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**STATE COLLEGE  
Area School District**

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**LEARNING ENRICHMENT/GIFTED SUPPORT PROGRAM AND STUDENT SERVICES**  
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To: Dr. Robert O'Donnell

VI-C4

From: Jeanne Knouse

Date: June 4, 2015

Re: Policy Review

The review of the following Policy 249 will be presented at the June 8, 2015 State College Area School District School Board meeting as an information/discussion item:

- Policy 249- Anti-Harassment and Anti-Bullying - This policy is being presented for a review as required by Title 24 P.S. Education Article XIII-A. Safe Schools subsection 13-1303.1-A. Policy relating to bullying part (c) Each school entity shall review its policy relating to bullying every three (3) years.

STATE COLLEGE  
AREA  
SCHOOL DISTRICT

SECTION: PUPILS

TITLE: ANTI-HARASSMENT and ANTI-BULLYING

ADOPTED: July 9, 2001

REVISED: September 10, 2012

249. ANTI-HARASSMENT/ANTI-BULLYING	
1. Purpose	<p>It is the policy of the State College Area School District to provide a safe and orderly educational environment that is free from harassment and/or bullying and conducive to the mission of the school district to provide each and every student the best opportunity to receive the education to which s/he is entitled under state and federal law. The school district asserts that it has a compelling interest in promoting an educational environment that is safe and conducive to learning.</p> <p>It is the intention of the school district, consistent with state and federal law, to strive to maintain a learning environment which is free of harassment and/or bullying since the school district finds that incidents of harassment and/or bullying prevent students from receiving the education to which they are entitled, materially disrupt the mission of the school district to educate the children of the school district, substantially interfere with a students educational performance and foster incidents of violence.</p> <p>It is the purpose of this policy to prohibit and prevent acts of harassment and/or bullying and violence. The school district does recognize that students retain certain rights under state and federal law, including freedom of expression, although such rights are not necessarily co-extensive with the rights of adults in society at large. It is not the purpose of this policy to impinge upon the legitimate rights of students or school personnel under state and federal law in the school environment.</p> <p>This policy defines harassment and/or bullying and violence, specifies and describes prohibitions, outlines reporting procedures, provides for the undertaking of appropriate remedial actions calculated to stop the harassment and/or bullying and/or violence, and prohibits retaliation against those who, in good faith, report harassment pursuant to this policy.</p>
2. Definitions	<p>Harassment – the term harassment as used in this policy means verbal, written, graphic, physical conduct which does or is reasonable believed under the totality of the circumstances to:</p> <ol style="list-style-type: none"> <li>1. Substantially or materially interfere with a student's or students' educational performance.</li> <li>2. Deny any student or students the benefits or opportunities offered by the school</li> </ol>

district.

3. Substantially disrupt school operations or activities.
4. Create a hostile or abusive environment which is of such pervasiveness and severity that it materially and adversely alters the condition of a student's or students' educational environment, from both an objective viewpoint and the subjective viewpoint of the student at whom the harassment is directed.
5. When harassment and/or bullying, as defined above, occurs it may include instances or a series of instances involving unwelcome sexual advances; touching, patting, grabbing another's intimate parts; coercing or forcing physical contact with another; demands for sexual favors; slurs; dissemination of lewd, profane or obscene materials; lewd, vulgar or profane language; threatening or intimidating conduct, writing or expression; degrading name-calling, remarks, notes, gestures or actions; damage to property or person; assault; stalking; or extortion.

The term harassment for purposes of this policy does not mean merely offensive expression, rudeness or discourtesy; nor does the term harassment mean the legitimate exercise of constitutional rights within the school setting. The school district recognizes there is a right to express opinions, ideas and beliefs so long as such expression is not lewd or profane or materially disruptive of school operations or the rights of others.

Bullying means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting using school systems or equipment, that is severe, persistent or pervasive and has the effect of doing any of the following:

1. Substantial interference with a student's education.
2. Creation of a threatening environment.
3. Substantial disruption of the orderly operation of the school.

Bullying, as defined in this policy, includes cyberbullying.

School personnel – the term school personnel as used in this policy means School Board members, school employees, agents, volunteers, contractors and/or persons subject to the supervision and control of the school district.

School setting means in the school, on school grounds, in school vehicles, at a designated bus stop, at any activity sponsored, supervised or sanctioned by the school or within any of the school's electronic systems.

<p>3. Authority</p> <p>3. Title IX 42 U.S.C. Sec. 1681 43 P.S. Sec. 951 et seq 29 CFR Sec. 1606.8(a) 29 CFR Sec. 1606.8(a) 62 Fed. Reg. 12033 (March 13, 1997) 66 Fed. Reg. 5512 (Jan. 19, 2001)</p>	<p>It shall be a violation of this policy for any student or school personnel of the State College Area School District to engage in harassment and/or bullying of a student on school property, during the use of school facilities or during school-sponsored activities, services and/or events.</p> <p>It shall also be a violation of this policy for any school personnel to tolerate harassment and/or bullying, as defined by this policy, by any student or school personnel or third parties who are participating in, observing or otherwise engaged in activities, including extracurricular activities, on school property or at school related activities, services or events.</p> <p>Harassment and/or bullying such as is prohibited under this policy includes, but is not limited to, harassment and/or bullying based on race, gender, color, national origin, ethnicity, sexual orientation, religion, and/or disability.</p> <p>The determination of whether harassment and/or bullying, as defined herein, has occurred will require the reasonable assessment of the totality of surrounding circumstances attendant to a given situation which may include the frequency of the conduct at issue, the physical surroundings, the ages and maturity of those involved, the activity or program within which the situation occurs, the forum in which the alleged harassment and/or bullying occurs, and the nature and severity of the alleged harassment and/or bullying at issue.</p> <p>The school district recognizes that the foregoing list includes items which vary in nature and severity, and that, as such, the totality of all surrounding circumstances must be considered in making the determination as to whether harassment and/or bullying has occurred. If any activity described in the foregoing list does not rise to the level of harassment and/or bullying as defined above, harassment and/or bullying shall not be deemed to have occurred.</p>
<p>4. Guidelines</p>	<p><u>Procedures for Notification</u></p> <p>The district shall inform students, parents and school personnel that harassment and/or bullying will not be tolerated by means of one or more of the following:</p> <ol style="list-style-type: none"> <li>1. Distribution of policy.</li> <li>2. Publication in handbooks.</li> <li>3. Assembly presentation.</li> <li>4. Training session(s).</li> <li>5. Posting of notices/signs.</li> </ol>

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6. Other means of notice to be implemented by the district.

The district shall use its discretion in developing and initiating age-appropriate programs to effectively inform students, parents and school personnel about the substance of the policy and procedures in order to help prevent harassment and/or bullying.

Procedures for Reporting, Investigating and Resolution are in a separate document under Procedures.

Several behaviors listed as harassment (e.g., sexual touching, grabbing, pinching, being forced to kiss someone, being forced to do something sexual other than kissing, sexual assault) may also constitute physical or sexual abuse. The term physical abuse is defined as the intentional infliction of bodily harm. The term sexual abuse is defined as any act or acts by a person involving sexual molestation or exploitation of another person, including but not limited to incest, prostitution, rape, sodomy or any lewd or lascivious conduct. Thus, under certain circumstances, alleged harassment may also be possible physical and/or sexual abuse under Pennsylvania law. Such harassment or abuse is subject to the duties of mandatory reporting and must be reported to the appropriate authorities within twenty-four (24) hours of the time the educator becomes aware of the suspected abuse.

Confidentiality

The State College Area School District recognizes that both the complaining individual and the alleged harasser/bully have strong interests in maintaining the confidentiality of the allegations and related information. The privacy of the complaining individual, the individual(s) against whom the complaint is filed, and the witnesses will be respected as much as possible, consistent with legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

Outside Agencies

A charge of harassment may also be investigated by the Pennsylvania Human Relations Commission, the Pennsylvania Department of Education, or the Office for Civil Rights of the U.S. Department of Education which may be contacted as follows: PA Human Relations Commission, Harrisburg Regional Office, 1101-1125 South Front Street, Harrisburg, PA 17104, Phone: (717)787-9784, TTY: (717) 787-7279; Pennsylvania Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, Phone: (717) 787-2644, TTY: (717) 783-8445; Office for Civil Rights, Philadelphia Office, U.S. Department of Education, 3535 Market Street, Room 6300, 03-2010, Philadelphia, PA 19104-3326, Phone: (215) 596-6787, TTY: (215) 596-6794.

Construction

This policy shall not be construed to impinge upon the exercise of legitimate rights of students or school personnel in the school setting. To the extent that any provision of this policy is declared to be invalid or unenforceable, said declaration shall not affect the validity or enforceability of any of the remaining provisions, which shall remain in full force and effect.