

Attendance:

Laura Roche, Board of Education
 Kathy Hamilton, Board of Education
 Dr. Gejda, Assistant Superintendent

Jeffrey Jaslow, Interim NHS Principal
 Cathy Ostar, NHS Director of Guidance

- **CALL TO ORDER**

The Board of Education policy subcommittee meeting was called to order at 10:05 am.

- **PUBLIC PARTICIPATION**

None

- **UNFINISHED BUSINESS - REVIEW AND UPDATE STATUS OF OPEN ACTION ITEMS:**

High School Graduation Requirements (Newtown 7-302/CABE 6146) – Discussion and review of policy with Cathy Ostar and Jeffrey Jaslow about the ambiguity of the state requirement documentation versus the statute with respect to earning credits at the middle school level, via online courses and from outside agencies (see attached State BOE document). Jeffrey Jaslow presented information to the committee with regard to how the Ridgefield school district handled adding additional high school requirements (see attached information). Cathy Ostar discussed the challenges of offering an online learning environment. In the end, the group agreed that we should continue to add the additional credit of World language but remove from the policy paragraphs 2 and 3 from the proposed policy #6146 until the legislature finalizes the testing out requirements and we have a more solid handle of our online course offerings. We agreed to revisit after the legislative session ends after the end of June.

Title IX Policies – Dr. Gejda brought to the committee information about Title IX and will be ready to present to the committee at next meeting adjustments to our current policies.

Because of time, the rest of the agenda will be discussed at the next policy meeting (Thursday, March 27)

- **APPROVE MINUTES OF January 27, 2014**

Postpone until next meeting

- **COMMUNICATIONS/ANNOUNCEMENTS**

Postpone until next meeting

- **UNFINISHED BUSINESS - REVIEW AND UPDATE STATUS OF OPEN ACTION ITEMS:**

Review and Update Status of Open Action Items – All action items, except the completion of policy 6146, carried forward

- **NEW BUSINESS - DISCUSS AND POSSIBLE ACTION ON NEXT SET OF POLICIES TO REVIEW:**

The policies below and a policy to “opt out” of SBAC and CAPT testing were not discussed. Carry forward as new business.

Newtown Policy Number	CABE Equivalents	Policy Content
8-300	6141.328, 6141.321, 6141.322, 6141.323	Acceptable Use of Technology
8-605	5131.911, 5131.91	Safe School Climate (Bullying/Hazing)

- **PUBLIC PARTICIPATION** - No public participation.

- **ADJOURNMENT**

A motion by Ms. Roche and seconded by Ms. Hamilton was made to adjourn the meeting at 11:45 pm. All in favor.

Action Items:

Responsible Party	Action	Comments	Due Date
Committee	Approve for first read by the BOE policies: 4000.1, 5131.111, 6114, 6114.1, 6114.3, 6114.7, 6121, 6121.1, 1331		Next Meeting
Ms Hamilton	Continue Review and Update of comments received from Dr. Reed and David Abbey	Policy #s: 5125, 5136 (Use of privately owned technological devices by students)	2/27/2013
Dr. Gejda	Review and Approve Title IX policies: 4000.1, 4111, 4111.1, 4118.11, 4118.113, 5145.5, 5145.51, 5145.52, 5145.6, 6121, 6121.1	Carried forward - In review with Dr. Gejda	2/27/2013
Dr. Gejda & Principals	Review & Approve policy 5114 (Newtown policy 7-401)		2/27/2014
Dr. Reed	Review & Approve policy 4118.231/4218.2 (original Newtown policy 4-701)		2/27/2014
Ms. Hamilton	Combine CABE policy 3524/3524/1 with Newtown policy 3-900 (Pesticide Application)	Carried forward: Review any proposed changes with Mr. Faiella	2/27/2014
Dr. Gejda	Consider adding policy for online learning		2/27/2014
Committee	Add changes to incorporate new legislation for recess (8-704/6142.101)		2/27/2014

Committee	Consider Weston Policy #4118.35 (Employee Use of the district's computer systems and electronic communications)		TBD
Committee	Consider Weston Policy #4118.5 (Personnel – Social Networking)		TBD
Committee	Superintendent Review Process: 2-103, 2-103.1, 2-103.2	Begin work in conjunction with new Superintendent	TBD
Committee	CABE policies: 3432, 3433 (Budgeting and expense reporting)	For Future Thought	TBD

Submitted: Kathy Hamilton, Policy Committee Chair

Key Elements of Connecticut's Plan for Secondary School Reform

Focus on Engagement

- Relevant, interesting and meaningful learning opportunities
- Supportive environments that address students needs at appropriate levels
- Structures and programs that help students feel connected to the school community

Focus on 21st Century Skills

- Locate, analyze, interpret and communicate information in a variety of media and formats
- Solve problems creatively and logically
- Collaborate with others face-to-face and via technology tools
- Demonstrate leadership skills, habits of personal and social responsibility, and adaptability to change
- Effective use of technology tools

Focus on Rigorous and Engaging Content

- Required content that provides a solid foundation for continued education or the workforce
- Learning activities requiring higher-order thinking, deep understanding of important ideas, critical self-reflection
- Emphasis on application of knowledge and skills rather than rote memorization



Model Curricula

Assuring Quality and Consistent Curricula

To assure that consistent course content is presented throughout the state, model curricula will be provided for eight of the core course requirements: Algebra I, Geometry, Algebra II, Statistics & Probability, Biological/Life Sciences, English I, English II and American History. Teaching and learning of 21st century skills will be integrated into each of the model curricula.

Additionally, the state will provide formative assessment instruments that complement each model curriculum, to help teachers focus on student areas of need and modify instruction as needed.



Student Personalization

Addressing Each Student's Needs and Interests

Beginning in 6th grade and continuing through high school, each Connecticut student will participate in the development of a Student Success Plan. The plan incorporates the student's individual interests and abilities, and establishes an individualized program of study that will help every student stay interested in school and set and achieve post-high school educational and career goals.



Middle School Connections

Early Intervention and Easing the Transition from Middle School to High School

Beginning secondary school reform in 9th grade is clearly too late for many students. Specifically, this plan calls for "Early Warning" and student support systems, as well as Student Success Plans for every student, beginning in Grade 6; the creation of model Language Arts curriculum for Grades 6-8, linked to high school English Language Arts I and II; the creation of model curriculum in Scientific Inquiry and Experimentation for Grades 6-8; and joint common professional development for teachers in middle school and high school.

Middle school students will be required to complete an 8th Grade Portfolio or Demonstration Project, the exact details of which will be determined by each district based on state recommendations.



Technology

Offering New Ways to Experience Learning

Technology has an important role in this secondary school reform package for both students and teachers. The use of standard computer-based applications for predicting skills, gathering and analyzing information, producing a variety of products, conducting research on the internet, and developing portfolios of best work are integral to the lifelong learning process for each student.



Teachers will need to become skilled in using technology to access student performance data to make better-informed instructional decisions. Teachers will use interactive applications for sharing units of study, lesson plans, student work, and online conversations about student performance. And finally, but of the utmost importance, teachers must use technology tools to advance learning. To accomplish these things, technology's use must be an integral part of professional development programs at the pre-service, school, district, regional, and state levels.



Excellent Teaching Practices

Assuring Excellent Teaching Through Pre-service Teacher Training and In-service Professional Development

Excellent teaching must be prevalent throughout our schools. This Plan describes high expectations for pre-service teacher training and professional development of experienced teachers and administrators.

State institutions of higher education will help ensure that teacher training programs are preparing teachers in content areas and developmentally appropriate instructional best practices to meet the requirements of this proposal. In particular, higher education will find it necessary to produce larger numbers of certified mathematics, science, and world language teachers, and, at the same time, equip all new secondary teachers with the skills and competencies needed to be equally effective with early adolescent and adolescent students. Further, pre-service programs must stress, throughout their coursework and practicum experiences, the effective use of technology to advance learning.

Expert teachers will participate in the development of the designated model curricula, formative assessments, sample lessons, and final exams for the designated courses. The state will provide training programs for middle and high school mentor/lead/cons that will provide the instruction and guidance required by the Student Success Plan.



Curricular Requirements

Increasing Credits, Expanding Opportunities

To be prepared for success in college and the workplace, all students must acquire deep understanding in the core areas of English, mathematics, science, and social studies. Additionally, coursework in the fine arts, comprehensive health, and physical education will ensure that our students obtain a balanced and well-rounded education.

The Connecticut Plan requires all students to complete 25 credits. Students will also be required to complete a Capstone Experience, which is a culminating project that allows students to focus on an area of interest and demonstrate skills and understandings mapped to their Student Success Plans.

Recommended Course and Credit Requirements - Total 25 Credits

Cluster 1: Science, Technology, Engineering and Mathematics (STEM) - Total 8 Credits

- Math - 4 Credits (Algebra I, Geometry, Algebra I or Science & Probability, other mathematics)
- Science - 3 Credits (Biological/Life Science, Chemistry/Physical Science, other science)
- STEM Elective - 1 Credit (Science, Mathematics, Engineering or Technology)

Cluster 2: Humanities - Total 11 Credits

- English - 4 Credits (English I, English II, Literature and Composition, American, World, or British Literature, other English course or courses)
- Social Studies - 3 Credits (American History, International/World Studies, 1/2 Credit Civics, 1/2 Credit Social Studies Elective)
- World Languages - 2 Credits (Note: Requirement may be completed in middle grades; if so, 2 additional "open elective" credits are required)
- Fine Arts - 1 Credit (Art, Music, Theatre, Dance)
- Humanities Elective - 1 Credit (English, Social Science, Fine Arts or other Humanities courses)

Cluster 3: Career & Life Skills - Total 3.5 Credits

- Comprehensive Health Education - 1/2 credit
- Physical Education - 1 Credit
- Career & Life Skills Electives - 2 Credits (Career and Technical Education, World Languages, English as a Second Language, community service, or other career & life skills course such as Personal Finance, Public Speaking, and Nutrition & Physical Activity)

Open Electives - Total 1.5 Credits

Capstone Experience - Total 1 Credit

Though not included in the recommended course requirements, students have multiple opportunities to take courses with a specific career focus. These can be included in the Student's Success Plan to meet individual goals and interests.



Capstone Experience

Allowing Students to Demonstrate Skills and Pursue Personal Interests

The Capstone Experience is intended to be a culminating experience that provides a way for students to demonstrate knowledge and skills they have acquired during their educational experiences by creating a project in an area of personal interest. As part of the experience, students will demonstrate research skills and communicate findings in written and oral presentations reviewed by the public. The exact details of Capstone Experience requirements will be determined locally.

Capstone Experiences could include special projects, a reflective portfolio of best work, community service and internships. These experiences should demonstrate not only the rigor of what the student is able to do, but clearly provide evidence of 21st century skills attainment.



RHS Graduation Requirements Class of 2016 and Later

Graduation Requirements

Course Clusters Defined		
Cluster	Subject(s)	Credits
CLS <i>Career & Life Skills</i>	<ul style="list-style-type: none"> • Career & Life Skills (1.5) <i>Business, Family & Consumer Science, Technology Ed, World Language</i> • Health (0.5) • Physical Education (1.0) • Wellness (0.5) 	3.5
HUM <i>Humanities</i>	<ul style="list-style-type: none"> • English (4.0) • Fine Arts (1.0) <i>Visual & Performing Arts</i> • Humanities (0.5) <i>English, Social Studies, Visual & Performing Arts, World Language</i> • Social Studies (2.0) • US History (1.0) • Government and Politics (0.5) 	9.0
STEM <i>Science, Technology, Engineering, Mathematics</i>	<ul style="list-style-type: none"> • Mathematics (4.0) • Science with lab (3.0) • STEM (1.0) <i>Science, Technology, Engineering, Mathematics</i> 	8.0
WL <i>World Language</i>	<ul style="list-style-type: none"> • Two levels of a single language (2.0), OR • Single level of two languages (2.0) <i>French, German, Italian, Latin, Mandarin, Spanish</i> 	❖
OPEN	<ul style="list-style-type: none"> • Courses from any department (4.5) 	4.5
❖ The two World Language credits will be applied to any of the following clusters: Career & Life Skills, Humanities, Open		
TOTAL CREDITS REQUIRED TO GRADUATE		25.0

Four-Year Academic Planning Guide

Freshmen Year		
#	Subject	7 Credits
1	English	1.0
2	Math	1.0
3,4	Science (with lab)	1.0
5	SS-Global History I	1.0
6	World Language	1.0
7	Health	0.5
8	Physical Education	0.5
8	Open Course(s)	1.0

Sophomore Year		
#	Subject	7 Credits
1	English	1.0
2	Math	1.0
3,4	Science (with lab)	1.0
5	SS-Global History II	1.0
6	World Language	1.0
7	Physical Education	0.5
8	Open Course(s)	1.5

Junior Year		
#	Subject	6 Credits
1	English	1.0
2	Math	1.0
3,4	Science (with lab)	1.0
5	SS-US History	1.0
6	World Language (recommended)	1.0
7	Open Course(s)	1.0

Senior Year		
#	Subject	6 Credits
1	English	1.0
2	Math	1.0
3,4	Science (with lab, recommended)	1.0
5	World Language (optional)	1.0
6	SS-Government & Politics	0.5
6	Wellness	0.5
7	Open Course(s)	1.0

RIDGEFIELD HIGH SCHOOL
PHASE-IN PLAN FOR 25 CREDIT GRADUATION REQUIREMENTS AND COURSE LOADS
(FIRST TIME CHANGES FOR CLASSES NOTED IN BOLD)

YEAR	FRESHMEN	SOPHOMORES	JUNIORS	SENIORS	STAFFING
2012-13	Minimum of 7 credits and New 25 credit graduation requirements	Minimum of 7.0 credits No change in graduation requirements	Minimum of 6 credits No change in graduation Requirements	<i>No change in course load</i> <i>No change in graduation Requirements</i>	3.2 FTE Begin necessary curriculum revisions (CCSS, sequences, etc.)
2013-14	Minimum of 7 credits New 25 credit graduation requirements	Minimum of 7.0 credits and New 25 credit graduation requirements	Minimum of 6 credits No change in graduation requirements	Minimum of 6 credits No change in graduation requirements	1.4 FTE Continue curriculum revisions
2014-15	Minimum of 7 credits New 25 credit graduation requirements	Minimum of 7.0 credits New 25 credit graduation requirements	Minimum of 6 credits and New 25 credit graduation requirements	Minimum of 6 credits No change in graduation requirements	TBD Wellness FTE reallocation; maybe some additional Continue curriculum revisions
2015-16	Minimum of 7 credits New 25 credit graduation requirements	Minimum of 7.0 credits New 25 credit graduation requirements	Minimum of 6 credits New 25 credit graduation requirements	Minimum of 6 credits and New 25 credit graduation requirements	TBD Wellness FTE reallocation; maybe some additional Finish curriculum revisions

Virtual/Online Courses/College/University Courses

Proposal 6/22/12

Education through virtual/on-line courses or through university or college courses is an effective means of instruction for students. A virtual school is hereby defined as an educational organization that offers courses at various grade levels through Internet or Web-based methods. These schools can offer courses to enhance, supplement, or enrich the existing curriculum, and can also provide an alternative means of instruction. Interactive learning does not require the student to be physically present in the same location as the instructor or other students.

Virtual/on-line courses will be part of this District's educational program delivery system to increase accessibility and flexibility in the delivery of instruction. In addition to regular classroom-based instruction, students in the District may earn credit through programs provided by virtual/on-line courses.

All virtual/on-line educational programs and courses will be consistent with District instructional goals and aligned with Connecticut's academic standards, curriculum frameworks and assessments. The administration is directed to periodically review instructional materials of virtual on-line courses to ensure they meet program standards.

The Board of Education recognizes students may benefit from on-line courses or post-secondary courses to assist students in obtaining credits necessary to earn a Newtown High School diploma, to maintain academic standing, or to provide enrichment for those who might require special courses.

The District will not use on-line courses as the sole medium for instruction in any required subject area for students in grades K-8.

From a virtual/on-line course or a college/university course, high school students may earn a maximum of three (3) Newtown High School credits to be applied toward graduation requirements. Typically a one semester, three credit college course is equivalent to half of one Newtown High School credit. These credits may be earned by completing virtual/on-line courses or college/university courses through agencies approved by the Board unless the principal waives that provision in writing stating the reasons why, citing whatever circumstances that has caused this waiver.

Credits from a virtual/on-line course or a college/university course may be earned if in one of the following circumstances:

1. The course is not offered at the District's high school.
2. The course will serve as an alternative or a supplement to extended homebound instruction.
3. The District has expelled the student from the regular school setting, and the student has been offered an alternative educational opportunity.
4. The Principal, with agreement from the student's teachers and parents/guardians, determines the student requires a differentiated or accelerated learning environment.
5. A student has failed a course and wishes to recover credits in that course area.
6. The student's PPT or Section 504 Team has determined it to be an appropriate means of instruction.
7. The class with whom a student began high school has graduated.

Credits earned will not be included in calculations of the student's Grade Point Average (GPA - weighted or unweighted) nor will they affect honor roll status. They will be noted on the student's Newtown High School transcript. Also included on the transcript will be name of the school/program and date the course was taken and the exact title and grade earned.

As determined by Board/school policy, students applying for permission to take a virtual/online or college/university course will do the following:

- Complete prerequisites and provide teacher/counselor recommendations to confirm the student possesses the maturity level needed to function effectively in a virtual/on-line/college/university learning environment.
- Obtain the written approval of the Principal or his/her designee before a student enrolls in a virtual/online course or the college/university course.
- Adhere to the District code of conduct to include rules of behavior and consequences for violations.
- Adhere to attendance requirements of the District.
- Understand that any and all fees imposed on the learner are the sole responsibility of the learner and not the Newtown Board of Education or its designee, unless the course is a graduation requirement being taken for the purpose of credit recovery. In the case of credit recovery, the student will be responsible for 50% of the course fees.
- Submit an official record of the final grade before credit toward graduation is awarded. Only approved courses shall be posted on student transcripts.
- Present documentation to the principal or designee that the course is in compliance with Connecticut's academic standards and requirements, including but not limited to the course content and rigor, its length and scope, its method of assessing knowledge acquired by the student, the qualification of the instructor and other appropriate factors. Virtual/on-line/college/university course delivery must be from institutions accredited by the New England Association of Schools and Colleges, Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges or Western Association of Schools and Colleges or, if the institution is foreign, recognized by the Connecticut State Department of Education as having appropriate academic standards.

Legal Ref: Connecticut General Statutes Section

10-221 (Board of Education to prescribe rules, policies and procedures)



Title IX Questions & Answers

Title IX is the key federal law prohibiting sex discrimination against students and employees in education programs and activities receiving federal financial assistance. Title IX benefits both males and females, and is at the heart of efforts to create gender equitable education. The law requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone based on sex. Under this law, males and females are expected to receive fair and equal treatment in all arenas of schooling: recruitment, admissions, educational programs and activities, course offerings and access, counseling, financial aid, employment assistance, facilities and housing, health and insurance benefits, marital and parental status, scholarships, sexual harassment, and athletics. It may seem hard to believe but prior to 1972 schools routinely discriminated by not admitting girls into traditional "male programs" like shop or engineering and by not admitting boys into traditional "female programs" like home economics or nursing.

No person in the United States shall, on the basis of sex, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.

- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681

The following are frequently asked questions about Title IX. The answers are intended to improve awareness and to encourage educators, students, parents, administrators, coaches, athletes and community members to advocate for these rights. They are based on the 1975 Title IX regulations and subsequent guidance on how to implement Title IX.

What school levels are covered by Title IX?

Title IX protects students, faculty and staff in federally funded education programs and activities. Title IX applies to elementary and secondary schools, colleges and universities. It also applies to education programs and activities that receive federal funds (such as internships or School-to-Work programs or research labs, museum programs, and even Department of Justice supported programs for police training). Thus, Title IX covers education programs that receive support from any federal agencies. For example, this includes many private schools, correctional facilities, health care entities, unions, businesses as well as schools and all but two U.S. colleges. (Hillsdale and Grove City College do receive federal funds or allow their students to receive federal financial assistance.)

Who is responsible for enforcing Title IX?

Every recipient of federal financial assistance, by law, is required to designate a Title IX Coordinator and provide grievance procedures. Contact information for the Title IX Coordinator must be readily available to school faculty, staff and students. Title IX coordinators as well as all faculty, students, coaches, and community members can file a complaint of Title IX violation with the Office for Civil Rights or they can use private law suits. Title IX also prohibits institutions from retaliating against any complainant. Find your state Title IX Coordinator at http://feminist.org/education/pdfs/NetworkCoordinators_state.pdf and information on winning Title IX cases at <http://feminist.org/education/consequences.asp>.

Is there a penalty for Title IX non-compliance?

Yes! Schools can lose federal funds for violating the law. Although many institutions are not in full compliance with Title IX, no institution has actually lost any federal money. The U.S. Department of Education, as well as individual students and their parents, may sue schools for Title IX violations. In some cases, federal funding has been delayed and schools have had to pay substantial damages and attorney fees in cases brought to court. (See <http://www.feminist.org/education/consequences.asp>)

How do athletic activities comply with Title IX?

Title IX requires that schools, which receive federal financial assistance, provide equal opportunities for members of both sexes. It addresses the availability, quality and kind of benefits, and the opportunities and treatment that athletes receive. There are three basic aspects of Title IX as applied to athletics:

1) **Participation:** Title IX is not a quota system. Every institution has three options to demonstrate fairness in allowing students to participate on a sports team. Schools can show that they comply with Title IX if they can demonstrate any one of the following:

- Athletic opportunities for male and female athletes which are substantially proportionate to enrollment of male and female students. For example, a school with an enrollment of 50% male students and 50% female students must have approximately 50% of its athletic opportunities for males and 50% for females;
- A history and continuing practice of expanding athletic opportunities for the under-represented sex. For example, creating new teams or enlarging existing team squads;
- Full and effective accommodation of the interests and abilities of the under-represented sex. Schools do not necessarily need to offer identical sports, yet they do need to provide an equal opportunity for females to play in sports of interest.

2) **Scholarships:** The total amount of athletic aid must be substantially proportionate to the ratio of female and male athletes. For example, consider a college with a total number of athletes of 205, made up of 90 female athletes (90/205-44% of the total) and 115 male athletes (115/205-56% of the total) and a scholarship budget of \$100,000. An equitable distribution of funds would award \$44,000 (44% of the total funds) in scholarship aid to female athletes and \$56,000 (56% of the total funds) to males. However, schools may justify a higher percentage of funds dedicated to the underrepresented sex as a way to demonstrate compliance with the participation aspect of Title IX, mentioned above.

3) **Additional Athletic Program Components:** Title IX also mandates equal treatment in the provision of:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Coaching | <input checked="" type="checkbox"/> Equipment and supplies |
| <input checked="" type="checkbox"/> Game and practice times | Locker rooms |
| <input checked="" type="checkbox"/> Medical and training facilities | <input checked="" type="checkbox"/> Practice and competitive facilities |
| <input checked="" type="checkbox"/> Publicity | <input checked="" type="checkbox"/> Recruitment of student athletes |
| <input checked="" type="checkbox"/> Method of travel and per diem allowances | <input checked="" type="checkbox"/> Tutoring opportunities |

The standard for compliance is one of quality rather than quantity. The actual amount of money spent on women's and men's programs may differ as long as the quality of facilities and services for each program achieve parity. For example, equipment needed for men's football may cost more than equipment needed by women's field hockey. Title IX compliance is achieved as long as both teams are given equipment of comparable quality. However, Title IX is violated if a community builds a state-of-the-art field and locker facilities for males, but requires female athletes to share a field owned by a local community center. In this example, quality of facilities is far from equitable, and Title IX is violated. To learn about the participation and support for women and men in athletics in your college use the Equity in Athletics Data Analysis Cutting Tool Website <http://ope.ed.gov/athletics/>. Similar data disclosure requirements have been proposed for high schools.

Does Title IX require male athletic opportunities be cut?

No, Title IX is designed to create parity in athletic opportunity and quality of experience for men and women. It is a school's choice to cut men's programs in an effort to comply with the law or to meet budget constraints. However, Title IX is not intended to be a zero-sum game. Title IX is intended to ensure equality for both males and females.

Are any single-sex schools, classes, or activities allowed under the 1975 Title IX regulations?

In general, Title IX prohibits separate sex schools, courses, and activities such as home economics solely for girls and shop solely for boys. However, the 1975 regulations and the 2006 changes to these regulations include some exceptions to the general prohibition of sex-segregation. The key exceptions starting in 1975 allow sex-segregation for human sexuality courses, choral groups where vocal range and quality are a requirement of the type of music or part being performed, and for contact sports. They also include allowing single sex schools, classes, or activities for remedial or affirmative purposes to decrease sex discrimination in desired education outcomes if the single-sex education is more effective than comparable quality coeducation efforts to decrease sex discrimination.

The additional 2006 exceptions are much broader and allow sex-segregation for K-12 non vocational single sex schools, classes, and extracurricular activities in elementary and secondary schools for a variety of vague purposes such as: "the achievement of an important governmental or educational objective"; "to provide diverse educational opportunities"; or to "meet the particular, identified educational needs of its students". These 2006 changes no longer tie the key justification for allowing this sex segregation to overcoming the effects of sex discrimination, the sole purpose of Title IX.

Many supporters of Title IX and gender equity agree these exceptions should be rescinded because they are legally indefensible, based on false premises about the benefits of sex segregation, and because there are insufficient safeguards to insure that the sex segregation will result in positive outcomes and that it will not increase sex discrimination.

Does Title IX prohibit bias in textbook content?

No. Because of concern over potential conflict with the First Amendment "freedom of speech" principles and states rights to provide education, the Title IX regulations did not prohibit sexism in curriculum materials. However, to help implement Title IX it is important to avoid bias and stereotyping in instructional practice, content, and materials. Thus, those responsible for advancing gender equity will want to monitor content to ensure that the curriculum promotes understanding of the perspectives of both sexes and their roles in history. To learn how to identify gender bias in textbooks, (See <http://www.american.edu/sadker/curricularbias.htm>).

Under Title IX are students and teachers protected from sexual harassment?

Yes, sexual harassment (including discrimination relating to perceived or actual sexual orientation) is a form of prohibited sex discrimination, and recipients of this harassment may recover monetary damages. Title IX prohibits sexual harassment by faculty and staff members and by other students in all school programs and activities in school facilities or in other locations when the school is the sponsor of the activity. Discrimination related to sexual harassment of employees is also prohibited under Title VII of the Civil Rights Act of 1964. As in all other areas of Title IX both male and female students and employees are protected from sexual harassment regardless of who is committing the harassing behavior.

Are Title IX rights granted to pregnant students?

Yes. Schools may not discriminate against an enrolled student in academic or non-academic activities because of pregnancy, birth of a child, false pregnancy, miscarriage, or termination of pregnancy. However, a student may opt to participate in an alternate, comparable activity such as a special class for parenting teens.

(This Title IX fact sheet was created by Karen Zittleman with some modification by Sue Klein and Kim Kirm and used with permission of Karen Zittleman 10-1-07. See www.feminist.org/education.)

Executive Summary:

EDUCATION FOR EVERYONE

FORTY YEARS AGO, CONGRESS PASSED Title IX of the Education Amendments of 1972 to ensure equal opportunity in education for all students, from kindergarten through postgraduate school, regardless of sex. This landmark legislation states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

— 20 U.S.C. §1681

Girls and women have made great strides in education since the passage of Title IX. The days when girls were blatantly told that they couldn't take shop or advanced math are, for the most part, gone. Females make up a growing proportion of students in many math, science, and technology-related fields, particularly in the life sciences. Given greater opportunities to participate in athletics, they are now doing so in record numbers. They have also made gains in career and technical education at the

high school and community college levels. Time and again, girls and women have proved that they have the interest and aptitude to succeed in areas once considered the exclusive purview of males.

Despite tremendous progress, however, challenges to equality in education still exist. Women's advancement in some areas, including computer science and engineering, has stagnated or even declined in recent years. Pregnant and parenting students are frequently subjected to unlawful policies and practices that deter them from completing their education. Nearly half of all middle and high school students report being sexually harassed in school. And single-sex classrooms often cater to stereotypes about how boys and girls learn, to the detriment of both sexes.

These and other challenges affect the ability of all students—male and female—to get the most out of their education. This in turn endangers the ability of U.S. schools and universities to produce skilled workers who can succeed in an increasingly competitive global marketplace.

Who Benefits from Title IX?

Contrary to the opinion of critics, Title IX is not an entitlement program; it offers no special benefits or advantages for girls and women. Rather, it is a gender-neutral piece of legislation designed to ensure equality in education for *all* students by eliminating sex-based discrimination. Title IX and related regulations provide guidelines, procedures, and tools for preventing and addressing inequities that can hinder students' ability to succeed in school and beyond.

Title IX benefits girls and women who want to achieve their maximum potential in education without barriers on the basis of their sex. It *also* benefits boys and men who want equal access to all education and career options. By prohibiting hostile, threatening, and discriminatory behavior, Title IX protects the rights of all students to learn in a healthy environment. These advantages extend beyond individual



TITLE IX AT WORK

Following are ten facts about Title IX, including both familiar and lesser-known aspects of the legislation.

1. **In schools that receive federal funding, Title IX protects all students**—male and female—from discrimination on the basis of sex.
2. **Title IX also prohibits sex discrimination in employment**, protecting school staff as well as students.
3. **Title IX requires schools to provide male and female students with equal opportunities** to participate in athletics; it does not set quotas or demand equal funding for different sports.
4. **Title IX mandates equity in career and technical education programs**, including those traditionally dominated by men (e.g., construction, IT), as well as those traditionally dominated by women (e.g., nursing).
5. **Title IX protects girls' and women's rights to equity in STEM education**, including equal opportunities and access to institutional resources.
6. **Title IX offers both male and female students protection against sex-based harassment** from teachers, school staff, other students, and school visitors.
7. **Title IX sets strict limits on programs that separate girls and boys**, and prohibits the discrimination that can occur when such programs are based on gender stereotypes.
8. **Title IX protects students from being refused enrollment or excluded from school-related activities** because of pregnancy or parenting status.
9. **Title IX requires schools to adopt and disseminate policies** prohibiting sex discrimination, develop grievance procedures, and designate a Title IX coordinator to oversee compliance. Title IX also protects students and staff from retaliation for reporting violations.
10. **Over the past 40 years, major gains in female participation** in areas such as science, math, business, and athletics have shown that girls and women have both the interest and the aptitude to succeed in these fields—without detracting from opportunities for males.

nation itself, which stands to gain a well-prepared workforce in which the brightest minds are allowed to advance.

Title IX and Equity in Education: Where Things Stand

In recent years Title IX has come under attack from critics who claim that the law, which mandates equality in education, actually favors girls and women at the expense of boys and men. However, studies show that Title IX has made greater educational opportunities available for students of both sexes.

This report outlines issues and recommended solutions in six areas covered by Title IX: athletics; science, technology, engineering, and mathematics (STEM); career and technical education; sexual harassment; single-sex education; and the rights of pregnant and parenting students. Through this examination, the National Coalition for Women and Girls in Education (NCWGE) seeks to inform the continued search for policies that will promote equal educational opportunity in all of these areas.

ATHLETICS

Title IX has increased female participation in sports exponentially. In response to greater opportunities to play, the number of high school girls participating in sports has risen tenfold in the past 40 years, while six times as many women compete in college sports. These gains demonstrate the key principle underlying the legislation: Women and girls have an equal interest in sports and deserve equal opportunities to participate.

Despite these advances, hurdles for female athletes remain. Girls and women still have fewer opportunities to participate in school sports than their male counterparts. In addition, different groups are not represented equally: Less than two-thirds of African-American and His-

panic girls play sports, while more than three-quarters of Caucasian girls do. In addition to having fewer opportunities, girls often endure inferior treatment in areas such as equipment, facilities, coaching, and scheduling.

Criticism of the effects of Title IX on athletics often springs from misconceptions about how the law works. Title IX does not mandate quotas or demand equal funding for all sports. Nor has opening opportunities for girls and women come at the expense of boys and men; in fact, athletic participation among males has continued to rise over the past 40 years.

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM)

With greater opportunity to study and work in science, technology, engineering, and math, girls and women have made great progress in these fields over the past 40 years. Nonetheless, more work is needed to achieve equality. Stereotypes about male and female abilities—none of which are supported by science—can affect access to opportunities for girls and women in STEM as well as student performance. Hiring and promotion policies in academia and elsewhere also hold women back.

Recent gains in girls' mathematical achievement demonstrate the importance of cultural attitudes in the development of students' abilities and interests. They also demonstrate the law's impact on society. As learning environments have become more open since the passage of Title IX, girls' achievement has soared. For example, the proportion of seventh- and eighth-grade girls who scored in the top 0.01% of students on the math SAT rose from 1 in 13 in the early 1980s to 1 in 3 by 2010.

At the college and postgraduate levels, women have made huge gains in some STEM fields but only modest progress in others. Women now earn more than half of all bachelor's degrees in biological and social sciences. In math, physics, engineering, and computer science, however,

the proportion of women earning bachelor's degrees has remained stagnant or even declined over the past decade.

Women's share of PhDs across all STEM fields has risen dramatically, from just 11% in 1972 to 40% by 2006; the numbers vary widely by field, though, with women earning over half the PhDs in the life sciences but just over 20% in computer science and engineering. Continuing female attrition in STEM programs at all levels comes at a devastating cost to U.S. businesses and research institutions, which need access to the brightest minds in STEM.

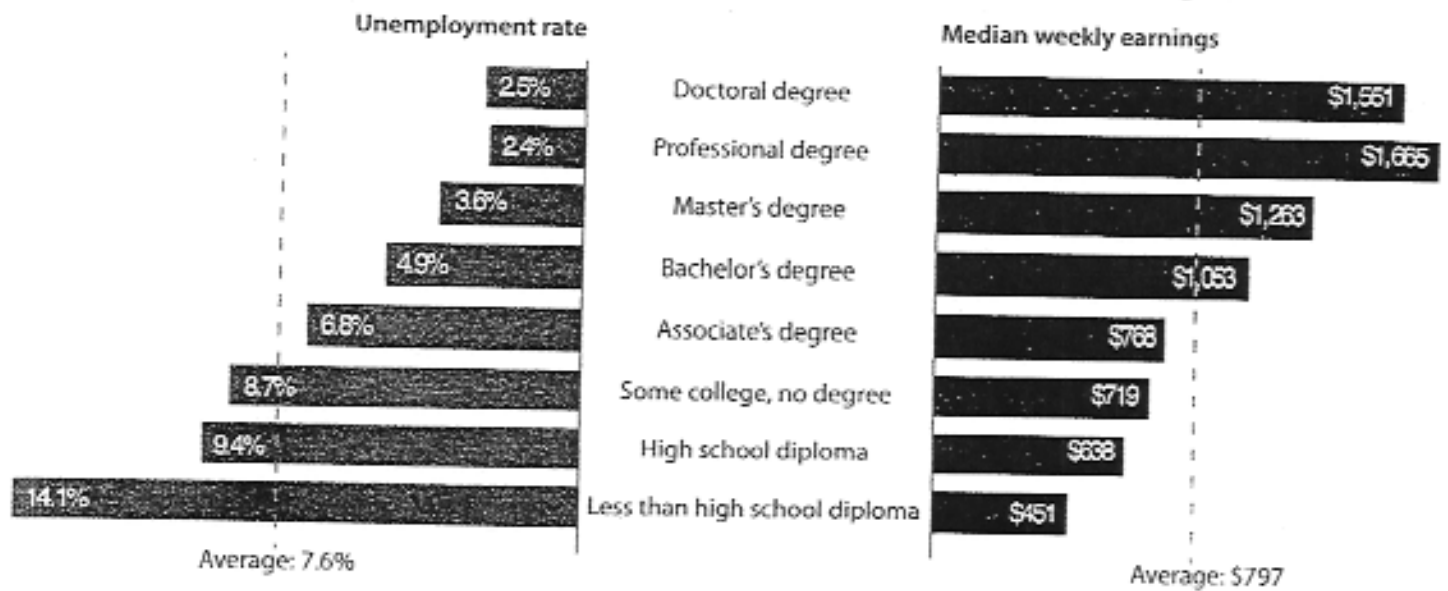
CAREER AND TECHNICAL EDUCATION

Career and technical education (CTE) prepares youth and adults for a wide range of careers as well as further education in areas such as information technology, construction, manufacturing, auto engineering, and other skilled trades. Expanding access to technical occupations can help to shrink the gender wage gap. Through CTE, women can gain the knowledge and skills required to enter higher-paying, "nontraditional" occupations for women, defined as those in which less than 25% of the workforce is of their gender.

Since the passage of Title IX, there has been a gradual increase in the number of females in technical and other occupational programs leading to nontraditional careers. Although women and girls have made some advances in CTE since Title IX passed, barriers to entry—including gender stereotypes, implicit bias, unequal treatment, and sexual harassment—remain high. Males may also be discouraged from taking nontraditional courses, including courses in relatively high-growth, high-wage professions in health care and other fields.

Federal law needs to offer states both incentives and resources for ensuring gender equity. It should also mandate sanctions for discrimination. Better tracking and reporting of data, incentives for increasing girls' and women's

Education Pays: Impact of Education on Employment and Earnings, 2011



NOTE: Data are for persons age 25 and over. Earnings are for full-time wage and salary workers.
SOURCE: U.S. Bureau of Labor Statistics, Current Population Survey.

participation in high-wage occupations, and resources for developing effective recruitment and retention strategies are needed to ensure equal access to CTE for all students.

SEXUAL HARASSMENT AND BULLYING

Harassment based on sex, including failure to conform to gender stereotypes, is prohibited by Title IX. Much of what is referred to as “bullying” is actually unlawful peer-on-peer harassment. The law applies whether the harassment involves students of the opposite or of the same sex, and whether it is conducted in person, online, or through other media. Title IX’s protection extends to sexual harassment in all of a school’s programs or activities, whether the harassment occurs on school property, on a school bus, or at an off-site school event.

Despite efforts to curb sexual harassment, this form of discrimination is still prevalent in schools and on college campuses. More than half of girls and 40% of boys in grades 7 through 12 reported being sexually harassed during the 2010–2011 school year. Among lesbian, gay, bisexual, and transgender students,

harassment is even more extensive: 85% say they have been verbally harassed, and 19% report physical assault. In addition, nearly two-thirds of college students aged 18–24 experience some form of sexual harassment. The numbers for men and women are similar, although women report greater emotional and educational disruption from harassment.

When sexual harassment occurs, Title IX requires that schools take immediate, effective action to eliminate the hostile environment, prevent its recurrence, and remedy the effects on the victim. These steps are essential for creating a learning environment in which all students can succeed. Better training and strengthening of the law—for example, giving students the same protection from harassment that employees have in the workplace—would help curb this widespread and damaging conduct.

SINGLE-SEX EDUCATION

In recent years, there has been a growing trend of separating students on the basis of sex. This trend raises serious equality and policy con-

cerns, and may violate numerous provisions of state and federal law. In public schools, the circumstances under which students can be separated by sex are limited by the Constitution and Title IX. Although the U.S. Department of Education loosened restrictions on single-sex education in 2006, schools must still meet a host of legal requirements before separating students by sex.

Few schools meet these requirements. Many single-sex programs alleging a basis in research are in fact based on claims that amount to little more than repackaged sex stereotypes—for instance, that boys need authority and excel at abstract thinking, while girls need quiet environments that focus on cooperation and following directions. In the classroom, separating boys and girls can reinforce such stereotypes in ways that are stigmatizing and damaging to both groups. Moreover, single-sex programs can discriminate against one group in allocating resources or educational opportunities.

Despite assertions to the contrary, separating students by sex has not been proven to improve educational outcomes. Evaluations generally fail to compare single-sex programs with comparable coed programs or to control for other factors that affect outcomes, such as class size and student ability. Given the flaws in the justification for single-sex education and the documented inequities that spring from separating boys and girls, stricter regulation and compliance monitoring are essential. The Department of Education should rescind the looser 2006 regulations and clarify what is and is not

permissible to help put an end to inequitable programs.

PREGNANT AND PARENTING STUDENTS

Despite legal protection under Title IX, pregnant and parenting students often face discrimination in school, including being pushed toward separate education programs, facing inequitable absence policies, and being denied access to extracurricular activities.

Pregnant and parenting teens face many obstacles to enrolling in, attending, and succeeding in school. Without adequate support, many drop out, lowering their chances of finding employment that offers economic security. This issue affects boys as well as girls: Close to half of female dropouts and one-third of male dropouts say that becoming a parent is a factor in their decision to leave high school.

Lack of knowledge of the law is a major issue in overcoming discrimination. Measures such as training school officials to understand the rights and needs of pregnant and parenting students and tracking compliance are important for ensuring equal access to education. In addition, greater support for pregnant and parenting students—including flexible leave options and services such as child care, counseling, and tutoring—can help ensure that these students have the opportunity to succeed in school.



Continued Progress

Even today, 40 years after the passage of Title IX, the goal of gender equity in education has not been fully realized. Each chapter of this report includes recommendations for the Title IX area covered in that chapter. In addition, NCWGE believes that the following overarching

recommendations will enable continued progress:

- 1. Awareness.** All stakeholders, including advocacy groups and the federal government, must actively educate the public and educa-

tional entities about Title IX and its broad application of educational equity. Education institutions should be fully aware of their responsibilities under Title IX.

- 2. Enforcement.** The U.S. Department of Education's Office for Civil Rights (OCR) should continue to enhance its Title IX enforcement and public education efforts and should conduct compliance reviews in areas not currently monitored, such as the treatment of pregnant and parenting students. Granting agencies should conduct regular and random Title IX compliance reviews of their grantee institutions, ensuring educational equity across all areas of Title IX.
- 3. Transparency.** Congress should require schools and universities to provide enhanced education data collection and reporting, including full disaggregation and cross-tabulation by gender, race, ethnicity, and disability, so that schools, parents, policy-makers, and advocates can see how smaller subgroups of students are doing in school. Data collection among federal grantee institutions should be standardized and include students as well as faculty and administrators at all levels, broken out by salary/compensa-

tion, promotion/tenure status, and field of study.

- 4. Coordination.** Title IX coordinators in each state, district, and school must be identified, notified of their responsibilities, and given training and resources to do their jobs. A complete list of these individuals and their contact information should be readily available on the U.S. Department of Education website, as well as on the websites of each state Department of Education and school district. OCR should have regular communication with Title IX coordinators to keep them informed. Congress and the Department of Education should coordinate the efforts of state and local Title IX coordinators in expanding programs to attract girls and women to fields in which they are under-represented, particularly in STEM and trade careers.
- 5. Funding.** Congress should restore federal funding to state education agencies for gender equity work, including funding for state Title IX coordinators and programs and for technical assistance with compliance. Funding should also be maintained for the Department of Education's regional Equity Assistance Centers.

About NCWGE

The National Coalition for Women and Girls in Education is a nonprofit organization established to educate the public about issues concerning equal rights for women and girls in education, monitor the enforcement and administration of current legislation, conduct and publish research and analysis of issues concerning equal educational rights for women and girls, and take the steps necessary and proper to accomplish these purposes.

NCWGE was formed in 1975 by representatives of national organizations concerned about the government's failure to issue regulations implementing Title IX of the Education

Amendments of 1972. NCWGE was successful in mobilizing strong support for publication of the Title IX regulations by the then-Department of Health, Education, and Welfare.

NCWGE continues to be a major force in developing national education policies that benefit women and girls; providing a valuable forum to share information and strategies to advance educational equity; advocating for women and girls regarding educational issues, including the interpretation and implementation of Title IX; and monitoring the work of Congress and federal agencies on education policies and programs.


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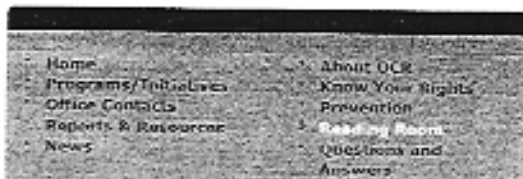
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OFFICES

OCR

Office for Civil Rights


Dear Colleague Letter

THE ASSISTANT SECRETARY

April 24, 2013

Dear Colleague:

The Office for Civil Rights (OCR) in the United States Department of Education (Department) is responsible for enforcing Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, or age by recipients of Federal financial assistance (recipient(s)) from the Department.¹ Although a significant portion of the complaints filed with OCR in recent years have included retaliation claims, OCR has never before issued public guidance on this important subject. The purpose of this letter is to remind school districts, postsecondary institutions, and other recipients that retaliation is also a violation of Federal law.² This letter seeks to clarify the basic principles of retaliation law and to describe OCR's methods of enforcement.

The ability of individuals to oppose discriminatory practices, and to participate in OCR investigations and other proceedings, is critical to ensuring equal educational opportunity in accordance with Federal civil rights laws. Discriminatory practices are often only raised and remedied when students, parents, teachers, coaches, and others can report such practices to school administrators without the fear of retaliation. Individuals should be commended when they raise concerns about compliance with the Federal civil rights laws, not punished for doing so.

The Federal civil rights laws make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws.² If, for example, an individual brings concerns about possible civil rights problems to a school's attention, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she made a complaint, testified, or participated in any manner in an OCR investigation or proceeding. Thus, once a student, parent, teacher, coach, or other individual complains formally or informally to a school about a potential civil rights violation or participates in an OCR investigation or proceeding, the recipient is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation. OCR will continue to vigorously enforce this prohibition against retaliation.

If OCR finds that a recipient retaliated in violation of the civil rights laws, OCR will seek the recipient's voluntary commitments through a resolution agreement to take specific measures to remedy the identified noncompliance.³ Such a resolution agreement must be designed both to ensure that the individual who was retaliated against receives redress and to ensure that the recipient complies with the prohibition against retaliation in the future. OCR will determine which remedies, including monetary relief, are appropriate based on the facts presented in each specific case.

Steps OCR could require a recipient to take to ensure compliance in the future include, but are not limited to:

- training for employees about the prohibition against retaliation and ways to avoid engaging in retaliation;
- adopting a communications strategy for ensuring that information concerning retaliation is continually being conveyed to employees, which may include incorporating the prohibition against retaliation into relevant policies and procedures; and

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- implementing a public outreach strategy to reassure the public that the recipient is committed to complying with the prohibition against retaliation.

If OCR finds that a recipient engaged in retaliation and the recipient refuses to voluntarily resolve the identified area(s) of noncompliance or fails to live up to its commitments in a resolution agreement, OCR will take appropriate enforcement action. The enforcement actions available to OCR include initiating administrative proceedings to suspend, terminate, or refuse to grant or continue financial assistance made available through the Department to the recipient; or referring the case to the U.S. Department of Justice for judicial proceedings.²

OCR is available to provide technical assistance to entities that request assistance in complying with the prohibition against retaliation or any other aspect of the civil rights laws OCR enforces. Please visit <http://wdcrobcr01.ed.gov/CFAPPS/OCR/contactus.cfm> to contact the OCR regional office that serves your state or territory.

Thank you for your help in ensuring that America's educational institutions are free from retaliation so that concerns about equal educational opportunity can be openly raised and addressed.

Sincerely,

/s/

Seth M. Galanter
Acting Assistant Secretary for Civil Rights

¹ OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments of 1972 (Title IX), Section 504 of the Rehabilitation Act of 1973 (Section 504), the Age Discrimination Act of 1975 (Age Act), and the Boy Scouts of America Equal Access Act (Boy Scouts Act). OCR also shares enforcement responsibilities with the Department of Justice for Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibits discrimination against individuals with disabilities in state and local government services, programs and activities, regardless of whether they receive federal financial assistance.

² The Federal courts have repeatedly affirmed that retaliation is a violation of the federal civil rights laws enforced by OCR. See, e.g., *Jackson v. Birmingham Board of Education*, 544 U.S. 167 (2005); *Peters v. Jenney*, 327 F.3d 307, 320-21 (4th Cir. 2003); *Weeks v. Harden Mfg. Corp.*, 291 F.3d 1307, 1311 (11th Cir. 2002).

³ See 34 C.F.R. § 100.7(e) (Title VI); 34 C.F.R. § 106.71 (Title IX) (incorporating 34 C.F.R. § 100.7(e) by reference); 34 C.F.R. § 104.61 (Section 504) (incorporating 34 C.F.R. § 100.7(e) by reference); and 34 C.F.R. § 108.9 (Boy Scouts Act) (incorporating 34 C.F.R. § 100.7(e) by reference). Title II and the Age Act have similar regulatory language. See 28 C.F.R. § 35.134 (Title II); and 34 C.F.R. § 110.34 (Age Act).

⁴ See OCR's Case Processing Manual for more information about resolution agreements, available at <http://www.ed.gov/ocr/docs/nccrpm.html>.

⁵ See 34 C.F.R. § 100.8.

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No. 248

ALLENTOWN SCHOOL DISTRICT

SECTION: STUDENTS
TITLE: SEXUAL HARASSMENT
ADOPTED: 9/27/12
REVISED: 6/27/13

248. SEXUAL HARASSMENT

Section 1. Purpose

The purpose of this policy is to address and prevent sexual harassment, a form of sex-based discrimination, and ensure that the Allentown School District (ASD) is in compliance with Title IX, 20 U.S.C. §§ 1681 *et seq.*, its implementing regulations, 34 C.F.R. Part 106, and published guidance of the United States Department of Education, Office for Civil Rights which prohibits sex-based discrimination by school districts that receive federal funds.

Section 2. Guidelines

ASD is responsible for ensuring that its policies and guidelines comply with Title IX and its implementing regulations, as well as all other applicable federal, state, and local law.

Section 3. Notice of Nondiscrimination

As required by federal and state law, ASD does not discriminate on the basis of sex with regard to participation in any academic, extracurricular, research, occupational training or other education program or activity operated by ASD.

Questions about the applicability of Title IX to any ASD program or activity may be directed to the ASD District Equity Coordinator (DEC), located in the ASD offices at 31 S. Penn Street, Allentown, PA 18105.

Section 4. Policy

ASD is committed to maintaining a school environment free of discrimination based on sex, including sexual harassment. Sexual harassment of any kind at school or school-sponsored events, on school property, or on busses is unlawful and strictly prohibited. ASD requires all ASD personnel and students to conduct themselves in an appropriate manner, with respect for others in the ASD community.

ASD shall take reasonable and appropriate action to prevent, address, and eliminate sexual harassment in the education program and activities in every school, school sponsored activity, and on school property or on busses. This effort shall include monitoring and supervision to prevent, detect, and correct instances of sexual harassment; eliminating any hostile environment; conducting investigations of complaints, formal or informal, of sexual harassment; protecting victims of sexual harassment; instituting remedial measures; and educating ASD personnel, students, parents, and guardians about sexual harassment and this policy.

Section 5. Title IX Coordination

The District Equity Coordinator (DEC) is responsible for administering and ensuring ASD's compliance with Title IX, and has supervisory authority over all School Equity Coordinators (SECs). The DEC

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shall oversee investigation and resolution of all complaints, whether made verbally or in writing. The DEC has primary responsibility to investigate and resolve complaints when the allegations of sexual harassment involve ASD personnel or other adults as well as employee-student and adult-student harassment. The DEC shall timely notify all ASD Personnel, students, and parents if revisions are made to this policy. Both the DEC and SEC will meet upon request with ASD students or parents/guardians about sexual harassment complaints, questions, or concerns.

The SEC is responsible for compliance with this policy and accompanying Administrative Regulation. The SEC has primary responsibility for and is authorized to conduct all investigations of complaints, whether made verbally or in writing, involving allegations of student-on-student sexual harassment in their school or at school sponsored activities. Alternatively, the SEC may appoint a designee in writing, a qualified Title IX investigator, to conduct such investigation. If the SEC makes such a designation, the SEC shall notify the parent of which Title IX investigator will conduct the investigation.

Each ASD school building shall have a School Equity Coordinator or SEC, who is the Principal. For a list of Principals, and their office and email addresses and telephone numbers, please refer to Administrative Regulation No. 248-AR-1 or the Allentown School District website, www.allentownsd.org.

The obligation and responsibility of the DEC and the SECs to fully conduct an investigation and resolve all complaints of sexual harassment exists regardless of whether or not a criminal investigation involving the same or similar allegations is also pending or has been concluded. The procedure for making a complaint, investigating a complaint, guidelines for resolution of a complaint, and appealing after a decision has been rendered is set forth in the Administrative Regulation that is attached to this policy and is incorporated herein by reference, No. 248-AR-1. A form for making a complaint also accompanies this policy, and is entitled No. 248 Sexual Harassment Report Form.

Section 6. Definitions

Complainant is the person who lodges or files a complaint, formal or informal, against another person.

ASD Personnel means all District central office and school administrators and employees, including but not limited to principals, assistant principals, counselors, psychologists, nurses, faculty, teachers, permanent and temporary staff, contractors (including police officers) who have regular interaction with ASD students, and substitute teachers.

Discrimination is the exclusion from participation, denial of benefits, or subjection of any student to disparate treatment or disparate impact in any academic, athletic, extracurricular, research, occupational training, or other education program or activity based upon sex. Examples of discrimination include, but are not limited to, the following:

- a. Treating one person differently from another in determining whether such person satisfies any requirement or condition for the provision of aid, benefit, or service;
- b. Providing different aid, benefits or services, or providing aid, benefits or services in a different manner;
- c. Denying any person such aid, benefit or services;
- d. Subjecting any person to separate or different rules of behavior, sanctions, or other treatment;

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- e. Aiding or perpetuating discrimination against any person by providing significant assistance to any agency, organization, or person, which discriminates on the basis of a legally protected classification in providing any aid, benefit, or service to students or ASD personnel; or
- f. Otherwise limiting any person in the enjoyment of any right, privilege, advantage, or opportunity.

Education program includes, without limitation, all of ASD's operations; for example, academic, athletic, and extra-curricular activities and other programs sponsored or provided, whether directly or indirectly, by ASD at schools, facilities, property, on busses, and other programs.

Hostile environment exists when sex-based harassment is sufficiently severe, persistent, or pervasive to interfere with or limit one or more student's ability to participate in or benefit from the education program.

Respondent is the person who is alleged to have committed an act of sexual harassment.

Qualified Title IX investigator is a person who is knowledgeable in all aspects of Title IX, has been appointed as a designee of the SEC in writing, and has received training to investigate complaints of sexual harassment.

Sexual harassment, a form of sex-based harassment, is defined to include sexual harassment, sexual abuse, sexual assault, sexual violence, sexual deviancy, sexually inappropriate contact, and inappropriate touching and, as such, shall include unwelcome verbal, visual, or physical conduct of a sexual nature; rape; attempted rape; intimidation, bullying, or coercion of a sexual nature (conduct need not be physical); unwelcome or inappropriate sexual advances; non-consensual, forced physical sexual behavior; nonconsensual kissing and fondling; exposure of genitalia; voyeurism; exhibitionism; sexually suggestive statements or demands; the use of a position of trust to compel otherwise unwanted sexual activity with or without physical force; the forcing of undesired sexual behavior by one person upon another; assault of a sexual nature on another person; or any sexual act committed without consent. Examples of sexual harassment that would violate this policy include but are not limited to the following:

- a. Touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- b. Coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
- c. Coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another;
- d. Touching oneself sexually or talking about one's sexual activity in front of others;
- e. Spreading rumors about or rating other students as to sexual activity or performance;
- f. Unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact;
- g. Other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats or implied or overt promises of preferential treatment.

This definition does not preclude legitimate, non-sexual physical conduct, such as a teacher's consoling hug of a student or a demonstration of a sports move requiring contact with a student.

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Sexual violence or sexual exploitation of students under the age of 18 also constitutes child abuse, which must be reported to law enforcement authorities and the Office of Children and Youth Services of Lehigh County as required in Board Policy No. 806, Child/Student Abuse.

Section 7. Closure of Complaint and Appeal

The DEC or the SEC shall provide written notice of the conclusions reached by the DEC (for example: founded, unfounded or indeterminate), the reasons therefore, and the actions taken as a result, within three (3) business days after the complaint is resolved to the complainant and respondent, and in the case of minor students to their parents/guardians, and shall advise them of their right to appeal an adverse decision to the Superintendent or the Superintendent's designee. If an appeal is requested, the appeal shall be submitted in writing to the DEC, who shall forward a copy of the appeal to the Superintendent or the Superintendent's designee, and the appropriate decision maker will consider all issues presented by the appealing complainant, respondent, or their guardian or representative.

Section 8. Prohibition Against Retaliation

Retaliation or reprisals by any student or ASD Personnel against complaining persons, witnesses or any other person who reports allegations of sexual harassment or provides information to assist a sexual harassment investigation are prohibited and subject to the same actions, remedies, and responses set forth in the incorporated Administrative Regulation, No. 248-AR-1, regarding when a determination is made that a complaint of sexual harassment is founded. ASD officials, administrators, and employees will take steps to prevent retaliation and will also take strong responsive action if retaliation occurs.

Section 9. Right to Additional Complaint Procedures

This policy is a good faith effort to prevent and address sexual harassment promptly and appropriately. The policy is not intended to be the exclusive remedy to sexual harassment. ASD community members, complainants, respondents, and their guardian or representative are entitled to pursue additional avenues of recourse, which may include reporting or filing charges with appropriate legal, state, and federal agencies, initiating civil action, or reporting perceived criminal conduct to the appropriate authorities, including but not limited to:

Pennsylvania Human Relations Commission
Harrisburg Regional Office
Riverfront Office Center, 5th Floor
1101-1125 S. Front Street
Harrisburg, PA 17104-2515
Tel. No. (717) 787-9784
TTY: (717) 787-7279

or

U.S. Department of Education
Office for Civil Rights
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Tel No. (215) 656-8541
TDD: (877) 521-2172

Section 10. Miscellaneous

This policy shall be translated, language-accessible, and available for students and parents whose first language is not English, on the ASD website at www.allentownsd.org.

The DEC shall maintain a record of all complaints, reports, and allegations of sexual harassment consistent with the accompanying sexual harassment reporting regulation, No. 248-AR-1.

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Section 11. This Policy Shall Supersede all Prior Policies and Statements

This policy shall supersede all policies, procedures, and other relevant language regarding sexual harassment developed prior to the date of adoption of this policy. This includes references in the School Board Policies, the Code of Conduct, and any other existing policies or statements that existed prior to the date of adoption of this Policy.