September 2018

TO: Students, Parents, Guardians, and Employees of the Ridley School District

EQUAL RIGHTS AND OPPORTUNITIES

In order to comply with Federal and State law, it is necessary for the Board of School Directors of Ridley School District to publish its equal rights and opportunities policy, to appoint directors and to approve a grievance procedure under that policy.

EQUAL RIGHTS AND OPPORTUNITIES POLICY

To comply with Federal laws, including Title IX of Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and Title II of the American With Disabilities Act of 1990 (ADA), State laws, and State Department of Education regulations concerning equal rights and opportunities and to assure these within our school community, Ridley School District declares itself to be an Equal Rights and Opportunities school district. It does not discriminate against individuals or groups because of race, color, national origin, religion, age, sex, marital status or disability. Ridley School District’s commitment to non-discrimination extends to students, employees, prospective employees, and the community.

EQUAL RIGHTS AND OPPORTUNITIES DIRECTOR

Compliance Director and Areas of Responsibility

The following person has been administratively designated as Equal Rights and Opportunities Director for Ridley School District:

Mr. Charles Maiers Assistant to the Superintendent-Personnel

It is the mission of the Ridley School District to create a caring environment that gives all students the opportunity to achieve their fullest personal and academic potential in order to become productive and responsible citizens.
Equal Rights and Opportunities (Continued)

It is the Director’s responsibility to make certain that all educational programs and activities and all employment practices are free from discrimination on the basis of those conditions stated in the policy. This responsibility includes instructing appropriate persons in the Ridley School District in the provisions of the laws and regulations concerning equal rights and opportunities and fair employment practices. The Director can be reached at the Ridley School District Administration Building, 901 Morton Avenue, Suite 100, Folsom, Pennsylvania 19033, or by telephoning (610) – 534-1900, extension 1103 and requesting to speak to the Director listed on the previous page.

GRIEVANCE PROCEDURE
UNDER EQUAL RIGHTS AND OPPORTUNITIES POLICY

Any student or employee of this district who believes he or she has been discriminated against, denied a benefit, or excluded from participation, in any district education program or activity, on the basis of race, color, national origin, sex, age, religion, marital status or disability, in violation of district policy, may file a written complaint with the appropriate compliance administrator designated by the Superintendent. The compliance administrator shall cause a review of the written complaint to be conducted and a written response mailed to the complainant within ten working days after receipt of the written complaint. A copy of the written complaint and the compliance administrator’s response shall be provided to the Superintendent and each member of the Board of School Directors. If the complainant is not satisfied with such response, he or she may submit a written appeal to the Board of School Directors indicating with particularity the nature of disagreement with the response and his or her reasons underlying such disagreement within ten (10) days after receiving the written response.

The Board of School Directors shall consider the appeal at its next regularly scheduled Board meeting following receipt of the response. The Board of Education shall permit the complainant to address the Board in public or closed session, as appropriate and lawful concerning his or her complaint with its written decision in the matter within ten (10) days following completion of the hearing.

It is the mission of the Ridley School District to create a caring environment that gives all students the opportunity to achieve their fullest personal and academic potential in order to become productive and responsible citizens.
000. BOARD POLICY/PROCEDURE/ADMINISTRATIVE REGULATIONS

Section 1. Authority

The policies and procedures adopted by the Board establish the general parameters within which the daily operations of the school district are to be governed. Administrative regulations for carrying out and implementing Board policies are developed and implemented by the administration, under the direction of the Superintendent. As applicable, all members of the school community are expected to comply with both Board policy and administrative regulations, subject to stated limitations and exceptions. However, failure of the Board or the administration to comply with policy or procedure shall not invalidate any lawful action taken.

Section 2. Contents

Policies of the Board shall consist of the following separate documents:


b. Strategic Plan.

c. Courses of study in district schools.

d. List of authorized textbooks.

e. Code of Student Conduct.

f. Job descriptions adopted by the Board.

g. Administrative Compensation Plan.

h. Any other documents the Board determines to be policy.
Administrative regulations are not part of Board policy and may be altered by the administration without Board action. Administrative regulations may not conflict with Board policy or with applicable law.

Section 3. Limitations

Board policies and procedures and administrative regulations are not intended and shall not be construed to supersede or preempt any applicable law. All Board policies and administrative regulations shall be interpreted and administered in a lawful manner. The Board shall make the final interpretation of its policies, and the administration shall make the final interpretation of its regulations.

Board policies and procedures and administrative regulations are limited by legal constraints, as are the rights of those to whom Board policies and administrative regulations apply, and are not intended to give an individual a cause of action not independently established in law.

Board policies and procedures and administrative regulations shall not preempt, create, supplant, expand or restrict the rights or liabilities of students, employees, residents or others within the school community beyond those established in law.

Section 4. Rules Of Construction

In ascertaining the intent of the Board in adopting a policy or procedure, or of the administration in establishing a regulation, the following presumptions, among other legally applicable presumptions, may be used:

a. That neither the Board nor the administration intends a result that is absurd, impossible of execution, or unreasonable.

b. That neither the Board nor the administration intends to violate federal or state Constitutions or any other applicable law.

If any policy or procedure or administrative regulation can be given multiple interpretations, the Board and the administration intend that only constitutional and lawful interpretations shall be valid, and that neither an unconstitutional nor an unlawful interpretation was intended.

References:

School Code – 24 P.S. Sec. 407, 510
# 103. NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES

The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability.

The district shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities. The equitable distribution of district resources is one means the district shall use to ensure all students receive a quality education. The district shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.

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

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

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

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Assistant Superintendent as the district's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.
The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:


2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.

3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.

4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related areas.

5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

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

1. Inform the student or third party of the right to file a complaint and the complaint procedure.

2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.

3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.

4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

3. Guidelines

Complaint Procedure – Student/Third Party

Step 1 – Reporting

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

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

The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

**Step 2 – Investigation**

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

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

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the building principal shall inform law enforcement authorities about the incident.

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

**Step 3 – Investigative Report**

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

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.
Step 4 -- District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

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

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.

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

3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

Equivalence Between Schools

20 U.S.C.
Sec. 6321

The Board directs that services in Title I schools and programs, when taken as a whole, shall be substantially comparable to services in schools and programs that do not receive Title I funds.

Curriculum materials, instructional supplies and percentages of highly qualified personnel shall be equivalent between all district schools when compared on a grade-span by grade-span basis or a school-by-school basis. Records documenting such compliance shall be updated biannually.

The Board understands that equivalence between programs and schools shall not be measured by:

1. Changes in enrollment after the start of the school year.

2. Varying costs associated with providing services to students with disabilities.
3. Unexpected changes in personnel assignments occurring after the beginning of the school year.

4. Expenditures on language instruction education programs.

5. Other expenditures from supplemental state or local funds consistent with the intent of Title I.

Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with Board policy.

References:

School Code — 24 P.S. Sec. 1310

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

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

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

No Child Left Behind Act — 20 U.S.C. Sec. 6321

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

Americans With Disabilities Act — 42 U.S.C. Sec. 12101 et seq.

Federal Anti-Discrimination and Civil Rights Laws —

20 U.S.C. Sec. 1681 et seq. (Title IX)

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

Federal Anti-Discrimination and Civil Rights Regulations —

28 CFR Part 35, Part 41

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

Board Policy — 000, 103.1, 701, 906
### 103.1. NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES

The Board declares it to be the policy of this district to ensure that all district programs and practices are free from discrimination against all qualified students with disabilities. The Board recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities.

The district shall provide to each qualified student with a disability enrolled in the district, without cost to the student or parent/guardian, a free and appropriate public education (FAPE). This includes provision of education and related aids, services, or accommodations which are needed to afford each qualified student with a disability equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities without discrimination, to the same extent as each student without a disability, consistent with federal and state laws and regulations.

The Board encourages students and parents/guardians who believe they have been subjected to discrimination or harassment to promptly report such incidents to designated employees.

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

The district shall not intimidate, threaten, coerce, discriminate or retaliate against any individual for the purpose of interfering with any right or privilege secured by this policy.

#### 2. Definitions

**Qualified student with a disability** - a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the district’s educational programs, nonacademic services or extracurricular activities.
<p>| Title 22 | Section 504 Team - a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors, psychologists, school nurses, outside care providers and the student’s parents/guardians. |
|———|———|
| Sec. 15.1 et seq | |
| 34 CFR | |
| Part 104 | |
| Title 22 | Section 504 Service Agreement (Service Agreement) - an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school’s educational programs, nonacademic services, and extracurricular activities. |
| Sec. 15.7 | |
| Pol. 248 | Disability harassment - intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student’s participation in or receipt of benefits, services, or opportunities in the school’s educational programs, nonacademic services, or extracurricular activities. |
| 3. Delegation of Responsibility | In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Assistant Superintendent as the district’s Section 504 Coordinator. |
| 34 CFR | |
| Sec. 104.7 | In addition, each school within the district shall have a Section 504 building administrator. |
| Title 22 | The district shall publish and disseminate this policy and complaint procedure on or before the first day of each school year by posting it on the district’s web site, if available, and in the student handbook. The district shall notify parents/guardians of students residing in the district of the district’s responsibilities under applicable laws and regulations, and that the district does not discriminate against qualified individuals with disabilities. |
| Sec. 15.4 | |
| 34 CFR | |
| Sec. 104.32 | |
| 4. Guidelines | Identification And Evaluation |
| 34 CFR | The district shall conduct an annual child find campaign to locate and identify every district student with a disability thought to be eligible for Section 504 services and protections. The district may combine this search with the district’s IDEA child find efforts, in order to not duplicate efforts. |
| Sec. 104.32 | |
| Pol. 113 | ———— |</p>
<table>
<thead>
<tr>
<th>Title 22</th>
<th>If a parent/guardian or the district has reason to believe that a student should be identified as a qualified student with a disability, should no longer be identified as a qualified student with a disability, or requires a change in or modification of the student's current Service Agreement, the parent/guardian or the district shall provide the other party with written notice.</th>
</tr>
</thead>
</table>
| Sec. 15.5, 15.6 | 34 CFR  
Sec. 104.35  
Section 104.35  
The district shall establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need related services because of a disability. |
| 34 CFR  
Sec. 104.35 | The district shall specifically identify the procedures and types of tests used to evaluate a student, and provide the parent/guardian the opportunity to give or withhold consent to the proposed evaluation(s) in writing.  
The district shall establish procedures for evaluation and placement that assure tests and other evaluation materials:  
1. Have been validated and are administered by trained personnel.  
2. Are tailored to assess educational need and are not based solely on IQ scores.  
3. Reflect aptitude or achievement or anything else the tests purport to measure and do not reflect the student's impaired sensory, manual or speaking skills (except where those skills are what is being measured). |

**Service Agreement**

<table>
<thead>
<tr>
<th>Title 22</th>
<th>If a student is determined to be a qualified student with a disability, the district shall develop a written Service Agreement for the delivery of all appropriate aids, services, or accommodations necessary to provide the student with FAPE.</th>
</tr>
</thead>
</table>
| Sec. 15.7 | The district shall not implement a Service Agreement until the written agreement is executed by a representative of the district and a parent/guardian.  
The district shall not modify or terminate a student's current Service Agreement without the parent's/guardian's written consent. |

**Educational Programs/Nonacademic Services/Extracurricular Activities**

<table>
<thead>
<tr>
<th>Title 22</th>
<th>The district shall educate a qualified student with a disability with students who are not disabled to the maximum extent appropriate to the needs of the student with a disability. A qualified student with a disability shall be removed from the regular educational environment only when the district determines that educating the student</th>
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| Sec. 15.3 | 34 CFR  
Sec. 104.34 |
in the regular educational environment with the use of related aids, services, or accommodations cannot be achieved satisfactorily. Placement in a setting other than the regular educational environment shall take into account the proximity of the alternative setting to the student’s home.

The district shall not discriminate against any qualified student with a disability in its provision of nonacademic services and extracurricular activities, including but not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, and referrals to agencies which provide assistance to individuals with disabilities.

**Discipline**

When necessary, the district shall discipline qualified students with disabilities in accordance with state and federal laws and regulations and Board policies.

**Parental Involvement**

Parents/Guardians have the right to inspect and review all relevant school records of the student, meet with the appropriate school officials to discuss any and all issues relevant to the evaluation and accommodations of their child, and give or withhold their written consent to the evaluation and/or the provision of services.

**Confidentiality Of Student Records**

All personally identifiable information regarding a qualified student with a disability shall be treated as confidential and disclosed only as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, state regulations, and Board policy.

**PROCEDURAL SAFEGUARDS**

The district shall establish and implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student’s parent/guardian, and a review procedure.

A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.
### Parental Request For Assistance

**Title 22, Sec. 15.8**

Parents/Guardians may file a written request for assistance with the Pennsylvania Department of Education (PDE) if one (1) or both of the following apply:

1. The district is not providing the related aids, services and accommodations specified in the student’s Service Agreement.
2. The district has failed to comply with the procedures and state regulations.

PDE shall investigate and respond to requests for assistance and, unless exceptional circumstances exist, shall, within sixty (60) calendar days of receipt of the request, send to the parents/guardians and district a written response to the request. The response to the parents’/guardians’ request shall be in the parents’/guardians’ native language or mode of communication.

### Informal Conference

**Title 22, Sec. 15.8**

At any time, parents/guardians may file a written request with the district for an informal conference with respect to the identification or evaluation of a student, or the student’s need for related aids, services or accommodations. Within ten (10) school days of receipt of the request, the district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.

### Formal Due Process Hearing

**Title 22, Sec. 14.162, 15.8**

If the matters raised by the district or parents/guardians are not resolved at the informal conference, the district or parents/guardians may submit a written request for an impartial due process hearing. The hearing shall be held before an impartial hearing officer and shall be conducted in accordance with state regulations.

### Judicial Appeals

**Title 22, Sec. 15.8**

The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction.

### COMPLAINT PROCEDURE

**Pol. 103**

This complaint procedure is in addition to and does not prevent parents/guardians from using any option in the procedural safeguards system.
Step 1 – Reporting

A student or parent/guardian who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the Section 504 building administrator.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Section 504 building administrator.

If the Section 504 building administrator is the subject of a complaint, the student, parent/guardian or employee shall report the incident directly to the district’s Section 504 Coordinator.

The complainant or reporting employee is encouraged to use the report form available from the Section 504 building administrator, but oral complaints shall be acceptable. Oral complaints shall be documented by the Section 504 building administrator.

Step 2 – Investigation

Upon receiving a complaint of discrimination, the Section 504 building administrator shall immediately notify the district’s Section 504 Coordinator. The Section 504 Coordinator shall authorize the Section 504 building administrator to investigate the complaint, unless the Section 504 building administrator is the subject of the complaint or is unable to conduct the investigation.

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

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the Section 504 building administrator shall inform law enforcement authorities about the incident.

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

Step 3 – Investigative Report

The Section 504 building administrator shall prepare and submit a written report to the Section 504 Coordinator within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the
investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

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

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the district’s Section 504 Coordinator within fifteen (15) days.

2. The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable investigation.

3. The Section 504 Coordinator 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 Section 504 building administrator who conducted the initial investigation.
References:

State Board of Education Regulations – 22 PA Code Sec. 4.4, 12.1, 12.4, 14.162, 15.1 et seq.

Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g

Section 504 of the Rehabilitation Act of 1973 – 29 U.S.C. Sec. 794


Nondiscrimination on the Basis of Handicap, Title 34, Code of Federal Regulations – 34 CFR Part 104

RIDLEY SCHOOL DISTRICT

SECTION: PROGRAMS

TITLE: NONDISCRIMINATION IN EMPLOYMENT AND CONTRACT PRACTICES

ADOPTED: 2 April 2012

REVISED:

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<th>104. NONDISCRIMINATION IN EMPLOYMENT AND CONTRACT PRACTICES</th>
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<tr>
<td>1. Authority</td>
<td>The Board 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, handicap/disability, 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.</td>
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<td>42 U.S.C.</td>
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<td>Sec. 1981 et seq</td>
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<td>Title VII</td>
<td>42 U.S.C.</td>
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<td>Sec. 2000e et seq</td>
<td>42 U.S.C.</td>
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<tr>
<td>Sec. 2000ff et seq</td>
<td>42 U.S.C.</td>
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<tr>
<td>Sec. 12101 et seq</td>
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</tbody>
</table>
The Compliance Officer is 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 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 if the building principal is the subject of the complaint.

### 3. Guidelines

**Complaint Procedure – Employee/Third Party**

**Step 1 – Reporting**

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

If the building principal 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 from the building principal, but oral complaints shall be acceptable.
Step 2 – Investigation

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

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

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the building principal shall inform law enforcement authorities about the incident.

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

Step 3 – Investigative Report

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

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the school district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws.
**Appeal Procedure**

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.

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

3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

**References:**

- Human Relations Commission Regulations – 16 PA Code Sec. 44.1 et seq.
- Pennsylvania Equal Pay Law – 43 P.S. Sec. 336.3
- Pennsylvania Human Relations Act – 43 P.S. Sec. 951 et seq.
- Section 504 of the Rehabilitation Act – 29 U.S.C. Sec. 794
- Federal Anti-Discrimination and Civil Rights Laws –
  - 20 U.S.C. Sec. 1681 et seq. (Title IX)
  - 42 U.S.C. Sec. 2000e et seq. (Title VII)

## 301. CREATING A POSITION

1. **Authority**

   Positions for administrative, professional and classified employees shall be established by the Board in order to provide the effective leadership and management necessary to operate district schools and to provide quality educational programs and services, consistent with the needs of the schools and the resources of the community.

   The need for creating positions shall be determined by the Board, based on the recommendation of the Superintendent. The Board reserves for itself the final determination of the number and type of staff positions deemed necessary for effective management of the district and operation of the schools.

   The initial salary or salary range for a new position shall be determined by the Board when creating the position, based upon the recommendation of the Superintendent and supporting documentation.

   In the exercise of its authority to create a new position, the Board shall give primary consideration to the following:

1. Effective management of district programs.
2. Number of students enrolled.
3. Special needs of students.
4. Operational needs of the district.
5. Financial resources of the school community.

   The Superintendent shall be responsible for recommending a new or additional administrative, professional or classified position.
2. Delegation of Responsibility

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<tr>
<th>Recommendations for a new or additional position shall include:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Job description clearly stating the duties for which the position was created.</td>
</tr>
<tr>
<td>2. Title that conforms with the appropriate certificate if certification is required.</td>
</tr>
<tr>
<td>3. Supporting data and other rationale relevant to the recommendation.</td>
</tr>
</tbody>
</table>

The Board may, through the Superintendent, seek the advice of administrative staff when creating a new position or increasing the number of employees in existing positions.

Pol. 104

The Superintendent or designee shall be responsible to maintain a comprehensive and up-to-date job description for all positions in the district. Job descriptions shall be prepared in accordance with relevant federal and state laws and regulations.

References:

School Code – 24 P.S. Sec. 1001, 1075, 1106, 1107

State Board of Education Regulations – 22 PA Code Sec. 4.4

Board Policy – 104, 328
## RIDLEY SCHOOL DISTRICT

**SECTION:** EMPLOYEES  
**TITLE:** ABOLISHING A POSITION  
**ADOPTED:** 10 March 2014  
**REVISED:**

### 310. ABOLISHING A POSITION

<table>
<thead>
<tr>
<th>Authority</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Authority</strong></td>
<td>The Board is responsible for providing the administrative, professional and classified staff necessary for implementation of the educational program and the effective operation of the schools, and to do so efficiently and economically.</td>
</tr>
<tr>
<td>SC 406, 524, 1106 Title 22 Sec. 4.4</td>
<td>The Board recognizes its responsibility to maintain positions consistent with the management, supervisory, instructional and operational needs of the schools and the school district.</td>
</tr>
<tr>
<td>SC 1124</td>
<td>In the exercise of its authority to reduce staff or abolish positions, the Board shall give primary consideration to the effect upon the educational program and shall ensure that elimination of a program meets the guidelines of the Department of Education.</td>
</tr>
<tr>
<td>SC 1124, 1125.1 Pol. 311</td>
<td>Reduction in staff as a result of the abolishment of positions shall be in accordance with law and Board policy.</td>
</tr>
<tr>
<td>SC 1124</td>
<td>Abolishment of positions affecting certificated administrative and professional employees may occur due to such factors as:</td>
</tr>
</tbody>
</table>

1. Substantial decline in student enrollment.

2. Curtailment or alteration of a program due to a substantiated decline in class or course enrollments or to conform to standards required by law.

3. Changes in the district’s organization for instruction or educational activities.

4. Consolidation of schools that makes it unnecessary to retain the full staff.

Abolishment of noncertificated administrative and classified positions may occur due to such factors as:

1. Substantial decline in student enrollment.
2. Changes in the district's organizational structure.

3. Changes in the district's facilities or technology.

4. Changes in the district's economic resources and tax base.

The Superintendent shall recommend annually to the Board the number of staff positions needed for the district to function efficiently, including recommending the abandonment of unnecessary positions.

References:

School Code – 24 P.S. Sec. 406, 524, 1106, 1124, 1125.1

State Board of Education Regulations – 22 PA Code Sec. 4.4

Board Policy – 311