

A. W. BEATTIE CAREER CENTER

SECTION: PROGRAMS
TITLE: NONDISCRIMINATION IN
SCHOOL AND CLASSROOM
PRACTICES

ADOPTED: April 22, 1999

REVISED: August 21, 2014

APPROVED: September 25, 2014

103. NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES

- 1. Authority
- SC 1310
- Title 22
- Sec. 4.4, 12.1,
12.4
- 15.1 et seq
- 24 P.S.
- Sec. 5004
- 43 P.S.
- Sec. 951 et seq
- Title IX
- 20 U.S.C.
- Sec. 1681 et seq
- 20 U.S.C.
- Sec. 6321
- 29 U.S.C.
- Sec. 794
- Title VI
- 42 U.S.C.
- Sec. 2000d et seq
- 42 U.S.C.
- Sec. 12101 et seq

The Joint Operating Committee (JOC) declares it to be the policy of the A.W. Beattie Career Center to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the school regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, disability, or gender identity/expression.

The school shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and co-curricular activities. The equitable distribution of school resources is one means the school shall use to ensure all students receive a quality education. The school 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 Joint Operating Committee encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

The Joint Operating Committee 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 school's legal and investigative obligations.

No reprisals or retaliation shall occur as a result of good faith charges of discrimination.

2. 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 Executive Director as the school'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 Compliance Officer.

The Compliance Officer shall report to the JOC on progress made in the non-discrimination program for school and classroom practices as requested.

The Compliance Officer is responsible to monitor the implementation of non-discrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.
3. Student access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. School 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 administrative 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.

<p>3. Guidelines</p>	<ol style="list-style-type: none"> 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 subject of the complaint. 5. Refer the complainant to the Joint Operating Committee President if the Executive Director is the subject of the complaint. 6. The compliance Officer shall report to the Joint Operating Committee on progress in the nondiscrimination program for the school and classroom practices as requested. <p><u>Complaint Procedure - Student/Third Party</u></p> <p>Step 1 - Reporting</p> <p>A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.</p> <p>A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.</p> <p>If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.</p> <p>The complainant or reporting employee is encouraged to use the report form available from the administrator, but oral complaints shall be acceptable.</p> <p>Step 2 - Investigation</p> <p>Upon receiving a complaint of discrimination, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.</p> <p>The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.</p>
----------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Upon receiving a complaint of discrimination, the administrative designee shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the administrative designee to investigate the complaint, unless the 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 building principal shall inform law enforcement authorities about the incident; as well as the Compliance Officer.

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 ten (10) 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.

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

Step 4 - School Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the school shall take prompt, corrective action to ensure that such conduct ceases and will not recur. The building principal 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, Joint Operating Committee policies and administrative regulations, school procedures, applicable collective bargaining agreements, and state and federal laws.

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the administrative designee who conducted the initial investigation.
4. If not satisfied with the decision of the Compliance Officer, the complainant may appeal the decision to the Joint Operating Committee at its next regular Joint Operating Committee meeting by notifying the Joint Operating Committee Secretary in writing within (10) calendar days after receipt of the Compliance Officer's decision.
5. The Joint Operating Committee shall conduct a review and issue a decision within thirty (30) days following the Joint Operating Committee meeting at which the complaint was presented.

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 CFT Part 100, Part 104, Part 106, part 110

Board Policy - 000, 701, 906

Allegheny County Human Relations

Ordinance 26-09-0R (July 6, 2009)