

JEFFERSON COUNTY PUBLIC SCHOOLS
Procedures
September 1, 2020 Board Meeting

JCBE Policy	KSBA Procedure Name	Comment
03.1621 Title IX Sexual Harassment (Certified)	03.1621 AP.2 Title IX Sexual Harassment Grievance Procedures (Certified)	<p>Points the reader to the provisions of 09.428111 AP.1, 09.428111 AP.11, and 09.428111 AP.21, the procedures for Title IX Sexual Harassment.</p> <p>These are new procedures and will affect how sexual harassment is treated under the new federal Title IX regulation.</p>
03.1621 Title IX Sexual Harassment (Classified)	03.2621 AP.2 Title IX Sexual Harassment Grievance Procedures (Classified)	<p>Points the reader to the provisions of 09.428111 AP.1, 09.428111 AP.11, and 09.428111 AP.21, the procedures for Title IX Sexual Harassment.</p> <p>These are new procedures and will affect how sexual harassment is treated under the new federal Title IX regulation.</p>
09.428111 Title IX Sexual Harassment (Students)	09.428111 AP.1 Notice to Individuals Regarding Title IX Sexual Harassment/Discrimination	<p>Sets forth the notice that is required to be provided to all “applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations...”</p> <p>This is a new procedure and will affect how sexual harassment is treated under the new federal Title IX regulation.</p>

<p>09.428111 Title IX Sexual Harassment (Students)</p>	<p>09.428111 AP.11 Title IX Sexual Harassment Grievance Procedures</p>	<p>Sets forth the procedures to implement Board policies 03.1621, 03.2621, and 0942811 relating to Title IX Sexual Harassment.</p> <p>The procedure addresses the following: reporting; formal complaints; emergency removals/suspensions; employee suspensions/reassignments with pay; notice to parties of a formal complaint; informal resolution process; investigation; determination of responsibility; remedies, discipline and other actions; appeals; and records.</p> <p>This is a new procedure and will affect how sexual harassment is treated by the District as required under the new federal Title IX regulation.</p>
<p>09.428111 Title IX Sexual Harassment (Students)</p>	<p>09.428111 AP.21 Title IX Sexual Harassment Reporting Form</p>	<p>This procedure is the form to be used to report an incident of Title IX Sexual Harassment.</p> <p>This is a new procedure and will affect how sexual harassment is treated under the federal Title IX regulation.</p>
<p>09.224 Emergency Medical Treatment</p>	<p>09.224 AP.21 Nurse Office Consent for Treatment/Emergency Information</p>	<p>This consent form is being amended to replace the terms “mother” and “father” with the term “parent.” A filed for the name of a legal guardian is retained.</p> <p>This change allows information regarding all families to be accurately and appropriately collected.</p>

EXPLANATION: NEW TITLE IX SEXUAL HARASSMENT REGULATIONS (34 C.F.R. § 106.45) GO INTO EFFECT AUGUST 14, 2020 AND REQUIRE NOTICE TO INDIVIDUALS REGARDING TITLE IX SEXUAL HARASSMENT/DISCRIMINATION.

FINANCIAL IMPLICATIONS: COST OF PROVIDING NOTICE AND TRAINING TO ALL PERSONNEL

PERSONNEL

03.1621 AP.2

- CERTIFIED PERSONNEL -

Title IX Sexual Harassment Grievance Procedures

Refer to Procedure 09.428111 area for Title IX Sexual Harassment Notices, Grievance Procedures, and Reporting Forms.

RELATED PROCEDURES:

03.2621 AP.2; 09.428111 (all procedures)

EXPLANATION: NEW TITLE IX SEXUAL HARASSMENT REGULATIONS (34 C.F.R. § 106.45) GO INTO EFFECT AUGUST 14, 2020 AND REQUIRE NOTICE TO INDIVIDUALS REGARDING TITLE IX SEXUAL HARASSMENT/DISCRIMINATION.

FINANCIAL IMPLICATIONS: COST OF PROVIDING NOTICE AND TRAINING TO ALL PERSONNEL

PERSONNEL

03.2621 AP.2

- CLASSIFIED PERSONNEL -

Title IX Sexual Harassment Grievance Procedures

Refer to Procedure 09.428111 area for Title IX Sexual Harassment Notices, Grievance Procedures, and Reporting Forms.

RELATED PROCEDURES:

03.1621 AP.2; 09.428111 (all procedures)

EXPLANATION: NEW TITLE IX SEXUAL HARASSMENT REGULATIONS (34 C.F.R. § 106.45) GO INTO EFFECT AUGUST 14, 2020 AND REQUIRE NOTICE TO INDIVIDUALS REGARDING TITLE IX SEXUAL HARASSMENT/DISCRIMINATION.

FINANCIAL IMPLICATIONS: COST OF PROVIDING NOTICE AND TRAINING TO ALL PERSONNEL

HIGHLIGHTED TEXT REFLECTS CHANGES TO KSBA SAMPLE POLICY OFFERED BY JCPS STAFF.

STUDENTS

09.428111 AP.1

Notice to Individuals Regarding Title IX Sexual Harassment/Discrimination

This notice shall be provided to applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements.

The District's Title IX Coordinator (TIXC) is

Georgia Hampton, Director of Compliance and Investigations

Jefferson County Public Schools

C.B. Young Service Center

3001 Crittenden Drive, Louisville, KY 40209

(502) 485-3341

georgia.hampton@jefferson.kyschools.us

<u>Address</u>	<u>City, State, Zip</u>
<u>Email Address</u>	<u>Telephone Number</u>

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the TIXC, or by any other means that results in the TIXC receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the TIXC.

The District must prominently display the contact information required to be listed for the TIXC and Policies 03.1621, 03.2621, 09.428111 Title IX Sexual Harassment and 09.428111 AP.11 Title IX Grievance Procedures on its website, if any, and in each handbook or catalog that it makes available to persons entitled to a notification listed above.

The District must ensure that the TIXC(s), Investigators, Decision Makers, and any person who facilitates an informal resolution process, receive training on the regulatory definition of sexual harassment; the scope of the District's educational program or activities; how to conduct an investigation; the grievance process (including informal resolutions and appeals); and impartial service, conflict of interest, and bias standards.

The District must make these training materials publicly available on its website, ~~or if the District does not maintain a website the District must make these materials available upon request~~ for inspection by members of the public.

Notice to Individuals Regarding Title IX Sexual Harassment/Discrimination

REFERENCES:

Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106

RELATED POLICIES:

03.1621; 03.2621; 09.428111; 03.162; 03.262; 09.42811

RELATED PROCEDURES:

03.1621; 03.2621; (all procedures)

09.428111 (all procedures)

EXPLANATION: NEW POLICY MANDATED BY AMENDMENTS TO TITLE IX REGULATION DEFINES “TITLE IX SEXUAL HARASSMENT” TO INCLUDE SERIOUS MISCONDUCT”; INCLUDES OTHER KEY DEFINITIONS; REQUIRES DISCUSSION/IMPLEMENTATION OF SUPPORTIVE MEASURES WHETHER OR NOT A “FORMAL COMPLAINT” IS FILED; REQUIRES GRIEVANCE PROCEDURES; CONFIRMS GENERAL PARENT RIGHTS TO ACT ON BEHALF OF STUDENTS; ADDRESSES CONFLICT OF INTEREST STANDARDS FOR MULTIPLE REQUIRED DISTRICT ACTORS AT INVESTIGATIVE, DECISION-MAKING, AND APPELLATE STAGES; AND ALSO COVERS: CONFIDENTIALITY, EVIDENCE RULES, REQUIRED EMPLOYEE REPORTING, AND RETALIATION.

FINANCIAL IMPLICATIONS: COST OF PROVIDING NOTICE AND TRAINING TO ALL PERSONNEL

HIGHLIGHTED TEXT REFLECTS CHANGES TO KSBA SAMPLE POLICY OFFERED BY JCPS STAFF.

STUDENTS

09.428111AP.11

Title IX Sexual Harassment Grievance Procedures

THIS PROCEDURE APPLIES TO “TITLE IX SEXUAL HARASSMENT”
UNDER POLICIES 03.1621, 03.2621, AND 09.428111.

REPORTING

1. School employees who have reason to believe that a student has been subjected to Title IX Sexual Harassment as defined in Board Policy 09.428111 are required to promptly make a report to the Title IX Coordinator (TIXC).
2. Students, parents/legal guardians or other individuals who believe a student has been subject to Title IX Sexual Harassment sexually harassed may make a report to the TIXC.
3. If the individual making the report is the alleged victim (“Complainant” as defined in Board Policy 09.428111 the Title IX Sexual Harassment regulation), or if the Complainant is identified by the individual making the report, the TIXC will meet with the Complainant to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
4. The District cannot provide an informal resolution process for resolving a report of Title IX Sexual Harassment unless a formal complaint is filed.
5. The Superintendent/designee shall be informed of all reports and formal complaints of Title IX Sexual Harassmentsexual harassment.

FORMAL COMPLAINT

1. A Complainant and/or their parent/legal guardian may file a formal written complaint requesting investigation of alleged Title IX Sexual Harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who allegedly engaged in sexual harassment, description of allegation).
Students who need assistance in preparing a formal written complaint, may consult with the TIXC.
2. In accordance with the Title IX regulations, the TIXC must dismiss a formal complaint under this Title IX procedure if:
 - a) the conduct alleged in the formal complaint does not constitute sexual harassment as defined under the Title IX regulations and the Title IX Sexual Harassment policies 03.1621, 03.2621, or 09.42811, as applicable policy;
or

Title IX Sexual Harassment Grievance Procedures**FORMAL COMPLAINT (CONTINUED)**

- b) the conduct alleged did not occur within the scope of the District's education programs and activities, or
 - c) the conduct did not occur in the United States.
- 3. In accordance with the Title IX regulations, the TIXC may dismiss a formal complaint if:
 - a) a Complainant withdraws the formal complaint, or withdraws particular allegations within the complaint;
 - b) the Respondent is no longer employed by or enrolled in the District; or
 - b)c) there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding the formal complaint.
However, if the conduct potentially violates other policies or laws, it may be addressed through other applicable Board policy/procedure.
- 4. If a formal complaint is dismissed under this Title IX procedure, the TIXC will promptly and simultaneously send written notices to the parties explaining the reasons. The parties have the opportunity to appeal dismissals as outlined below.
- 5. In certain circumstances, the TIXC may file a formal complaint even when the alleged victim chooses not to do so. Examples could include instances where the Respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment; there is a safety threat within the District, or other alleged serious violations where pursuit of a complaint is warranted.
- 6. If the conduct alleged in a formal complaint potentially violates other laws or Board policies, the District may address the conduct under another applicable Board policy/procedure.

EMERGENCY REMOVAL/SUSPENSION

The Superintendent may direct the removal of a student from education programs and activities on an emergency basis during the complaint procedure:

- 1. If there is a determination, following an individualized safety and risk analysis which may be performed as provided in District Policy 09.429 (Threat Assessment), that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a Complainant by a Respondent, or a Respondent's threat of self-harm due to the allegations.¹
- 4.2. The Respondent and parent/legal guardian will be provided notice of the emergency removal, and will be provided an opportunity to challenge the decision either before or following the removal (this is an opportunity to be heard, not a hearing) utilizing the procedure applicable to student suspensions, per Policy 09.434 Suspension and the Student Support and Behavior Intervention Handbook.

Title IX Sexual Harassment Grievance Procedures

3. Any such decision shall be made in compliance with any applicable disability laws, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

EMPLOYEE SUSPENSION WITH PAY

An employee may be suspended with pay or reassigned if the situation merits such during the complaint procedure as provided in Board policies.²

NOTICE TO PARTIES FOLLOWING A FORMAL COMPLAINT

1. The TIXC will provide to the parties written notice of the formal complaint and allegations of Title IX Sexual Harassment sexual harassment potentially constituting Title IX Sexual Harassment. The notice shall include:
 - Notice regarding the complaint procedure and the availability of an informal resolution process;
 - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident[s], if known), allowing sufficient time to prepare before any initial interview (not less than ten [10] calendar days);
 - A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the grievance process;
 - The parties may inspect and review evidence directly related to the allegations of Title IX Sexual Harassment;
 - Notice that the parties may each have an advisor of their choice (who may be an attorney);
 - Notice that knowingly making false statements or submitting false information in bad faith during the complaint process is prohibited and may result in disciplinary action;
 - Notice of the name of the investigator, with sufficient time (no less than three [3] calendar days) to raise concerns of conflict of interest or bias.
 - Notice of the name of the Decision Maker, with sufficient time (no less than three [3] calendar days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
3. The TIXC will discuss supportive measures as defined in 09.42811 with each party and oversee implementation of such measures as appropriate.

INFORMAL RESOLUTION PROCESS

After a formal complaint has been filed, and if the TIXC believes the circumstances are appropriate, the TIXC may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process.

Title IX Sexual Harassment Grievance Procedures

INFORMAL RESOLUTION PROCESS (CONTINUED)

Informal resolutions ~~shall not cannot~~ be used to resolve a formal complaint where a student is the Complainant and the Respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to: ~~;~~ facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a Respondent; apologies; disciplinary actions against a Respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party ~~may can~~ withdraw from the process at any time. The Superintendent/designee must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the District. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination. The parties will be advised that engagement in the informal resolution process is grounds for extension of the investigation timeline.

INVESTIGATION

1. The complaint ~~shall will~~ be investigated by a trained internal or external individual designated by the Superintendent, who should consult with District legal counsel concerning the handling and investigation of the complaint.
2. The Investigator may consult with the TIXC as agreed during the investigation process.
3. If the complaint is against an employee of the District, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. The Investigator ~~shall will~~:
 - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
 - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
 - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
 - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
 - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
 - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the District does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.

Title IX Sexual Harassment Grievance Procedures

INVESTIGATION (CONTINUED)

- g. Prior to completion of the investigation report, provide each party~~and~~ advisor (if any), and parent/guardian of a minor child, the evidence subject to inspection and review, and provide the parties with ten (10) calendar days to submit a written response. Access to such evidence may be provided via file sharing software that does not permit copying or downloading. The Investigator shall advise the parties that evidence is not to be publicly disseminated.
 - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
 - i. Create an investigative report that that fairly summarizes relevant evidence including the Investigator's recommendation on whether or not the evidence supports a finding that the Respondent engaged in conduct constituting Title IX Sexual Harassment. The Investigator shall send the report to the parties and advisors (if any) for their review and written responses which must be filed with the Investigator within ten (10) calendar days of their receipt of the report.
 - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned Decision Maker. The Decision Maker shall immediately inform the parties of the date of his or her receipt of the report and of the deadline for submission of questions as provided below.
 - k. The Investigator's report shall be non-binding on the Decision Maker.
- 5. The investigation shall be concluded within forty (40) ~~work calendar~~ days from the date of the TIXC Notice to the Parties Following a Formal Complaint as referenced above, but reasonable extension of time for good cause shall be allowed.

DETERMINATION OF RESPONSIBILITY

The Superintendent shall assign a trained Decision Maker to arrive at a determination of responsibility. The Decision Maker cannot be the Investigator, Informal Resolution Facilitator, or the TIXC.

- 1. The Decision Maker shall have authority to preside over the pre-decision process in a manner ~~that the~~ allows the Complainant and Respondent an equal opportunity to participate, including setting reasonable equally applicable limits on the number of questions and excluding questions on relevancy grounds or that seek privileged or confidential medical treatment information. The Decision Maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five (5) calendar days of when the Decision Maker received the investigation report and party responses.

The Decision Maker shall provide a written explanation to a party proposing questions if the Decision Maker excludes a question on grounds that it is not relevant.

Title IX Sexual Harassment Grievance Procedures

DETERMINATION OF RESPONSIBILITY (CONTINUED)

2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five (5) calendar days of receiving the answers.
3. Each party will receive a copy of the responses to any follow-up questions.
4. The Decision Maker shall review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not"), as defined in 09.428111.
5. The Decision Maker shall issue a written determination, which shall include the following:
 - a) Identification of all the allegations potentially constituting Title IX Sexual Harassment;
 - b) A description of the procedural steps taken from receipt of the formal complaint through the determination;
 - c) A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;
 - d) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the District's programs and activities will be provided to the Complainant. In order to preserve confidentiality, remedies provided to the Complainant are not to be described in the determination report;
 - e) If applicable, a statement that disciplinary sanctions may require additional hearings or proceedings under separate law and policy: e.g. certain types of discipline student expulsion; classified or certified employee public reprimand;; suspension without pay, termination; or student alternative education program placement proceedings; and
 - f) The District's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the District provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.
7. The implementation of measures or sanctions shall be made subject to and in compliance with applicable disability laws included the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
8. The determination shall be issued with thirty (30) calendar days of the Decision Maker's receipt of the Investigator's report and recommendation, but reasonable extension of time for good cause shall be allowed.

Title IX Sexual Harassment Grievance Procedures

REMEDIES, DISCIPLINE AND OTHER ACTIONS

Range of Remedies to Allow Equal Access to Complainant

1. Remedies are measures used to ensure that the Complainant has equal access to the District's education programs and activities following the Decision Maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the Complainant. The TIXC is responsible for implementing remedies and providing needed assistance to the Complainant.

2. **Range of Disciplinary Sanctions (Students)**

The following is a non-exhaustive range of disciplinary sanctions that may be imposed when there is a determination that students are responsible for one or more violations involving **Title IX Sexual Harassmentsexual harassment**: In or out of school suspension; ~~expulsion~~; assignment to alternative education programs; requirement to engage in education or counseling program; disqualification or modification of privileges to participate in sports or extracurricular programs; unilateral no-contact orders, school assignment alteration, or schedule changes; prohibitions or limitations on presence on school property or at school-related events; and other disciplinary sanctions and interventions set forth in the **Student Support and Behavior Intervention HandbookCode of Acceptable Behavior and Discipline**.

3. **Range of Disciplinary Sanctions (Employees)**

The following is a non-exhaustive range of disciplinary sanctions that may be imposed when there is a determination that employees are responsible for one or more violations involving **Title IX Sexual Harassmentsexual harassment**: Requirement to engage in education or counseling program; unilateral no-contact orders; school assignment alteration; prohibitions or limitations on presence on school property or at school-related events; private reprimand; public reprimand; suspension without pay; termination.

APPEALS

The Superintendent may serve as the Appellate Decision Maker and shall assign or arrange for the services of a trained Appellate Decision Maker if s/he does not serve in that role. The Appellate Decision Maker cannot be the Initial Decision Maker, Informal Resolution Facilitator, Investigator, or TIXC.

The Appellate Decision Maker shall have authority to preside over the appeal process in a manner ~~that the~~ allows Complainant and Respondent an equal opportunity to participate, including setting reasonable page limits, enforcing timelines, and limiting review on the record to allowable grounds.

The parties (Complainant and Respondent) have the opportunity to appeal a responsibility determination and dismissals of formal complaints. Appeals will be considered only on the following grounds:

1. **A procedural irregularity that affected the outcome;**

Title IX Sexual Harassment Grievance Procedures**APPEALS (CONTINUED)**

2. New evidence that was not reasonably available as of the date of the determination regarding responsibility or dismissal of the formal complaint, that could affect the outcome; or
3. The TIXC, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent that affected the outcome.; or

APPEAL STEPS

1. An appeal must be filed in writing within five (5) calendar days of the receipt of the determination decision. Appeals after that deadline will not be considered. The written appeal must state the grounds and arguments for reversal or modification of the determination.
2. Appeals must be filed with the Superintendent, who will submit the appeal to the Appellate Decision Maker or engage in further appellate steps if the Superintendent is the Appellate Decision Maker. Parties initiating an appeal or seeking reversal or modification of a responsibility determination must explain the impact of any asserted error on the outcome and, in the case of new evidence, are to explain why such evidence was not available, summarize the evidence and explain how the party contends such evidence would have affected the outcome.
3. The Appellate Decision Maker shall notify the other party in writing of the appeal and include copies of the ~~of the~~ document setting forth the grounds and arguments in support the appeal. The other party shall have the option to file with the Appellate Decision Maker written arguments in response to the opposing party's appeal within five (5) calendar days of receipt of the appeal document. An untimely response will not be considered.
4. The Appellate Decision Maker shall conduct an impartial review of the appeal including consideration of arguments of the parties and the written record and may consult with District legal counsel in the decision-making process.
5. The Appellate Decision Maker shall issue a written decision describing the result of the appeal and rationale for the result and provide notice of the written decision simultaneously to the parties. The Decision may: affirm the determination, reverse the determination, or modify the determination in whole or in part.
6. The Title IX grievance determination of responsibility is final when there is no timely appeal or on the date when the Appellate Decision Maker sends his or her decision to the parties. A determination that conduct is not Title IX Sexual Harassment does not prevent the imposition of sanctions consistent with other law or policy where the conduct is determined to be in violation of such other law or policy.

RECORDS

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven (7) years.

Title IX Sexual Harassment Grievance Procedures

REFERENCES:

¹KRS 158.4410; KRS 158.150; KRS 158.153
704 KAR 19:002
Individuals with Disabilities Education Act
Section 504 of the Rehabilitation Act
The Americans with Disabilities Act.

RELATED POLICIES:

²03.173; 03.27
03.1621; 03.2621; 09.42811; 03.162; 03.262; 09.42811; 09.429; 09.434

RELATED PROCEDURES:

03.1621 AP.2; 03.2621 AP.2; 09.428111 (all procedures)

EXPLANATION: NEW TITLE IX SEXUAL HARASSMENT REGULATIONS (34 C.F.R. § 106.45) GO INTO EFFECT AUGUST 14, 2020 AND REQUIRE NOTICE TO INDIVIDUALS REGARDING TITLE IX SEXUAL HARASSMENT/DISCRIMINATION.

FINANCIAL IMPLICATIONS: COST OF PROVIDING NOTICE AND TRAINING TO ALL PERSONNEL
HIGHLIGHTED TEXT REFLECTS CHANGES TO KSBA SAMPLE POLICY OFFERED BY JCPS STAFF.

STUDENTS

09.428111 AP.21

Title IX Sexual Harassment Reporting Form

COMPLAINANT

Last Name

First Name

Middle Initial

STUDENT'S SCHOOL

GRADE

HOMEROOM/CLASSROOM

EMPLOYEE'S WORK SITE

INFORMATION CONCERNING SEXUAL HARASSMENT

DATE: **TIME:** ☐ AM ☐ PM **LOCATION:**

INDIVIDUAL(S) WHO ALLEGEDLY ENGAGED IN TITLE IX SEXUAL HARASSMENT:

DESCRIPTION OF ALLEGATION:

NAME OF ANY WITNESSES

NAME OF ANY AGENCY TO WHICH INCIDENT WAS REPORTED (E.G. LAW ENFORCEMENT)

NAME OF PERSON FILLING OUT THIS FORM (PLEASE PRINT):

SIGNATURE:

DATE:

CASE NUMBER (FOR OFFICE USE ONLY):

This form provides the opportunity for an employee or student to report alleged Title IX incidents of sexual harassment and to secure an equitable, prompt, and appropriate resolution.

Mail or deliver this form to:

Director of Compliance and Investigations, Title IX Coordinator,

Jefferson County Public Schools

C.B. Young Service Center

3001 Crittenden Drive, Louisville, KY 40209

(502) 485-3341

A substantially equivalent electronic form may be used by the District in lieu of this paper form.

Nurse Office Consent for Treatment/Emergency Information

OVER THE COUNTER MEDICATIONS

The following are available to all students whose consent forms have been signed/returned:

Over the counter medications following assessment by School Nurse if available.

Cross out any over the counter medications below you DO NOT want your child to receive.

Acetaminophen (Tylenol)	Lip Ointment (Chapstick/Carmex/Blistex/Vaseline, etc.)
Ibuprofen (Motrin)	Lotion
Midol (only for students age 12 and older)	Hydrocortisone Cream 1%
Tums	Burn Cream
Cough Drops/Throat Lozenges	Sting Relief Swabs
Diphenhydramine (Benadryl) only for allergic reactions	Topical mouth/tooth pain relievers (Orajel/Anbesol)
Topical Antiseptic (Benzalkonium Chloride)	Antibiotic Ointment (Neosporin/Bacitracin, etc.)
Hydrogen Peroxide	Eye Wash, Irrigating Solution

Reminders:

- The medications listed above will **only be given by licensed medical personnel** (Licensed Practical Nurse [LPN], Registered Nurse [RN], and/or Advanced Practice Registered Nurse [APRN]) **when they are available in the building.**
- Unlicensed school staff cannot give any of these medications, they may only be given by licensed medical staff.
- No other District employee may give these medications. These medications cannot be given for more than three (3) days in a row without a note from your child's health care provider.

OTHER SERVICES PROVIDED BY SCHOOL NURSES:

Health Assessments:

- Nursing assessment of health complaints, nursing management, and referral as needed.
- Hearing Screenings
- Dental Screenings
- Vision Screenings
- Immunization Outreach and Follow-Up
- Preventive Health Exam (APRN)

Health Education Services:

- Physical Health Conditions
- Physical and Dental Health Education
- Classroom Instruction per request as time allows
- **School Health Plans:**

PLEASE CONTACT YOUR SCHOOL NURSE IF NEEDED

(Check if your child has any of the following):

- | | |
|------------------------------------------------------------------------------------------|-----------------------------------|
| <input type="checkbox"/> Asthma | <input type="checkbox"/> Diabetes |
| <input type="checkbox"/> Dietary Needs (including food allergies) | <input type="checkbox"/> G-Tube |
| <input type="checkbox"/> Allergy to something other than food | <input type="checkbox"/> Seizure |
| <input type="checkbox"/> Other Health Conditions (for other conditions not listed above) | |

School Nurses also provide care coordination by working with students, parents, and healthcare providers to manage chronic health needs.

CONFIDENTIALITY:

All medical records are the property of District and protected under FERPA. No other agency will have access to these records without your written consent. We protect the privacy of your child's health information by:

- Limiting how we use and disclose health information.
- Providing physical safeguards (secure offices and storage facilities, electronic protections, and procedures).
- Training employees about privacy policies and procedures.

Nurse Office Consent for Treatment/Emergency Information

Consent for School Health Services
 Jefferson County Public Schools
 502-485-3387

Please Return to School

Reviewed by: _____ Entered: <input type="checkbox"/>

CHILD/STUDENT INFORMATION

Grade _____ Team _____ Homeroom Teacher _____

Child's Last Name _____ First Name _____
 (Please give child's complete legal name)

Child's Birth Date _____ ☐ Male ☐ Female

Street Address _____ City _____ Zip _____

Parent Mother _____ Phone # 1 _____ Phone # 2 _____

Parent Father _____ Phone # 1 _____ Phone # 2 _____

Legal Guardian _____ Phone # 1 _____ Phone # 2 _____

Emergency Contact Person **OTHER** than parent or guardian _____

Emergency Contact Person Phone # 1 _____ Phone # 2 _____

Has your child EVER attended a Jefferson County Public School? ☐ Yes ☐ No

If YES, what School (s) did student attend in the past? _____

My child HAS the following **life threatening condition** that may need EMERGENCY TREATMENT or MEDICATION (Epi-Pen, Glucagon, Emergency Seizure medications, Asthma Inhaler, etc.) at school:

☐ Diabetes ☐ Asthma ☐ Seizures ☐ severe allergies ☐ Other: _____

Is your child ALLERGIC to: (Check all that apply)

☐ Medications: Please LIST: _____

☐ Peanuts: EXPLAIN REACTION: _____

☐ Tree Nuts: EXPLAIN REACTION: _____

☐ Bee/Wasp Sting: EXPLAIN REACTION: _____

☐ Other: EXPLAIN REACTION: _____

CHILD'S Other Medical History (Heart Conditions, Cancer/Blood Disorders, Behavior Emotional, G-Tube, etc.):

Important medical history that staff should know about: _____

Medications taken every day: _____

CHILD'S MEDICAL Insurance:

Does your child have a KY Medicaid Card? ☐ Yes ☐ No Medicaid Number: _____

Other Health Insurance? ☐ Yes ☐ No No Insurance? ☐ Yes ☐ No

Child's Health Care Provider: _____ Phone # _____

Child's Dentist: _____ Phone # _____

CONSENT FOR HEALTH SERVICES

I consent to care for my child that may include screenings, exams, assessments, treatment, first aid, over-the-counter medications as listed on the Consent for Treatment form, and any other health services given to me/my child by staff/licensed volunteers of this School Health Office. I understand that no guarantees are being made as to the effect of any exam or treatment on me/my child. I authorize the School Health Office to receive and release medical/dental/immunization/vision information about my child to his/her individual school, healthcare provider, immunization registry, dental or vision provider as needed or requested.

Signature: _____ **Date:** _____
 (Parent/Guardian) (Expires in one [1] year)

A substantially equivalent electronic form may be used by the District in lieu of this paper form.

