

THE SCHOOL DISTRICT OF  
PHILADELPHIA

No. 103

Section: 100 Programs

Title: Nondiscrimination in  
School and Classroom Practices

Adopted: April 27, 1981

Revised: June 23, 2022

103 NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES

**Purpose**

The Board of Education (“Board”) is committed to maintaining schools that are spaces with inclusive climates and that support the social, emotional, and mental health of all students. The purpose of this policy is to require the School District of Philadelphia (“District”) to maintain a program of nondiscrimination practices, including course offerings, counseling, assistance, employment, athletics, and extracurricular activities.

**Definitions**

For the purposes of this policy, terms are defined as follows:

**Discrimination:** To treat individuals differently based on a protected classification including race, color, ethnicity, age, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, English language proficiency, veteran status, disability, or other protected classification. A single incident of discrimination may implicate more than one protected class.

**Authority**

As required by federal, state, and local laws and regulations, the Board shall provide for an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the schools without discrimination on the basis of race, color, ethnicity, age, religion, sex, sexual orientation (known or perceived), gender identity or expression (known or perceived), ancestry, national origin, marital status, pregnancy, socio-economic status, English language proficiency, political beliefs, veteran status, disability, or other protected class.

[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)

The Board is committed to the maintenance of a safe and positive learning environment for all students that is free from discrimination by providing all students course offerings, counseling, assistance, services, employment, athletics, and extracurricular activities without any form of discrimination. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the District and is prohibited at or, in the course of, District-sponsored programs or activities, including transportation to or from school or school-sponsored activities.

### **Delegation of Responsibility**

To maintain an education environment that discourages and prohibits discrimination, the Board designates the District's Compliance Officer/Title IX Coordinator as the Compliance Officer responsible for coordinating the District's efforts to comply with this policy and applicable laws and regulations.

The Compliance Officer/Title IX Coordinator can be contacted at:

Address: 440 N. Broad Street, Philadelphia, PA 19130

Email: [antiharassment@philasd.org](mailto:antiharassment@philasd.org)

Phone Number: 215-400-4830

The Compliance Officer/Title IX Coordinator shall fulfill designated responsibilities to maintain adequate nondiscrimination procedures, to recommend new procedures or modifications to procedures, and to monitor the implementation of the District's nondiscrimination procedures as follows:

1. Publish and disseminate this policy and the complaint procedure at least twice annually (at the beginning of school year and following winter break) to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the name, position, office address, telephone number, and email address of the Compliance Officer/Title IX Coordinator and be made available in various languages in accordance with applicable law or Board policy. [18]
2. Receive reports or complaints from District employees, students, families, and third parties if the school principal is the subject of a report or complaint.
3. Track all complaints, investigation materials and resolutions from discrimination complaints District-wide and monitor the timely and appropriate investigation of complaints.
4. Monitor and provide technical assistance to individuals involved in managing complaints.
5. Make ad hoc reports (as necessary or appropriate) and annual reports to the Board on discrimination complaints and resolutions.

The Office of Student Support Services, the Office of Talent; the Office of Academic Supports; the Division of Operations; the Office of Schools; the Office of Evaluation, Research, and Accountability; and the Office of Diversity, Equity, and Inclusion, are to monitor the implementation of equitable decision making, using the Office of Diversity, Equity, and Inclusion's Equity Lens, 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. District Support - Provision of structure, strategic guidance, and organizational leadership necessary to maintain an equitable District.
5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

The Superintendent or designee, through the Office of Student Support Services, shall develop administrative procedures to implement this policy.

### **Mandatory Regulatory Procedures**

The equitable distribution of District resources is one means the District shall use to ensure all students receive a quality education. The District shall make reasonable accommodations for individuals with disabilities, consistent with the requirements of federal and state laws and regulations and in accordance with Board policy, including [Policy 103.1 - Nondiscrimination-Qualified Students with Disabilities-Protected](#).

The Board encourages students and third parties who have been subject to discrimination, or parents/guardians of students, to promptly report such incidents to designated employees. Any reports of discrimination that are based on a violation of this policy shall follow the [Administrative Procedure A: Bullying, Harassment, and Discrimination \(Students\)](#).

The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated.

The District shall provide training for all employees to implement equitable decision making practices, using the Equity lens developed by the Office of Diversity, Equity, and Inclusion.

The District shall post a notice stating that the District does not discriminate in any manner, in any District education program or activity. The notice shall include the title, office address, telephone number, and email address of the individual(s) designated as the Compliance Officer(s) and shall be posted on the District's website.

### **Confidentiality**

Confidentiality of all parties, witnesses, the allegations, the filing of a report, and the investigation related to any form of discrimination shall be handled in accordance with applicable law, regulations, this policy, the administrative procedures to this policy, and the District's legal and investigative obligations. [19][20][21][22][23][24]

## Retaliation

The Board prohibits retaliation by the District against any person for: [25]

- Reporting or making a formal complaint of any form of discrimination or retaliation.
- Testifying, assisting, participating, or refusing to participate in a related investigation, process, or other proceeding or hearing.
- Acting in opposition to practices the person reasonably believes to be discriminatory. The District, its employees, and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Compliance Officer/Title IX Coordinator immediately if retaliation is believed to have occurred.

## Disciplinary Consequences

Appropriate disciplinary action/consequences for persons engaging in acts of discrimination and for persons engaged in reprisal or retaliation should be applied, when appropriate, after the investigation has determined that such an offense has occurred. A range of disciplinary actions/consequences are set forth in the [Code of Conduct](#), [Employee Code of Ethics](#), Collective Bargaining Agreement, or applicable Board policy.

[26][27][28][29][30]

## Legal References:

1. [22 PA Code 12.1](#)
2. [22 PA Code 12.4](#)
3. [22 PA Code 15.1 et seq](#)
4. [22 PA Code 4.4](#)
5. [24 P.S. 1301](#)
6. [24 P.S. 1310](#)
7. [24 P.S. 1601-C et seq](#)
8. [24 P.S. 5004](#)
9. [43 P.S. 951 et seq](#)
10. [20 U.S.C. 1681 et seq](#)
11. [34 CFR Part 106](#)
12. [29 U.S.C. 794](#)
13. [42 U.S.C. 12101 et seq](#)
14. [42 U.S.C. 1981 et seq](#)
15. [42 U.S.C. 2000d et seq](#)
16. [U.S. Const. Amend. XIV, Equal Protection Clause](#)
17. [Policy 103.1 - Nondiscrimination-Qualified Students with Disabilities-Protected Handicapped Students](#)
18. [Policy 139 - Supporting Language Accessibility for Parents and Guardians Whose Primary Language Is Not English](#)
19. [Policy 113.4 - Confidentiality of Special Education Student Information](#)

20. [20 U.S.C. 1232g](#)
21. [34 CFR 106.44](#)
22. [34 CFR 106.45](#)
23. [34 CFR 106.71](#)
24. [34 CFR Part 99](#)
25. [Policy 300 - Employee Code of Ethics](#)
26. [Policy 113.1 - Discipline of Students with Disabilities](#)
27. [Policy 218 - Student Conduct and Discipline](#)
28. [Policy 233 - Suspension and Expulsion](#)
29. [Policy 317 - Employee Conduct and Reporting Requirements](#)
30. [Policy 113.2 - Behavior Support](#)

**Related Information:**

[28 CFR Part 35](#)

[28 CFR Part 41](#)

[34 CFR Part 100](#)

[34 CFR Part 104](#)

[34 CFR Part 106](#)

[34 CFR Part 110](#)

[Philadelphia Code of Ordinances \(Fair Practices Ordinance\) - 9-1101 et seq](#)

[Policy 122](#)

[Policy 123](#)

[Policy 701](#)

Philadelphia Commission on Human Relations Guidance