimination, including procedures for the filing and investigation into complaints.~~

~~The Superintendent or designee shall develop Administrative Procedures/Complaint Procedures to implement this policy.~~ **The Board directs the Superintendent or their designee, through the Office of Talent, to develop administrative procedures to implement this policy, including timeframes for the conclusion of the complaint**

processes. [20][21]

~~Each employee shall be responsible to maintain a working environment free from all forms of harassment and sex discrimination.~~

Any ~~supervisor~~ **employee** who receives a ~~harassment or sex discrimination~~ complaint **regarding conduct that is a violation of this policy** or **who witnesses or** ~~who~~ has reason to believe such ~~action~~ **conduct has or** is occurring shall **immediately report such conduct to the Office of Employee & Labor Relations in accordance with this Policy and its Administrative Procedures.** ~~refer to SRC policy and the procedures for processing harassment or sex discrimination complaints~~.

~~The building principal/immediate supervisor or designee shall be responsible to complete the following duties when receiving a complaint pursuant to this policy:~~

1. ~~Inform the employee or third party of the right to file a complaint and the Complaint Procedure.~~
2. ~~Notify the complainant and the accused of the progress at appropriate stages of the procedure.~~
3. ~~Refer the complainant to the Title IX Deputy Coordinator(s) if the building principal/immediate supervisor is the subject of the complaint.~~
4. ~~Take interim action, as necessary, to address prohibited conduct prior to the completion of the investigation.~~

The Office of Employee and Labor Relations shall fulfill designated responsibilities, ensure adequate nondiscrimination procedures are in place, and recommend new procedures or modifications to procedures, as well as the following:

1. **Publish and disseminate this policy and related procedures and post a notice of nondiscrimination as required by applicable law.**
2. **Coordinate the provision of training for staff to identify, investigate, and alleviate problems of discrimination and harassment, including sexual harassment. [22]**
3. **Monitor and provide technical assistance to individuals involved in managing complaints.**
4. **Maintain and provide information to staff on resources available to complainants in addition to the complaint procedure.**

Mandatory Regulatory Procedures:

The Board prohibits all forms of harassment and discrimination of employees and third parties by all District students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The District seeks to recruit, hire, and place into available jobs the most qualified persons and to administer personnel matters such as compensation; benefits; promotion; transfer; training; layoffs; discipline; and termination in accordance with law and Board policy.

This policy applies to employees, contractors, interns, volunteers, and third parties in connection with all the academic, educational, extracurricular, athletic, and other programs or operations of the District, whether those programs take place in a District facility, on a school bus, in transit to and from a school or other District facility, at a class or training program sponsored by the District at another location, or elsewhere. The policy also may apply to any off-duty conduct that impacts the workplace.

The Board directs that complaints of harassment or discrimination shall be investigated promptly, and corrective action taken when allegations are substantiated, in accordance with this Policy and Administrative Procedures, the provisions of any applicable collective bargaining agreement, and state and federal laws.

Upon receipt of a complaint, the Office of Employee & Labor Relations shall conduct an assessment to determine the appropriate process for handling the complaint. If the reported circumstances, as alleged, would be sufficient to meet the definition of Title IX sexual harassment the report shall be addressed through Administrative Procedure B: Title IX Sexual Harassment. All other complaints of harassment or discrimination shall be addressed through Administrative Procedure A: Harassment and Discrimination -

Employees.

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report, and the investigation related to any form of harassment or discrimination, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, this policy, the administrative procedures to this policy, and the District's legal and investigative obligations. [13][14][15][16][17]

The basic rights of all concerned shall be respected at all times. All parties will be treated with dignity and due process.

Retaliation

The Board prohibits retaliation by the District or any other person against any person for: [16]

- **Reporting or making a formal complaint of any form of harassment, discrimination, or retaliation, including Title IX sexual harassment;**
- **Testifying, assisting, or participating in a related investigation, process, or other proceeding or hearing; or**
- **Acting in opposition to practices the person reasonably believes to be discriminatory. The District, its employees, and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Office of Employee and Labor Relations immediately if retaliation is believed to have occurred.**

Disciplinary Consequences

Violations of this policy, including acts of retaliation, may result in disciplinary consequences, up to and including termination, or other corrective actions, under applicable Board policy and procedures, or applicable collective bargaining agreements. [22][23][24]

Employee Code of Ethics

Each employee shall be responsible to respect the rights of their fellow employees, third parties, and District students and to conduct themselves in a manner free from all forms of harassment and discrimination. [25]

Accommodations

The District shall make reasonable accommodations for qualified individuals with a disability consistent with the requirements of federal and state laws and regulations. Additionally, the District shall make reasonable accommodations for sincerely held religious beliefs consistent with the requirements of federal and state laws and regulations. [1][2][3][4][5][6][7][8][9][10][11]

Legal References:

1. 1. 43 P.S. 336.3
2. 2. 43 P.S. 951 et seq
3. 3. 34 CFR Part 106
4. 20 U.S.C. 1681 et seq
5. 29 U.S.C. 206
6. 29 U.S.C. 621 et seq
7. 29 U.S.C. 794
8. 42 U.S.C. 1981 et seq
9. 42 U.S.C. 2000e et seq
10. 42 U.S.C. 2000ff et seq
11. 42 U.S.C. 12101 et seq
12. U.S. Const. Amend. XIV, Equal Protection Clause
13. 20 U.S.C. 1232g
14. 34 CFR 106.44
15. 34 CFR 106.45
16. 34 CFR 106.71

17. 34 CFR Part 99
18. 34 CFR 106.30
19. 34 U.S.C. 12291
20. 20 U.S.C. 1092
21. 34 CFR 106.8
22. Policy 317 - Employee Conduct and Reporting Requirements
23. Policy 806 - Child Abuse
24. Policy 824 - Maintaining Professional Adult/Student Boundaries
25. Policy 300 - Employee Code of Ethics

Related Information:

16 PA Code 44.1 et seq
18 Pa. C.S.A. 2709
28 CFR 35.140
28 CFR Part 41
29 CFR Parts 1600-1691

Administrative Procedures:

348 Procedure A
348 Procedure B

Administrative Procedure A: Harassment and Discrimination - Employees
(Attachment for Policy No. 348)

Purpose

The School District of Philadelphia ("District") is committed to providing a safe, positive working climate for its employees. The purpose of these procedures is to establish the process to be utilized when a complaint of harassment or discrimination of an employee is reported. While the nature of an individual claim may range in severity or impact, the goal is to ensure the process is clear to all employees.

~~An employee or third party may utilize either the informal or formal complaint procedure.~~

Definitions

Discrimination: To treat individuals differently or to harass or victimize based on one or more known or perceived protected classifications including race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification. A single incident of discrimination may implicate more than one protected class

Harassment: A form of discrimination based on an individual's known or perceived race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, sexual misconduct, or other conduct that may be harmful or humiliating or interfere with a person's work performance, including when:

Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or

a. **Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or**
b. **Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions.**

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. A single incident of harassment may implicate more than one protected class. For example, an individual may be targeted because of their race and sexual orientation.

Title IX sexual harassment: Conduct on the basis of sex, that satisfies one or more of the following:

- **A District employee conditioning the provision of an aid, benefit, or District service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment;***
- **Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a District education program or activity; or**
- **Sexual assault, dating violence, domestic violence, or stalking.**

Informal Resolution: Informal Resolution may encompass a broad range of conflict resolution strategies including, but not limited to, formal mediation or a facilitated discussion between the parties, or targeted or broad-based educational programming or training.

Procedures

Formal Complaint Procedure ~~– Employee/Third Party~~

Step 1 – Reporting

An employee or third party who believes ~~s/he has~~ **they have** been subject to conduct by any employee or third party that constitutes a violation of Policy 348 is encouraged to immediately report the incident **in one of the following ways:**

1. **Complete the Employee Discrimination and/or Harassment Reporting Form;**[1]
2. **Email employeetitleIXcomplaints@phillasd.org; or**
3. **Report the conduct** to the**ir** building principal **or** ~~/~~immediate supervisor.[2]

~~If the building principal/immediate supervisor is the subject of a complaint, the employee or third party shall report the incident directly to the Title IX Deputy Coordinator~~. **Retaliation against any person for filing a complaint, testifying, participating or assisting in an investigation, or opposing practices the person reasonably believes to be discriminatory is prohibited. However, employees who knowingly make a false complaint may be subject to disciplinary action, up to and including possible discharge.**

Principals/immediate supervisors who receive complaints shall encourage the complainant to submit the complaint via the Reporting Form. The principal/immediate supervisor also

[1] The Employee Discrimination and/or Harassment Reporting Form is available at https://www.philasd.org/employeerelations/forms/employee-discrimination-and-harassment-reporting-and-investigation-form/

[2] If the building principal/immediate supervisor is the subject of a complaint, the employee or third party shall report the incident directly to Office of Talent via the Employee Discrimination and/or Harassment Reporting Form or by email to employeetitleIXcomplaints@phillasd.org

shall notify the Deputy, Employee & Labor Relations and provide all relevant details of the complaint (name of complainant, respondent, witnesses and any known facts). ~~If the building principal/immediate supervisor is unable to conduct the investigation, the employee or third party shall report the incident directly to the Title IX Deputy Coordinator.~~

Step 2 - Initial Assessment

Employee respondent: Upon receiving a ~~written~~ complaint of **alleged** ~~unlawful~~ harassment or ~~sex~~ discrimination **by an employee**, ~~the building principal/immediate supervisor shall immediately notify the Title IX Deputy Coordinator(s).~~ ~~T~~**t**he **Deputy, Employee & Labor Relations**~~Title IX Deputy Coordinator(s)~~ shall **assign an investigator to conduct an initial assessment as follows:** ~~authorize the building principal/immediate supervisor to investigate the complaint, unless the building principal/immediate supervisor is the subject of the complaint or is unable to conduct the investigation.~~

a. **If the alleged conduct, if proved, would constitute harassment or discrimination in violation of Policy 348 the investigator shall conduct an investigation in accordance with Step 3 below.**
b. **If the alleged conduct, if proved, would not constitute harassment or discrimination in violation of Policy 348, the investigator shall:**
    i. **Refer the complaint to the respondent's supervisor, or another individual, as appropriate, for investigation in accordance with an applicable Board policy and/or Collective Bargaining Agreement, for example Policy 300 - Employee Code of Ethics or Policy 316 - Staff Use of Social Media and Electronic Communications; or**
    ii. **Offer the complainant the option to pursue an informal complaint process.**

Third party respondent: If the respondent is a third party, the Deputy, Employee & Labor Relations shall make a determination as to how to proceed.

Student respondent: If the respondent is a student, the Deputy, Employee & Labor Relations shall refer the complaint for investigation to the Compliance Officer/Title IX Coordinator pursuant to Policy 248 - Harassment of Students or other applicable policy.

Informal Complaint Procedure

The Informal Complaint Procedure may be utilized in cases where conduct may be offensive**, but does not on its face rise to the level of a policy violation,** and the complainant wishes for the conduct to be addressed, or in cases where the ~~C~~**c**omplainant does not wish to utilize the Formal Complaint Procedure and the Informal Complaint Procedure is deemed appropriate by the Deputy, Employee & Labor Relations. In such cases, the **investigator may recommend or the** complainant may request an Informal Resolution~~, either~~ through ~~their supervisor or through~~ the Office of Employee Relations ~~notify the offending party directly, but is not required to do so. The employee or third party may also request a supervisor to intervene by notifying the alleged offender that the specific offensive behavior(s) will not be tolerated in the workplace~~. ~~In such case, the supervisor must discuss the matter with the alleged offender~~. **The respondent has the**

right to refuse or disengage in the Informal Complaint Procedure at any time. ~~Copies will also be forwarded to the Law Department of the School District of Philadelphia. The accused shall have the right of representation during his/her interview with the supervisor as required by the applicable collective bargaining agreement.~~

If the complainant is not satisfied with the result of the ~~i~~**I**nformal **Complaint** ~~p~~**P**rocedure, ~~s/he~~ **they** may submit a formal complaint in accordance with this **or another applicable** policy.

Step 3 – Investigation

~~Upon receiving a written complaint of unlawful harassment or sex discrimination, the building principal/immediate supervisor shall immediately notify the Title IX Deputy Coordinator(s). The Title IX Deputy Coordinator(s) shall authorize the building principal/immediate supervisor to investigate the complaint, unless the building principal/immediate supervisor is the subject of the complaint or is unable to conduct the investigation.~~

The ~~building principal or investigative officer~~ **investigator** shall conduct an adequate, reliable and impartial investigation and shall provide ~~the opportunity for~~ each party **the opportunity** to present witnesses and other evidence. ~~Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation.~~

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

~~The investigator shall attempt to secure statements from all participants in and witnesses to the complaint.~~ The ~~accused~~ **respondent** shall have the right of representation during ~~his/her~~ **their** interview ~~as~~ **if** required by the applicable collective bargaining agreement. ~~or district practice.~~

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 particular procedural steps would directly impede a criminal investigation. The investigator should coordinate with any other ongoing school or criminal investigations of the incident. The District will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the school community and the avoidance of retaliation.

The failure of the accused **or any witness** to participate in the investigation into a written complaint ~~shall~~ **may** be grounds for discipline, up to and including possible discharge for cause.

All investigations shall be completed by the assigned investigator within **sixty** ~~thirty~~ (~~30~~**60**) days from the filing date of the complaint. Extenuating circumstances for not being able to comply with the deadline must be approved by the **Deputy, Employee & Labor Relations or designee**~~Title IX Deputy Coordinator(s)~~. The extension must be **for** a ~~specified~~ **reasonable** period of time**, given the circumstances** ~~not exceeding twenty-five (25) days,~~ and must be communicated to the complainant **and the respondent**.

Step 4 – Investigative Report

The **investigator** ~~building principal/immediate supervisor~~ shall prepare and submit a written report to the **Deputy, Employee & Labor Relations** ~~Title IX Deputy Coordinator(s)~~, which shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether **the investigation revealed a** ~~it is a~~ violation of this **or any Board** policy, the **rationale** ~~basis~~ for the determination**, and a recommendation that the respondent's supervisor take appropriate corrective action**~~, and a recommended disposition of the complaint~~.

The complainant and the **respondent** ~~accused~~ shall be provided written notice of the outcome of the investigation, including **a summary of the investigation and the determination.**~~the recommended disposition of the complaint. The accused shall not be notified of the individual remedies offered or provided to the complainant~~.

Step 5 – District Action

If the investigation results in a finding that the complaint is **substantiated** ~~factual~~ and constitutes a violation of ~~this~~ **a Board** policy, the investigation report is issued to the manager, who shall take prompt action to **address the conduct through the disciplinary process.** ~~ensure that such conduct ceases.~~

~~The district shall take steps to prevent the recurrence of prohibited conduct and to remedy the discriminatory effect on the victim or 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 SRC policies, administrative procedures, applicable collective bargaining agreements, and state and federal laws and may include counseling, suspension, reassignment, or termination.~~ The corrective action may include, but is not limited to, appropriate supports and interventions for **complainants.** ~~students~~ **and** ~~who are either victims or perpetrators or improper conduct, in accordance with District services and programs, which may include Tier II and II or Response to Instruction and Intervention (RtII); Positive Behavior Interventions & Supports (PBIS); Student Assistance Program (SAP); counseling services; parent meetings; referrals to appropriate resources outside of the District; student discipline pursuant to the Code of Student Conduct;~~ **The corrective action may also include, but is not limited to,** employee discipline in accordance with a~~ny applicable collective bargaining agreement or contract, including but not limited to counseling, suspension, expulsion. Disciplinary actions shall be consistent with SRC~~ **Board** policies, administrative procedures, applicable collective bargaining agreements, and state and federal laws**,** ~~and may~~ includ**inge** counseling, suspension, reassignment**,** or termination.

The District shall take steps to prevent the recurrence of prohibited conduct and to remedy the effect of the conduct on the complainant and others, if appropriate. District staff shall document the corrective action taken.

~~If it is concluded that an employee has knowingly made a false complaint under this policy, such employee shall be subject to disciplinary action, up to and including possible discharge. [11]~~

~~Appeal Procedure~~

1. ~~If the complainant or 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 Title IX Deputy Coordinator(s) within fifteen (15) days of her/his receipt of written notice of final disposition/action taken. The appeal will be conducted in an impartial manner by an impartial decision-maker.~~
2. ~~The Title IX Deputy Coordinator(s) shall review the investigation and the investigative report and may also conduct a reasonable investigation.~~
3. ~~The Title IX Deputy Coordinator(s) shall prepare a written response to the appeal within fifteen (15) days. This time period may be extended by the Title IX Deputy Coordinator(s) under circumstances where winter, spring, or summer break coincides with the investigatory period or for other reasonable cause. Copies of the response shall be provided to the complainant, the accused and the building principal/immediate supervisor who conducted the initial investigation.~~

The name and contact information for the District's **Deputy, Employee & Labor Relations** ~~Title IX Deputy Coordinator~~ for inquiries related to Policy 348 is:

Michelle Chapman
Deputy, Employee & Labor Relations
~~Chief Talent Officer~~
440 N. Broad Street
Philadelphia PA 19130
215-400-4600

Administrative Procedure B: Title IX Sexual Harassment
(Attachment for Policies 248 and 348)

The Title IX sexual harassment procedures and grievance process for formal complaints prescribed in this document apply only when the Compliance Officer/Title IX Coordinator or Employee Title IX Coordinator determines that a report or complaint includes allegations of Title IX sexual harassment subject to Title IX regulations.

All other reports or complaints of discrimination, harassment, or retaliation, other than Title IX sexual harassment, shall follow the complaint process established in the relevant policy and its administrative procedures and its administrative procedures. [1][2][3][4][5]

Purpose

The School District of Philadelphia ("District") is committed to maintaining schools that are spaces with inclusive climates and that support the social, emotional, and mental health of all students and staff. The purpose of these procedures is to maintain an educational environment in which Title IX sexual harassment, which is a form of discrimination, is not tolerated and to establish procedures for handling reports of Title IX sexual harassment.

Definitions

For purposes of these procedures, terms are defined as follows:

Actual knowledge: Notice of sexual harassment or allegations of sexual harassment to the District's Compliance Officer/Title IX Coordinator or to any employee, other than the Respondent.

Complainant: Any individual who is alleged to be the victim of Title IX sexual harassment.

Disciplinary transfer: Transfer of student made pursuant to a disciplinary hearing or recommendation of the Decision-maker pursuant to the Title IX grievance procedure.

Exculpatory evidence: Evidence tending to exonerate the Respondent or help to establish their innocence.

Formal complaint: A document filed by a Complainant or signed by the applicable Title IX Coordinator alleging Title IX sexual harassment and requesting that the District investigate the allegation. The authority for the applicable Title IX Coordinator to sign a formal complaint does not make the applicable Title IX Coordinator the Complainant or other party during the grievance process. The phrase "**document filed by a Complainant**" refers to a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

Inculpatory evidence: Evidence tending to incriminate the Respondent or indicate their guilt.

Respondent: Any individual who is reported to be the perpetrator of conduct that could constitute Title IX sexual harassment.

Retaliation: Actions including, but not limited to, intimidation, threats, coercion, or discrimination against a Complainant or other person because they report conduct that may constitute discrimination or harassment, including Title IX sexual harassment, in accordance with Board policy and procedures, participate in an investigation or other process addressing discrimination or Title IX sexual harassment, or act in opposition to discriminatory practices.

The following actions shall ***not*** constitute retaliation:

1. An individual exercising free speech under the rights protected by the First Amendment.
2. The assignment of consequences consistent with Board policy, the Pennsylvania Public School Code, applicable collective bargaining agreements, and the District's Code of Conduct[1] when an individual knowingly makes a materially false statement in bad faith in an investigation. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

Supportive measures: Nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Possible supportive measures include, but are not limited to, the following actions:

1. Parent/student conferences;
2. Offer of one-to-one counseling with appropriate professional staff;
3. Behavioral supports, such as Functional Behavioral Assessments, check in/check out, and Positive Behavior Support Plans;
4. Increased adult supervision in hot spot areas and during transition times (e.g. admission and dismissal, classroom changes, lunch, recess);
5. Social skills training, including role playing;
6. Positive incentives and reinforcements for appropriate or improved behavior;
7. Development of a safety plan for the Complainant; and
8. Daily report.

Title IX sexual harassment: Conduct on the basis of sex that satisfies one or more of the following:

1. A District employee conditioning the provision of an aid, benefit, or District service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*;

[1] The Code of Conduct is available at https://www.philasd.org/studentrights/

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, *and* objectively offensive that it effectively denies a person equal access to a District education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.
    a. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
        1) Length of relationship.
        2) Type of relationship.
        3) Frequency of interaction between the persons involved in the relationship.
    b. **Domestic violence**: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
    c. **Sexual assault**: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
    d. **Stalking:** Under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
        1) Fear for their safety or the safety of others, or
        2) Suffer substantial emotional distress.

Such conduct must have taken place during a District education program or activity and against a person in the United States to qualify as sexual harassment. An **education program or activity** includes the locations, events, or circumstances over which the District exercises substantial control over both the Respondent and the context in which the harassment occurs.

Conduct on the basis of sex or gender includes conduct on the basis of sexual orientation and gender identity. Sexual harassment can take place regardless of sexual orientation or gender identity and can happen among people of the same gender identity.

Title IX Sexual Harassment Procedures

I. General Response

A. *Reporting*

A report may be made at any time, including during nonbusiness hours.

NOTE: It is critical when receiving a complaint to determine whether immediate steps must be taken to avoid further harm, such as keeping students separated, getting medical/behavioral health aid for anyone harmed, etc.

A.1. Reporting Sexual Harassment of a Student

Any person, whether the alleged victim or not, may submit a report alleging Title IX sexual harassment of a student by any means that results in the Compliance Officer/Title IX Coordinator receiving the person's verbal or written complaint including:

1. Completing the online Bullying Harassment and Discrimination Reporting form;[2]
2. Calling the Bullying/Harassment hotline at 215-400-SAFE;
3. Submitting a complaint via Safe2Say;[3]
4. Emailing the Compliance Officer/Title IX Coordinator directly at antiharassment@philasd.org; or
5. Reporting the incident to the building principal or designee, or to any other member of the school staff, including teachers, guidance counselors, bilingual counseling assistants (BCAs), coaches, and administrators.

A report may be made at any time, including during nonbusiness hours. Complaints will be treated the same, regardless of whether they are made verbally or in writing.

Any school employee who receives a complaint or witnesses, suspects, or is notified that a student may have been subject to conduct that constitutes a violation of this policy shall immediately complete the online Bullying Harassment and Discrimination Reporting form, report the incident to the building principal or designee, and properly make any mandatory police or child protective services reports required by law or Board policy.

If the building principal is the subject of a complaint, the student, parent/guardian, third party, or employee shall report the incident directly to the Compliance Officer/Title IX Coordinator.

A.2. Reporting Sexual Harassment of an Employee

Any person, whether the alleged victim or not, may report Title IX sexual harassment of an employee by any means that results in the Employee Title IX Coordinator receiving the person's verbal or written complaint including:

[2] The online Bullying, Harassment, and Discrimination Reporting form is available at https://pareporting.hibster.com/Pages/Home.aspx?id=241

[3] The Safe2Say complaint form is available at safe2saypa.org

1. Using the Employee Discrimination, Harassment, and Sexual Misconduct Reporting and Investigation form;[4]
2. Making a general report verbally or in writing to their supervisor; or
3. Using the contact information listed for the Employee Title IX Coordinator.

Upon receipt of a report, all supervisors and employees shall immediately notify the Employee Title IX Coordinator at employeerelations@philasd.org.

District staff who become aware of conduct that may constitute Title IX sexual harassment affecting a staff member shall promptly report it to their supervisor or the Employee Title IX Coordinator.

All reports shall be documented by the Employee Title IX Coordinator and these procedures shall be implemented appropriately.

B. *District's Initial Response*

When the District has actual knowledge of Title IX sexual harassment, the District is required to respond promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances. If either party is an identified student with a disability, or thought to be disabled, the Compliance Officer/Title IX Coordinator shall contact the school's Director of Special Education to coordinate the required actions in accordance with Board policy.

If a student is identified as a party in the report, parents/guardians of students have the right to act on behalf of the Complainant, the Respondent, or other individual at any time.

The District's initial response through the applicable Title IX Coordinator shall include the following steps which are set forth in more detail in sections B.1 through B.4 below:
1. Conduct an initial assessment of the information submitted in the report;
2. If the Complainant or Respondent is a student, notify their parents/guardians;
3. Contact the Complainant to discuss the availability of supportive measures; and
4. Work with appropriate school personnel to promptly conduct an individualized safety and risk analysis.

An emergency reassignment of an employee may be initiated when warranted to address an immediate threat to the health, well-being, or safety of an individual or a school community. Emergency reassignment must be approved by Deputy, Employee and Labor Relations.

An accused nonstudent District employee may be placed on administrative leave or administrative assignment during the pendency of the grievance process for Formal Complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with

[4] The Employee Discrimination, Harassment, and Sexual Misconduct Reporting and Investigation form is available at https://www.philasd.org/employeerelations/forms/employee-discrimination-and-harassment-reporting-and-investigation-form/

Disabilities Act, and in accordance with state law and regulations, Board policy, and an applicable collective bargaining agreement or individual contract.

When an emergency removal of a student is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability, where applicable.

B.1. Initial Assessment by Compliance Officer/Title IX Coordinator

Based on the chart below, the applicable Title IX Coordinator shall gather additional information from the reporter and/or other parties identified in the report, to determine if the allegations meet the definition and parameters for Title IX sexual harassment.

The applicable Title IX Coordinator shall promptly contact the Complainant to gather additional information as necessary, and to discuss the availability of supportive measures. The applicable Title IX Coordinator shall consider the Complainant's wishes with respect to supportive measures.

The applicable Title IX Coordinator shall assess whether the reported conduct:

1. Meets the definition of Title IX sexual harassment;
2. Occurred in a District program or activity under the control of the District against a person in the United States;
3. Involves other Board policies;
4. Indicates, based on the individualized safety and risk analysis,[5] that there is an immediate threat to the physical health or safety of an individual; and
5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.

Complainant	**Respondent**	**Initial assessment conducted by:**	**Investigation/Decision-making/Appeal:**	**Supportive measures provided by:**
Student	Student	Compliance Officer/Title IX Coordinator	Compliance Officer/Title IX Coordinator	Compliance Officer/Title IX Coordinator
Employee	Student	Employee Title IX	Compliance	Employee Title

[5] When the Respondent is an employee, the Employee Title IX Coordinator shall conduct the Safety and Risk analysis and oversee the process for emergency removal. When the Respondent is a student, the Compliance Officer/Title IX Coordinator shall conduct the Safety and Risk analysis and oversee the process for emergency removal.

		Coordinator	Officer/Title IX Coordinator	IX Coordinator
Student	Employee	Compliance Officer/Title IX Coordinator	Employee Title IX Coordinator	Compliance Officer/Title IX Coordinator
Employee	Employee	Employee Title IX Coordinator	Employee Title IX Coordinator	Employee Title IX Coordinator

If the result of this initial assessment determines that the reported conduct does not meet the definition of Title IX sexual harassment but could involve other Board policies, the individual conducting the assessment shall assess whether the reported conduct involves other Board policies or the Code of Conduct and, if so, shall inform the Complainant of this assessment and redirect the Complaint to the appropriate administrator to address the allegations.

If the result of the initial assessment determines that the allegations may constitute Title IX sexual harassment, the individual conducting the assessment shall promptly explain to the Complainant the process for filing a Formal Complaint and inform the Complainant of the continued availability of supportive measures with or without the filing of a Formal Complaint. If the Complainant does not wish to file a Formal Complaint, the applicable Title IX Coordinator shall inform the Complainant of other options available to them, as appropriate, and direct the report to the appropriate office or administrator to address the allegations under other Board policies, if applicable.

The District is required to initiate the grievance process for Formal Complaints when a Complainant or the Complainant's parent/guardian files a Formal Complaint. The applicable Title IX Coordinator is also authorized, but not required, to initiate this process despite a Complainant's wishes when the applicable Title IX Coordinator determines it is not clearly unreasonable to initiate the Formal Complaint process against the Complainant's wishes. Only the applicable Title IX Coordinator is authorized to initiate the Formal Complaint process despite a complainant's wishes, but the applicable Title IX Coordinator may consult with the Office of General Counsel ("OGC") and other District officials in making this decision. A decision not to initiate the Formal Complaint process does not bar the District from investigating and resolving the complaint pursuant to the Code of Conduct or other Board policies or administrative procedures.

B.2. Parental Notification

If the Complainant or Respondent is a student, the Compliance Officer/Title IX Coordinator shall contact the parents/guardians of the Complainant and Respondent to provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for Formal Complaints.

If the Complainant, school staff, or others with professional knowledge relating to the Complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the Complainant or other person(s), the Compliance Officer/Title IX Coordinator will determine, in consultation with such individuals and upon advice of OGC, whether to delay notification of the report from the Complainant's parents/guardians until such time as it has been determined that the student's safety is not at risk.

B.3. Supportive Measures

The applicable Title IX Coordinator, in conjunction with the building administrator or other appropriate District or school-based staff, shall determine what supportive measures may be offered to both the Complainant and the Respondent.

Supportive measures shall be designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:

1. Counseling or Employee Assistance Program,
2. Extensions of deadlines or other course-related adjustments,
3. Modifications of work or class schedules,
4. Campus escort services,
5. Mutual restrictions on contact between the parties,
6. Changes in work or housing locations,
7. Leaves of absence,
8. Increased security measures or protocols,
9. Monitoring of certain areas of the campus,
10. Referrals to domestic violence or rape crisis programs, and
11. Referrals to community health resources including counseling resources.

Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program ("IEP") or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or Functional Behavioral Assessment ("FBA"), in accordance with applicable law, regulations, or Board policy. Supports may need to be changed to meet a student's evolving needs and may span multiple school years.

When any party is an identified student with a disability, or thought to be a student with a disability, the Compliance Officer/Title IX Coordinator shall notify the school's Director of Special Education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, FBA, or other assessment or evaluation, in accordance with applicable law, regulations, or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming,

and when a student's behavior violates the Code of Conduct and is determined to be a manifestation of a student's disability.

B.4. Safety and Risk Analysis/Emergency Removal

Nothing precludes the District from removing a Respondent from the education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student, employee, or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with appropriate notice and an opportunity to challenge the decision immediately following the removal in accordance with applicable Board policy or administrative procedures or collective bargaining agreements.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. If the Respondent is an identified student with a disability, or thought to be disabled, the Compliance Officer/Title IX Coordinator shall contact the school's Director of Special Education to coordinate the required actions in accordance with Board policy.

When an emergency removal of a student is required by law or is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.

When expulsion of a student is necessary because continuation of educational services is not feasible, the Board's written adjudication of expulsion shall address the pending Title IX process and the impact of the outcome of the Title IX process on a student's emergency removal status.

C. Disciplinary Procedures When Reports Allege Title IX Sexual Harassment

When reports allege Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of this grievance process. The District shall presume that the Respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for Formal Complaints.

C.1. Discipline/Placement of Student Convicted or Adjudicated of Sexual Assault

Upon notification of a conviction or adjudication of a student in the District for sexual assault against another student enrolled in the District, the District shall comply with the disciplinary or placement requirements established by state law and the Code of Conduct.

D. Confidentiality

All supportive measures provided by the District shall remain confidential, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.

Confidentiality regarding the identity of the individuals making a report or Formal Complaint, Complainant(s), Respondent(s), and witnesses shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation.

E. Reasonable Accommodations

Throughout the Title IX sexual harassment procedures, the District shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, and address barriers being experienced by disadvantaged students such as English learners and students experiencing homelessness, consistent with the requirements of federal and state laws and regulations and Board policy.

F. Required Reporting Under Other Policies

In addition to implementing the Title IX sexual harassment procedures, the applicable Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations, or Board policies is also appropriately reported in accordance with the applicable laws, regulations, or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse.

G. Timeframes

The established timeframes included in these procedures, below, may be adjusted to allow for a temporary delay or a limited extension of time for good cause. The applicable Title IX Coordinator shall provide written notice of the delay or extension and the reason for such action to the Complainant and the Respondent, and document such notice with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence or temporary unavailability of a party, a party's advisor, or a witness;
2. Concurrent law enforcement activity; or
3. Need for language assistance or accommodation of disabilities.

H. Dismissal and Redirection of Title IX Formal Complaints

The applicable Title IX Coordinator shall dismiss Formal Complaints, if at any time during the investigation or prior to the written determination it is determined that none of the allegations, even if true, would meet the definition and parameters of Title IX sexual harassment within the District's jurisdiction.

The applicable Title IX Coordinator may dismiss Formal Complaints, if at any time during the investigation or prior to the written determination:

1. A Complainant provides written notification of withdrawal of any allegations or of the Formal Complaint;
2. The Respondent is no longer enrolled or employed by the District in a District program or activity; or
3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations.

Regardless of dismissal as a Formal Complaint, if the matter merits review and possible action under the Code of Conduct, other Board policies, or administrative procedures, then the applicable Title IX Coordinator shall redirect the report to the appropriate individual to address the allegations. Appropriate individuals could include a principal or school administrator, central-office administrator, or contracted entity.

Written notification shall be promptly issued by the applicable Title IX Coordinator to the parties simultaneously of any allegations found not to qualify or that are dismissed in compliance with Title IX. Written notification shall state whether the allegations will continue to be addressed pursuant to the Code of Conduct, other Board policies, or administrative procedures.

A dismissal may be appealed by either the Respondent or Complainant via the appeal procedures set forth below.

I. Consolidation of Title IX Formal Complaints

The Compliance Officer/Title IX Coordinator may consolidate Formal Complaints against more than one (1) Respondent, or by more than one (1) Complainant against one (1) or more Respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

II. Grievance Process for Formal Complaints

A. Formal Complaint

To file a Formal Complaint, a Complainant must provide the applicable Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants may file a Formal Complaint under this Policy only if they are currently participating in, or attempting to participate in, the education programs or activities of the District, including as an employee.

The District is required to initiate the grievance process for Formal Complaints when a Complainant files a Formal Complaint.

The Title IX Formal Complaint Form shall be used to file or sign a Formal Complaint.

The applicable Title IX Coordinator shall investigate the complaint or promptly assign the investigation to another appropriately trained individual.[6]

An employee Complainant who files a Formal Complaint may request, at any time, to address the matter through the District's informal resolution process.

B. Notice

The applicable Title IX Coordinator shall provide written notice of a Formal Complaint to all known parties, and the parents/guardians of known parties, where applicable, providing the following information:

1. Notice of the District's grievance process for Formal Complaints and any informal resolution process that may be available.
2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
    a. the identity of the parties involved, if known;
    b. the conduct allegedly constituting sexual harassment; and
    c. the date and location of the alleged incident(s), if known.
3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for Formal Complaints and, until that time, the Respondent is presumed not responsible for the alleged conduct.
4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.
5. Notice that Board policy, the Employee Code of Ethics,[7] and the Code of Conduct prohibit knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints.
6. Notice of any additional allegations that the District decides to investigate during the course of the investigation.

C. Investigation

The designated investigator, if other than the applicable Title IX Coordinator, shall work with the applicable Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed, and what records or evidence may be relevant to the investigation.

The Respondent shall be presumed not responsible for the alleged conduct until a written determination regarding responsibility has been made at the conclusion of the grievance process for Formal Complaints.

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[6] The applicable Title IX Coordinator, investigator, Decision-maker, and appeal Decision-maker must have completed the required training for such roles and shall not have a conflict of interest or bias for or against an individual Complainant or Respondent, or for or against Complainants or Respondents in general.

[7] The Employee Code of Ethics is available at https://www.philasd.org/schoolboard/policies/

The investigation stage shall be concluded within ninety (90) calendar days but the investigator shall strive to complete the investigation within thirty (30) calendar days whenever possible.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to request for a delay in fulfilling the District's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation and the reason for such delay shall be documented by the investigator.

When investigating a Formal Complaint, the investigator shall:

1. Gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the District obtains the voluntary, written consent of the party, or the party's parent/guardian when legally required, the District cannot access, consider, disclose, or otherwise use, as part of the investigation, a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party.
2. Provide written notice to any individual whose participation is invited or expected during the investigation process with the following information, in sufficient time for the individual to prepare to participate:
    a. Date,
    b. Time,
    c. Location,
    d. Participants, and
    e. Purpose of all investigative interviews or other meetings.
3. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
4. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
5. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. However, the District may request a nondisclosure agreement be signed by the parties and their advisor(s), if any, stating that they will not disseminate or disclose evidence and documents exchanged in the investigation.
6. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The District may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the District does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

C.1. New Allegations

If at any point the investigation expands to include additional allegations that were not included in the initial notice provided upon initiation of the grievance process for Formal Complaints, the investigator shall alert the applicable Title IX Coordinator. The applicable Title IX Coordinator or assigned investigator shall provide written notice of the new allegations to the known parties.

C.2 Simultaneous Investigations

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX sexual harassment may be identified as part of the same incident or set of circumstances. The fact that there may be Title IX sexual harassment involved does not preclude the District from addressing other identified violations of the Code of Conduct, Employee Code of Ethics, or Board policy. If such other conduct is being investigated and addressed together with Title IX sexual harassment as part of the Title IX grievance process for Formal Complaints, disciplinary action normally should not be imposed until the completion of the Title IX grievance process for Formal Complaints. A decision whether and when to take such action should be made in consultation with OGC.

C.3. Possible Violation of Criminal Law

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the applicable Title IX Coordinator, who, if required by state law and regulations or the procedures set forth in the memorandum of understanding with local law enforcement, shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations, and Board policy.

C.4. Investigative Report and Report Review

Prior to finalizing the investigative report, the investigator shall:

1. Send to each party and the party's advisor, if any, the draft investigative report and any evidence obtained as part of the investigation that is directly related to the allegations, subject to inspection and review, in electronic or hard copy format;
2. Provide the parties at least ten (10) calendar days following receipt of the draft report and evidence to submit a written response; and
3. Consider the written response and incorporate any relevant additional information or comments into the investigative report prior to finalizing the report.

Once the report is finalized, the investigator shall provide the investigative report to all parties and to the designated Decision-maker.

D. Written Determination and District Action

D.1. Designation of Decision-Maker

To avoid any conflict of interest or bias, the Decision-maker cannot be the same person as the applicable Title IX Coordinator or the investigator. The responsibility as the Decision-maker for complaints of Title IX sexual harassment shall be determined by the applicable Title IX Coordinator on a case by case basis. If the assigned Decision-maker has a conflict of interest or is a party in the Formal Complaint process, they shall disclose the conflict and the applicable Title IX Coordinator shall designate another individual to serve as the Decision-maker.

D.2. Submissions for Written Determination

Before the Decision-maker reaches a written determination of responsibility ("Determination"), the Decision-maker shall afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party. Therefore, a Determination must not be finalized less than fourteen (14) days after the investigator completes the investigative report and provides it to all parties.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant as part of the follow-up questions and responses, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The Decision-maker may determine that a question is not relevant and shall explain to the party proposing the question their reasoning for any decision to exclude a question as not relevant.

Relevant questions for a party or witness must be submitted by each party within seven (7) calendar days following receipt of the investigative report. Follow-up questions must be submitted by each party within seven (7) calendar days of being provided the answers to the initial questions.

D.3. Written Determination

The Decision-maker must issue a Determination for the conduct alleged in Formal Complaints. To reach this Determination, the Decision-maker shall apply the preponderance of the evidence standard, meaning that the decision-maker must find that it is more probable than not that the alleged conduct occurred and constitutes Title IX sexual harassment.

In considering evidence, the Decision-maker shall ensure credibility determinations are not based on an individual's status as a Complainant, Respondent, or witness.

After considering all relevant evidence, the Decision-maker shall issue a Determination in writing that includes:

1. Identification of the allegations potentially constituting Title IX sexual harassment.
2. A description of the procedural steps taken from the receipt or signing of the Formal Complaint through to the Determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
3. Findings of fact supporting the Determination.
4. Conclusions regarding the application of the Code of Conduct or Board policies to the facts.
5. A statement of, and rationale for, the result as to each allegation, including:
    a. Determination regarding responsibility.
    b. Recommended disciplinary sanctions.
    c. Remedies designed to restore or preserve equal access to the District's education program or activity that will be provided by the District to the Complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the Respondent.
6. The procedures, deadline, and permissible bases for the Complainant and Respondent to appeal.

The Determination shall be provided to the parties simultaneously. The Determination becomes final either:

1. On the date that the District provides the parties with the written decision of the result of the appeal, if an appeal is filed;
2. Or, if an appeal is not filed, on the date on which an appeal would no longer be considered timely, in accordance with the timeframe established for appeals set forth below.

The applicable Title IX Coordinator or designee shall be responsible to ensure that any remedies are implemented by the appropriate District officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions, including a recommendation of disciplinary transfer or expulsion, shall be consistent with the Code of Conduct, Board policies and administrative procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities.

Employees shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreements, and individual contracts, up to and including dismissal and/or referral to law enforcement officials.

IEP Team/Section 504 Team Notification

If a complaint is substantiated and either the Respondent or the Complainant is a student with a disability who has an Individualized Education Plan ("IEP") or a Section 504 Plan, the principal or bullying designee must notify the student's IEP Team or Section 504 Team.

The appropriate team must convene to make a determination of whether and how the student's IEP or 504 plan should be amended and the extent to which additional or different services or evaluations are needed and ensure that any needed changes are made promptly. If a change of placement is considered, Section 504 or IEP services must be provided in an educational setting with persons who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

E. Appeals

Complainants and Respondents have the right to appeal a Determination and the right to appeal the District's dismissal of a Title IX Formal Complaint or dismissal of any allegation in the Title IX Formal Complaint.

Written notice of an appeal shall be submitted to the applicable Title IX Coordinator within fifteen (15) calendar days after the date of the Determination. Students should send appeals to antiharassment@philasd.org, and employees should send appeals to employeerelations@philasd.org, using the Notice of Appeal form referenced in the Determination Letter. Regardless of form, an appeal is required to include a brief statement describing the basis for the appeal, which is limited to the following reasons as stated in the Title IX regulations:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that could affect the outcome was not reasonably available at the time the decision to dismiss or Determination was made; or
3. The applicable Title IX Coordinator, investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against the individual Complainant or Respondent or for or against Complainants or Respondents generally that affected the outcome of the matter.

The applicable Title IX Coordinator shall forward the appeal for review and processing to the Appeal Decision-maker. If the assigned Appeal Decision-maker has a conflict of interest, they shall disclose the conflict and the applicableTitle IX Coordinator shall designate another Appeal Decision-maker.

The Appeal Decision-maker shall provide written notice to the other party when Notice of Appeal is filed and implement appeal procedures equally for both parties as follows.

Statements in support of the stated basis for the appeal must be submitted to the Appeal Decision-maker within seven (7) calendar days of the written notice of appeal. All responses and appeals will be shared with all parties.

Statements in opposition to the appeal shall be submitted within seven (7) calendar days of the submission of the statement in support.

The Appeal Decision-maker shall determine whether the appeal meets the grounds for permitted reasons for appeal and if so, justifies modifying the written determination. Within twenty-one (21) calendar days of receipt of the appeal, the Appeal Decision-maker shall issue a written

decision denying the appeal or setting forth the respects in which the written determination is modified and the rationale. The written decision shall be provided simultaneously to both parties as well as to the applicable Title IX Coordinator.

F. Disciplinary Action

Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions, terminations, or other disciplinary actions, including specific provisions to address a student with a disability, where applicable.

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement, and individual contract, up to and including dismissal and/or referral to law enforcement officials.

III. Title IX Sexual Harassment Training Requirements

The Compliance Officer/Title IX Coordinator, Deputy, Employee & Labor Relations, investigator(s), decision-maker(s), and any individual designated to facilitate an informal resolution process related to Title IX sexual harassment shall receive the following training, as required or appropriate to their specific role:

1. Definition of sexual harassment;
2. Scope of the District's education program or activity, as it pertains to what is subject to Title IX regulations;
3. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals, and informal resolution processes, as applicable;
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
5. Use of relevant technology;
6. Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant;
7. Issues of relevance, weight of evidence, and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence; and
8. How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or Board policy.

All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex, sexual orientation and gender identity stereotypes.

IV. Recordkeeping

The District shall maintain the following records for a minimum of seven (7) years after conclusion of procedures and implementation of disciplinary sanctions and/or remedies, or in the case of a Complainant or Respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation:

1. Each Title IX sexual harassment investigation, including any written determination and any audio or audiovisual recording or transcript, and disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the District's education program or activity;
2. Any appeal filings and the result;
3. Any records related to an informal resolution and the result;
4. All materials used to train the applicable Title IX Coordinator, investigators, Decision-makers, and any person who facilitates an informal resolution process; and
5. Records of any District actions, including any supportive measures, taken in response to a report or Formal Complaint of Title IX sexual harassment.
    a. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity.
    b. If the District does not provide a Complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

Related References:

1. Policy 102 - Multiracial, Multicultural, and Gender Education
2. Policy 103 - Nondiscrimination in School and Classroom Practices
3. Policy 103.1 - Nondiscrimination-Qualified Students with Disabilities-Protected Handicapped Students
4. Policy 248 - Harassment and Discrimination of Students
5. Policy 348 - Harassment and Discrimination of Eemeregemployees
6. Policy 806 - Child Abuse
7. Policy 805.1 - Relations with Law Enforcement
8. Policy 317 - Employee Misconduct and Reporting Requirements
9. Policy 113 - Special Education
10. Policy 113.1 - Discipline of Students with Disabilities
11. Policy 113.2 - Behavior Support
12. Policy 113.3 - Screening and Evaluations for Students with Disabilities
13. Policy 104 - Nondiscrimination in Employment Practices
14. Policy 218 - Student Conduct and Discipline
15. Policy 234 - Pregnant/Parenting/Married Students
16. Policy 247 - Hazing
17. Policy 249 - Bullying/Cyberbullying
18. Policy 252 - Transgender and Gender Non-conforming Students

19. Policy 348 - Harassment and Discrimination of Employees
20. Policy 906 - Addressing Student and Constituent Concerns
21. Policy 233 - Suspension and Expulsion
22. 24 P.S. 1318.1
23. Policy 138 - English Language Development/Bilingual Education Program
24. Policy 251 - Students Experiencing Homelessness
25. Policy 824 - Maintaining Professional Adult/Student Boundaries
26. Policy 113.4 - Confidentiality of Special Education Information
27. Policy 207 - Confidential Communications of Students
28. Policy 216 - Student Records
29. Policy 805 - Emergency Preparedness
30. Policy 300 - Employee Code of Ethics

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 701
SECTION: 700 Property
TITLE: Policy 701 - Facilities Planning (Eliminate)
ADOPTED: April 27, 1981
REVISED:

POLICY 701 - FACILITIES PLANNING (ELIMINATE)

Purpose
The Board of Education shall furnish the City Planning Commission adequate information with respect to school needs and projections to enable the Commission to take such into account in its planning and to include schools in each revision of the City Comprehensive Development Plan.

Definitions
N/A

Authority
The Board shall conduct a census of all children, from birth to eighteen (18) years, living in the district.

Delegation of Responsibility
In order to inform the Board of the future needs of the district, the Superintendent shall prepare a written description of existing physical facilities and shall annually report to the Board on the number of resident pupils attending private school, the enrollment by grades during the school year, estimate each spring the number of students who will be enrolled in the schools of the district in September for the year for which the estimate is made**, and** prepare student population figures to the previously projected figures to detect early for the benefit of the Board any changes in population trends.

In planning for the enlargement or modification of its facilities, the Board shall consider not only the number of children whose educational needs must be met, but also the physical requirements of the program it deems best suited to meet those needs.

Each school building and site shall provide suitable accommodations to carry out the educational program of the school, including provision for the handicapped, pursuant to law and regulation.

Mandatory Regulatory Procedures:
N/A

Legal References:
1. School Code: SS 3157
2. PA Code Title 22: SS 5.151, 21.41
3. Federal Code: P.L. 94-142,
4. Home Rule Charter: 12-307

Recommendation:
The District is recommending policy 701 for elimination because the policy is duplicative of policy 714. Any unique information contained in policy 701 is being incorporated into policy 714, which is also being revised this policy cycle.

Administrative Procedures:

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 714
SECTION: 700 Property
TITLE: Policy 714 - Facilities Rightsizing
ADOPTED: August 17, 2009
REVISED:

POLICY 714 - FACILITIES RIGHTSIZING

Purpose

The Board of Education ("Board") is committed to giving each School District of Philadelphia ("District") student what they need to reach their fullest potential through the equitable distribution of resources, programs, and facilities. The purpose of this policy is to authorize ~~T~~the ~~School~~ District **to** ~~shall~~ employ **a process for analyzing and optimizing facilities usage** ~~measures~~ **in order** to **maintain fiscal responsibility while also creating academic programming that supports student academic achievement**. ~~ensure the equitable distribution of resources, programs, and facilities throughout the school system aligned with the actual census of students.~~

Definitions

~~**Rightsizing**: An alignment of capacity and programs that result in combining facilities, adaptive re-use, and/or expansion.~~

~~**Consolidation**: A realignment of student population to meet the minimum enrollment guidelines per school facility in order to better serve the educational needs of students.~~

~~**Expansion**: The addition of grades to an elementary or middle school program or the replication of high quality academic programming~~

~~**Closure**: The elimination of an academic program and/or school facility.~~

~~**Reconstitution**: The complete restructuring of a school which may include replacement of some or all of the school staff, provision of additional instructional and noninstructional resources to support academic improvement, or partnering with an external organization.~~

~~**Conversion**: The re-purposing of an academic program.~~

~~**Co-Location**: Sharing underutilized space for appropriate educational or administrative functions.~~

~~**Relocation**: Movement of an educational program to another facility.~~

Authority

The Pennsylvania Public School Code requires the Board to provide the necessary grounds and suitable school buildings, across the District, to accommodate all children who attend our schools. [1] The Board may renovate, expand, combine, adaptively reuse, or close schools, among other measures, for reasons such as poor academic performance, insufficient enrollment, or conditions of a building. [2] The Board shall obtain the approval of the Pennsylvania Department of Education when establishing a new school, closing a school, or changing school organization. [3]

Delegation of Responsibility

The Board directs the Superintendent or their designee, through the Division of Operations, to

establish administrative procedures for assessing current facilities and programs and making recommendations regarding facilities optimization that include guidelines for soliciting community input.

The Board directs the District to assess current physical facilities and programs and annually provide information to the Board on District student populations and enrollment data and trends.

Mandatory Regulatory Procedures:

The Pennsylvania Public School Code requires that when the Board closes a school, the following occurs:

- **The students shall be assigned to another school within the District. [2]**
- **The District must notify the Department of Education of the closing and the reasons for the closing. [3]**
- **The Board shall hold a public hearing on the closure not less than three (3) months prior to the decision of the Board meeting to the closing of a school. Notice of the hearing shall be given in a newspaper of general circulation in the District at least fifteen (15) days prior to the date of such hearings. [4]**
- **The District must provide 60 days' notice to all District employees impacted by the closure. [5]**

Request for information regarding facilities analysis and optimization should be directed to the Open Records Officer in accordance with Policy 801 - Public Records. [6][7][8]

~~Criteria~~

~~*Enrollment Trends and Demographics.*~~

~~The School District will consider employing rightsizing measures when a school has experienced significant and consistent growth or decline in enrollment. Feeder school patterns and demographic data will be studied to determine if the pattern of increasing or declining enrollment is likely to be reversed, if there are development initiatives underway or likely to be implemented in the near future, if a significant number of students who attend the school reside within the school's boundaries, and the capacity of surrounding neighborhood schools.~~

~~*Educational Adequacy and Equity.*~~

~~The School District will consider employing rightsizing measures when a school is surveyed for its educational adequacy, which is the facility's effective capacity to house and support its educational program, including an appropriate number and configuration of classrooms and the existence of appropriate ancillary spaces that are required to meet contemporary educational standards, and the facility is determined to be inadequate when applying those criteria.~~

~~*Academic Performance.*~~

~~The School District will consider employing rightsizing measures to expand or close a school based on its level of academic achievement, its ability to reach and maintain Adequate Yearly Progress ("AYP"), and the rigor of its educational program.~~

~~*Capacity Utilization.*~~

~~The School District will consider employing rightsizing measures when a school has a large number of empty seats and enrollment is significantly less than building capacity. When a school exceeds its building's capacity,~~

~~the School District will consider changes to the enrollment boundary, opportunities to lease additional space, and the potential for altering the school's capacity through the capital improvement program.~~

~~*Annual Operating Expenses and Cost of Capital Improvements.*~~

~~The School District will consider employing rightsizing measures when the costs to repair, maintain, and/or operate a facility are excessive relative to all other District facilities.~~

~~*Space Availability.*~~

~~The School District will consider employing rightsizing measures when there is sufficient space in other public schools to receive the students without imposing an undue burden on the physical and instructional capacity of the receiving school and it is not necessary as a result of the closing to transport students an unreasonably long distance, relative to the travel times to and from school experienced by other students in the District.~~

~~*Safe and Orderly Environment.*~~

~~The School District will consider employing rightsizing measures when schools have been determined to be persistently dangerous for a substantial period of time and the District's best efforts to change these conditions have been unsuccessful.~~

~~However, rightsizing measures shall only be employed when the following conditions are met:~~

- ~~Significant true net savings are achieved after the costs of closure, consolidation, or relocation are fully incorporated into the analysis.~~
- ~~Receiving schools have developed a transition plan to create a unified learning community.~~
- ~~Receiving schools have at least comparable of not better instructional programs and facilities.~~
- ~~An opportunity for substantial public input and community engagement has been afforded.~~
- ~~Senior District management has consulted with the City of Philadelphia to determine whether any major new residential developments are underway or anticipated that might change demographic patterns.~~
- ~~Rightsizing measures will not terminate or disrupt a successful educational program that has been increasing student achievement levels consistently and substantially.~~
- ~~All actions being considered by the School District are consistent with applicable provisions of the Pennsylvania Public School Code and all applicable laws.~~

~~*Implementation of this Policy*~~

Legal References:

~~All actions taken by the School Reform Commission shall be consistent with all applicable provisions of the Pennsylvania Public School Code.~~

1. **24 P.S. § 7-701**
2. **24 P.S. § 13-1311**
3. **22 Pa. Code 4.41(c)**
4. **24 P.S. § 7-780**
5. **524 P.S. § 5-524**
6. **Philadelphia Home Rule Charter, § 12-307.**
7. **65 P.S. 67. 101, et. seq.**
8. **Policy 801 - Public Records**

Related Information:

N/A

Administrative Procedures:

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 803
SECTION: 800 Operations
TITLE: Policy 803 - School Calendar
ADOPTED: April 27, 1981
REVISED: June 27, 2019

POLICY 803 - SCHOOL CALENDAR

Purpose
The Board **of Education ("Board")** recognizes that the preparation of a calendar is necessary for the efficient operation of the **School** District **of Philadelphia ("District")**. The purpose **of this policy** is to **require the adoption of** ~~develop the procedure for adopting~~ an annual school calendar **that reflects the District's commitment to its core beliefs and goals, including its commitment to equity.**

Definitions
N/A

Authority
As required by the Pennsylvania Public School Code and Pennsylvania Department of Education regulations, ~~T~~the Board **shall develop an academic calendar.** ~~authorizes the Superintendent and/or their designee to determine annually, with exceptions deemed appropriate by the Board, the days and the hours when the schools will be in session for instructional purposes in accordance with State law. Such school calendar will normally consist of a minimum of 180 student days and provide a minimum of 900 instructional hours for elementary school pupils and 990 hours for middle and high school pupils. The instructional school calendar shall consider negotiated agreements, professional development days, holidays, and community input.~~

Delegation of Responsibility
The **Board authorizes and directs the** Superintendent **or their designee, through the Office of Schools, to** ~~will prepare~~ **establish** a**n academic** ~~school~~ calendar ~~for Board consideration~~, annually, **indicating the days and hours when the schools will be in session for instructional purposes in accordance with State law. [1][2][3][4][5]**

The academic calendar shall be developed in conformity with collective bargaining agreements and law and shall take into consideration the following:

- **The Board's goals and Board policy;**
- **Stakeholder input and feedback;**
- **Strategies that improve academic and social-emotional outcomes for all students; and**
- **Current teacher practice and professional development.**

The District shall develop administrative procedures to implement this Policy which shall include the following:

- **A structure by which to seek stakeholder input and feedback.**
- **Protocols for enacting temporary provisions for attendance during periods of emergency in accordance with law. [5]**
- **Protocols regarding the District notifying the Board and documenting any alterations to the school calendar.**

Mandatory Regulatory Procedures:

N/A

Legal References:

1. **24 P.S. § 1501**
2. **24 P.S. § 1502**
3. **24 P.S. § 1503**
4. **24 P.S. §1504**
5. **22 Pa. Code § 11.1-11.3**
6. **24 P.S. § 5-520.1**

Related Information:
N/A

Administrative Procedures:

803 Procedures

Effective:

THE SCHOOL DISTRICT OF PHILADELPHIA

Administrative Procedures for Policy 803 School Calendar
(Attachment for Policy No. 803)

Purpose

These Administrative Procedures are to guide how to implement preparation of a calendar that is necessary for the efficient operation of the School District of Philadelphia ("District"). The Procedures guide how to adopt an annual school calendar that reflects the District's commitment to its core beliefs and goals, including its commitment to equity.

Consistent with current law, the school calendar will normally consist of a minimum of 180 student days and provide a minimum of 900 instructional hours for elementary school pupils and 990 hours for middle and high school pupils. While the State mandates the number of instructional hours, the District determines the School Calendar days within the academic year as set by collective bargaining, which is currently July 1 through June 30.

The Chief Schools Office leads the work for establishing the school calendar. The School Calendar includes national holidays, religious holidays and some cultural holidays as well as professional development days, report card conferences and other days as advised and in collaboration with multiple stakeholder groups.

Stakeholder groups have included District Central Offices (Academic Supports, Student Supports, Talent, Safety, Schools), Unions (Philadelphia Federation of Teachers, Commonwealth Association of School Administrators), religious and other community Groups, Family and Community Engagement Office (FACE). FACE supports the Chief of Schools Office with seeking parental input and community involvement.

Each year the Chief Schools Office will plan for the next School Calendar by

- Reviewing the previous year's academic calendars and considering any feedback received by or from the committees mentioned below in developing future calendars.
- Providing a draft academic calendar for consideration by the committees mentioned below.
- Soliciting input from diverse voices that include different demographic and cultural groups
- Including various methods to solicit feedback and engage stakeholders throughout the year as set forth below
- Providing a specific calendar development process which will include a proposed timeline as to when the Board of Education should expect to receive and adopt the School Calendar.

Procedures

The initial step in the development of the Academic Calendar is to ensure that the following holidays that are currently mandated by law or collective bargaining are to be included in the Academic Calendar: Independence Day (Fourth of July); Christmas Day, New Years Day, Thanksgiving Day, and Labor Day. There shall be no fewer than 13 paid holidays, inclusive of the foregoing list.

The Schools Office will establish two committees for the purpose of oversight, development and stakeholder engagement:

(1) **Academic Calendar Oversight Committee** that includes representation from District Chief Offices and will provide oversight to the development of the calendar in preparation for it to be reviewed and presented to the Superintendent and Board of Education;

(2) **Academic Calendar Stakeholder Engagement Committee** is meant to facilitate stakeholder engagement in the development of the School Calendar. Members of this committee will include representation of the various SDP stakeholders including School Leaders, Teachers, Parents, Students, community groups and members, and representatives from Chief Offices. The Academic Calendar Stakeholder Engagement Committee will help the District orient stakeholders about the process and feedback which will take place in late Spring and early Fall of each year. They will make recommendations to the Academic Calendar Oversight Committee based upon information gathered.

The School Board should expect to vote on whether to approve the calendar for the next two consecutive academic calendar years in January.

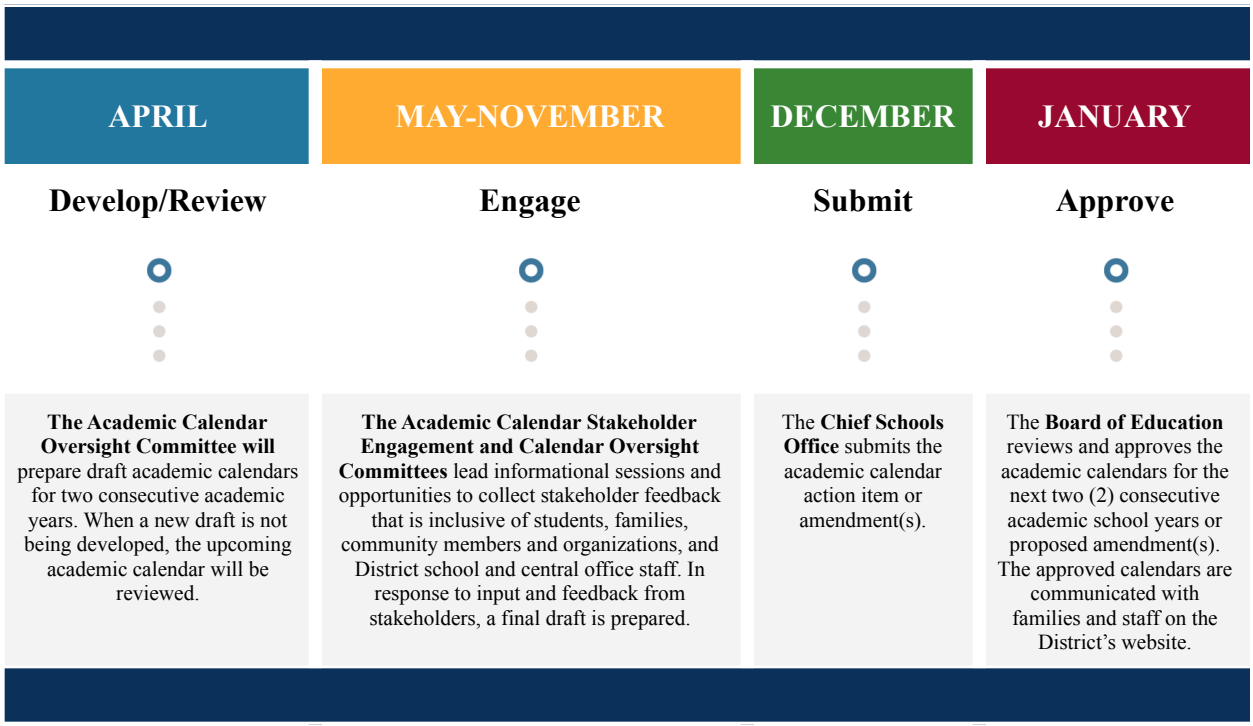
Amendment to Academic Calendar

Changes to the calendar, which are made after the Board approval, may be necessary due to changes determined by the District or for unanticipated circumstances out of the control of the District such as an emergency. If feasible, amendments can be shared to the Committees mentioned above for feedback. Notice of any changes will be made as soon as practicable and in accordance with law and collective bargaining agreements.

As part of the process of soliciting and engaging feedback through the committees mentioned above, the Chief Schools Office will update these Administrative Procedures as necessary.

Academic Calendar Process Overview & Development Cycle

While the Academic Calendar Oversight Committee meets every year, the creation of draft calendars happens *every other year*. During the year when calendars are not drafted, the Academic Calendar Oversight Committee will meet to review the Academic Calendar and engage with stakeholders for feedback. Should this result in changes to the approved calendar, an amending action item will be submitted to the Board of Education for approval.



Example: Developing and Reviewing Academic Calendars through 2025
(process launches in April of each year)

2022	→	**Develop**	Calendar for school years 2023-24 & 2024-25
2023	→	**Review**	Calendar for school year 2024-25; if there are resulting changes, engage stakeholders and resubmit for BOE approval
2024	→	**Develop**	Calendars for school years 2025-26 & 2026-27
2025	→	**Review**	Calendar for school year 2026-27; if there are resulting changes, engage stakeholders and resubmit for BOE approval

Monthly Timeline

Item	When	Action
Draft Academic Calendar	**April**	Each year, the **Academic Calendar Oversight Committee** meets. Every other year, the committee prepares draft academic calendars for two consecutive academic years.
Academic Calendar Background Information and Stakeholder Feedback	**May-June**	The **Academic Calendar Stakeholder Engagement Committee** leads sessions to provide background information about the purpose of the Academic Calendars, its contents, and the process for development with an explicit focus on inclusive practices that incorporate the histories and experience of our diverse students/communities. In addition, opportunities will be held to collect initial stakeholder feedback that is inclusive of students, families, community members and organizations, and District school and central office staff.
Academic Calendar Oversight Committee Planning Meeting	**July-August**	The **Academic Calendar Oversight Committee** meets to plan and prepare for continued stakeholder feedback and upcoming academic calendar timeline activities.
Stakeholder Feedback & Survey	**September-October**	The **Academic Calendar Stakeholder Engagement Committee** leads opportunities for feedback and administers an academic calendar feedback survey to collect stakeholder feedback that is inclusive of students, families, community members and organizations, and District school and central office staff.
Academic Calendar Feedback Review & Final Draft	**November**	**Academic Calendar Oversight Committee** reviews feedback and develops a final draft of the academic calendar.This final draft is shared with Chief Officers.
Academic Calendar Action Item Submission*	**December**	The **Chief Schools Office** submits the academic calendar action item.
Board Approval*	**January**	The **Board of Education** reviews and approves the academic calendars for the next two (2) consecutive academic school years at the January action meeting. The approved calendars are communicated with families and staff on the District's website.
Communicate Academic Calendar	**February-March**	The academic calendar is posted online and shared with District families, staff, and community.

*Note: Both of these actions occur every other year.

Related Information:
804 School Day
804 Emergency Preparedness
901 School-Community Relations Objectives
902 Publications Programs
102 Equity Framework