

# AVON GROVE SCHOOL DISTRICT

SECTION: PROGRAMS

TITLE: NON-DISCRIMINATION IN  
SCHOOL AND CLASSROOM  
PRACTICES

ADOPTED: April 15, 1997

REVISED: November 13, 2003  
June 11, 2009

<p>1. Authority SC 1310; 24 P.S. § 5004; 43 P.S. §§ 951 et seq; 42 U.S.C. §2000d et seq.; 20 U.S.C. §§ 1681 et seq; 20 U.S.C. §§ 6321 et seq; 42 U.S.C. §12101 et seq.; 29 U.S.C. §701 et seq.; Title 22 §§ 4.4, 12.1, 12.4, 15.1 et seq</p> <p>2. Delegation of Responsibility</p>	<p style="text-align: center;">103. NON-DISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES</p> <p>The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability, or other legally protected classification.</p> <p>The district shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities. The district shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.</p> <p>The Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.</p> <p>The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.</p> <p>No reprisals or retaliation shall occur as a result of good faith charges of discrimination.</p> <p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent as the district's Compliance Officer.</p> <p>The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents, employees and the public. The nondiscrimination statement shall include the position, office address and telephone number of the Compliance Officer.</p> <p>The Assistant Superintendent for Curriculum and Instruction is responsible to monitor the implementation of nondiscrimination procedures in the following areas:</p>
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<p>3. Guidelines</p>	<ol style="list-style-type: none"><li>1. Curriculum and Materials – Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.</li><li>2. Training – Provision of training for students and staff to identify and alleviate problems of potential discrimination.</li><li>3. Student Evaluation – Review of tests, procedures and guidance and counseling materials for stereotyping and discrimination.</li></ol> <p>The Director of Personnel is responsible to monitor the implementation of nondiscrimination procedures in the following areas:</p> <ol style="list-style-type: none"><li>1. Student Access – Review of programs, activities and practices to ensure that all students have equal access and in accordance with state and federal laws or regulations.</li><li>2. District Support – Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related matters.</li></ol> <p>The building principal, or his or her designee, shall be responsible to complete the following duties when receiving an allegation of discrimination:</p> <ol style="list-style-type: none"><li>1. Inform the student or third party of the right to file a complaint pursuant to this policy and the complaint procedure.</li><li>2. Inform the student or third party that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.</li><li>3. Following the filing of a complaint, notify the complainant and the accused of the progress of the complaint at appropriate stages of the procedure.</li><li>4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.</li></ol> <p><u>I. Complaint Procedure – Student/Third Party</u></p> <p><b>Step 1- Reporting</b></p> <p>A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.</p>
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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 Compliance Officer (Superintendent) may be contacted at the Avon Grove School District offices located at 375 South Jennersville Road, West Grove, PA 19390 or by telephone at (610) 869-2441.

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.

In the event the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the building principal may, with the concurrence of the Compliance Officer, 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 a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation and findings of the investigation. The findings of the investigation shall include a determination of whether the complaint has been substantiated as factual, whether it is a violation of this policy, and any recommended corrective/disciplinary action.

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

**Step 4 – District Action**

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

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

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days of the complainant's receipt of the findings of the investigation.
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 of receipt of the complainant's written appeal, unless additional time to complete an investigation is required. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.
4. If the response of the Compliance Officer results in a finding or an affirmance that the complaint has been substantiated as factual and constitutes a violation of this policy, the district shall take the action described above in Step 4. If the Compliance Officer concludes there has been no violation, the matter shall be concluded without further action.

II. Equivalence Between Schools

The Board directs that services in Title I schools and programs, when taken as 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 the equivalence between programs and schools shall not be measured by:

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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.