



Book	Policy Manual
Section	100 Programs
Title	Discrimination/Harassment Affecting Staff
Code	104
Status	First Reading

Authority

The Board declares it to be the policy of this district to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, **religious** creed, religion, sex, sexual orientation, **gender identity**, ancestry, national origin, marital status, genetic information, handicap/disability or pregnancy, **childbirth or pregnancy-related medical conditions**. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, **as well as pregnancy, childbirth and pregnancy-related medical conditions**, consistent with the requirements of federal and state laws and regulations.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)

The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting **sex-based discrimination and** harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the **Office** for Civil Rights of the U.S. Department of Education, or both.

Definitions

General Definitions

Complaint shall mean an oral or written request to the district that objectively can be understood as a request to investigate and make a determination about alleged discrimination.[\[14\]](#)

Complainant shall mean an individual who is alleged to have been subject to conduct that could constitute discrimination in accordance with law and this policy.[\[14\]](#)

Pregnancy, childbirth and pregnancy-related medical conditions, as defined in federal law, refers to the pregnancy or childbirth of the specific employee and includes, but is not limited to, current pregnancy; past pregnancy or recovery; termination of pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment and the use of contraception); labor; childbirth; and lactation. Related medical conditions are medical conditions relating to the pregnancy, termination of pregnancy, childbirth or lactation of the specific employee.[\[14\]](#)[\[15\]](#)

Pregnancy, as defined in state law, shall include the use of assisted reproductive technology, the state of being in gestation, childbirth, breastfeeding, the postpartum period after childbirth and medical conditions related to pregnancy.[\[16\]](#)

Respondent shall mean a person who is alleged to have violated the district's prohibition on discrimination in accordance with applicable law and this policy.[\[14\]](#)

Retaliation shall mean intimidation, threats, coercion or discrimination against any person by the district, a student, employee or other person authorized to provide a district aid, benefit or service, for the purpose of interfering with any right or privilege under applicable law or Board policy, or because the person has reported information, made a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing, including an informal resolution process or any other actions taken by the district in accordance with applicable law and this policy and procedures. This term shall not include the district requiring an employee or other individual providing a district aid, benefit or service to participate or assist with an investigation, proceeding or hearing in accordance with applicable law and this policy.[\[14\]](#)[\[17\]](#)

Discrimination Other Than Title IX

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, **religious** creed, religion, sex, **gender identity**, sexual orientation, genetic information, ancestry, national origin, marital status, handicap/disability, pregnancy, **childbirth or pregnancy-related conditions**, or based on an individual's association with a person who has a protected classification.

Harassment is a form of discrimination based on the protected classifications listed in this policy, or association with an individual who has a protected classification, consisting of **objectively and subjectively hostile** conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes or comments, slurs, **stereotypes**, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, **ostracism, misgendering or denial of access to facilities consistent with an individual's gender identity**, or other conduct that **affects a term, condition or privilege of employment**, and may be harmful or humiliating or interfere with a person's school or school-related work performance, including when:[\[9\]](#)

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or
2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or
3. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile or offensive working environment such that it alters the complainant's working conditions **or affects a term, condition or privilege of employment**.

Examples of harassment based on race, color, ancestry or national origin may include but not be limited to harassment regarding traits or characteristics related to an individual's name, cultural dress or diet, accent, linguistic characteristics or manner of speech, or physical characteristics, such as hairstyles or hair texture.

Harassment based on religion, religious creed, sex, pregnancy or related conditions, or handicap/disability may include harassment based on a request for or receipt of a reasonable accommodation.

Discrimination or harassment based on handicap/disability may also include harassment based on how an individual speaks, looks or moves, as well as discrimination or harassment because an individual is regarded as having an

impairment, even if the individual does not have an actual disability; has a record or history of a disability, even if the individual does not currently have a disability; or is associated with an individual who has a disability.

Religious creed includes all aspects of religious observance, practice or belief.[\[18\]](#)

Religious beliefs include:[\[16\]](#)

- 1. Moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.**
- 2. The beliefs a complainant professes without regard to whether a religious group espouses these beliefs.**

Race includes all of the following:[\[16\]](#)[\[19\]](#)

- 1. Ancestry, national origin or ethnic characteristics.**
- 2. Interracial marriage or association.**
- 3. Traits associated with race, which includes but is not limited to, hair texture and protective hairstyles, such as braids, locks and twists.**
- 4. Hispanic ancestry, national origin or ethnic characteristics.**
- 5. Persons of any other national origin or ancestry as specified by a complainant or in a complaint.**

Sex includes:[\[16\]](#)[\[20\]](#)

- 1. Pregnancy.**
- 2. Sex assigned at birth.**
- 3. Gender, including a person's gender identity or gender expression. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is part of a person's core identity.**
- 4. Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality.**
- 5. Differences of sex development, variations of sex characteristics or other intersex characteristics.**

Definitions Related to Title IX

Title IX sex-based discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.[\[14\]](#)[\[21\]](#)[\[22\]](#)

Title IX sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including:[\[14\]](#)

- 1. *Quid pro quo harassment* - a district employee or other person authorized to provide a district aid, benefit or service explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome**

sexual conduct.

2. **Hostile environment harassment** - unwelcome **sex-based** conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a district education program or activity. Determination of whether a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to:
 - a. The degree to which the conduct affected the complainant's ability to access the district's education program or activity;
 - b. The type, frequency and duration of the conduct;
 - c. The complainant's and respondent's ages, roles in the district education program or activity, previous interactions and other relevant factors;
 - d. The location and context in which the conduct occurred; and
 - e. Other sex-based harassment in the district's education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.
 - a. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:[23]
 - i. Length of relationship.
 - ii. Type of relationship.
 - iii. Frequency of interaction between the persons involved in the relationship.
 - b. **Domestic violence** includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[23]
 - c. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[24]
 - d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:[23]
 - i. Fear for their safety or the safety of others.
 - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as **sex-based discrimination or harassment** under Title IX. This includes conduct that is subject to the district's disciplinary authority. An education program or activity includes, but is not limited to, academic, extracurricular,

research, occupational training and other education programs or activities of the district. The district is obligated to address a sex-based hostile environment in a district education program or activity, even when some conduct is outside the district’s program or activity, or outside of the United States.[\[22\]](#)[\[25\]](#)[\[26\]](#)[\[27\]](#)

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, **without unreasonably burdening a complainant or respondent** and without fee or charge to the complainant or the respondent **in order to:**[\[14\]](#)
[\[26\]](#)

1. **Restore or preserve access to the district’s education program or activity, including measures designed to protect the safety of the individuals or the district’s educational environment; or**
2. **Provide support during the grievance procedures or during an informal resolution process.**

Supportive measures may include, but are not limited to:[\[26\]](#)

1. Counseling or Employee Assistance Program.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. **Restrictions** on contact **applied to one or more** parties.
6. Changes in work locations **or other activities.**
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. **Training and education programs related to sex-based harassment.**
11. Assistance from domestic violence or rape crisis programs.
12. Assistance from community health resources, including counseling resources.

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the[\[28\]](#)

{X} Superintendent as the district’s Compliance Officer and Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at:

Address: SWASD Superintendent 515 West Central Avenue, South Williamsport, PA 17702
Email:SWASD@swasd.org
Phone Number: 570-327-1581

{ } _____ as the district’s Compliance Officer and
_____ as the district’s Title IX Coordinator.

The Compliance Officer and Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures, **to monitor and address barriers to reporting** and to monitor the implementation of the district's nondiscrimination procedures in the following areas, as appropriate:[26]

1. Review - Review of personnel **and hiring** practices and actions for discriminatory bias and compliance with laws against discrimination **and harassment**, to include monitoring and **promptly implementing** corrective measures when appropriate. **This may include, but is not limited to, changes to** written position qualifications, job descriptions and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; district designed performance evaluations; review of planned employee demotions, nonrenewal of contracts and proposed employee disciplinary actions up to and including termination; **and provision of employee benefits and services.**
2. Training - Provide training for supervisors and staff to prevent, identify and alleviate **conduct which may constitute** discrimination **or harassment.**
3. Resources - Maintain and provide information to staff on resources available to **complainants** in addition to the school complaint procedure or Title IX procedures, such as making reports to **law enforcement**, and available supportive measures such as assistance from domestic violence or rape crisis programs, and community health resources, including counseling resources.
4. Reports/**Complaints** - Monitor and provide technical assistance to individuals involved in managing **reports** and **complaints.**

Guidelines

When district programs and activities include separation on the basis of sex, in accordance with law and regulations, including but not limited to separate restroom or changing facilities, the district shall not implement such programs or activities in a manner that discriminates on the basis of sex, including an individual's gender identity.[22][29]

Violations of this policy, including acts of retaliation as defined in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures, and in accordance with applicable law and regulations.[27][30][31]

The Board requires a notice stating that the district does not discriminate in any manner, including Title IX **sex-based discrimination and** harassment, in any district education program or activity, to be issued to all students, parents/guardians **or other legal representatives of students**, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the **name or** title, office address, phone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator. **The district's notice shall provide information on the location of the Board policy and complaint or grievance procedures, how to report information about conduct prohibited by this policy and how to file a complaint.**[28]

The Board directs that this notice be included in each staff handbook, on the district website, and in each catalog, announcement, bulletin and application form for applicants and employees. An abbreviated statement of the district's prohibition of discrimination, that individuals may report concerns to the Title IX Coordinator and

location of the full notice on the district website may be published when necessary due to size or format of publications. A copy of this policy and related attachments shall also be posted to the district's website.[28]

The Board shall engage in the interactive process with qualified employees and provide reasonable accommodations in accordance with applicable law and regulations.[11][12][32]

The district shall not require a qualified employee to take paid or unpaid leave for pregnancy, childbirth or pregnancy-related medical conditions if another reasonable accommodation can be provided to address the employee's known limitations.[33][34][35][36]

Reports of Title IX Sex-Based Discrimination and Harassment and Other Discrimination and Retaliation

The Board encourages employees, **applicants** and third parties who believe they or others have been subject to Title IX **sex-based discrimination and harassment**, other discrimination, **harassment** or retaliation to promptly report such incidents to the building principal or **Title IX Coordinator**. A person who is not an intended victim or target of discrimination or harassment but is adversely affected by the **conduct** may file a report of **sex-based** discrimination.

An employee serving in a supervisory position who suspects or is notified that a district employee may have been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Title IX Coordinator.

If the **Title IX Coordinator** is the subject of a complaint, the complainant, **building principal** or the individual making the report shall direct the report of the incident to the **Superintendent or designee**.

The complainant or the individual making the report may use the Discrimination/Harassment/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, **oral** reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

The building **principal** shall promptly notify the Title IX Coordinator of all reports of discrimination, **harassment**, Title IX **sex-based discrimination and harassment** or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures **and reasonable safety concerns.[26]**

The Title IX Coordinator shall conduct an assessment to determine whether the reported **conduct meets** the definition of Title IX **sex-based discrimination or harassment** and **the appropriate procedures to address the conduct in accordance with this Board policy and procedures, or other Board policies.[26]**

If the Title IX Coordinator reasonably determines that the conduct may constitute sex-based discrimination or harassment, or other discrimination or harassment, the Title IX Coordinator shall take the following steps under applicable law and regulations, this Board policy and procedures:[26]

- 1. Treat the complainant and respondent equitably.**
- 2. Offer and coordinate supportive measures, as appropriate, for the complainant and respondent.**

3. **Notify the complainant or individual who reported the conduct of the grievance procedures and informal resolution process, if available and appropriate.**
4. **If a complaint is made, notify the respondent of the grievance procedures and, if applicable, the informal resolution process.**
5. **Initiate the grievance procedures or informal resolution process, if available and appropriate.**
6. **In the absence of a complaint or withdrawal of any or all allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint under the grievance procedures, in accordance with law, regulations and the grievance procedures.**
7. **If initiating a complaint under the grievance procedures, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety and the safety of others, including by providing supportive measures.**
8. **Take other prompt and effective steps to ensure that sex-based discrimination and harassment or other discrimination or harassment does not continue or recur within the district's education programs or activities.**

Disciplinary Procedures when Reports Allege Title IX **Sex-Based Discrimination** or Harassment

When a report alleges Title IX **sex-based discrimination** or harassment, disciplinary sanctions may not be imposed until the completion of the grievance **procedures**. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance **procedures**.[\[27\]](#)

Administrative Leave –

When an employee, based on an individualized safety and risk analysis, poses an **imminent and serious** threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis. **The employee will be provided with notice and provided an opportunity to challenge the emergency removal immediately following the removal.**[\[26\]](#)[\[30\]](#)

An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance **procedures**, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report and the investigation related to any form of discrimination or retaliation, including Title IX **sex-based discrimination** or harassment, shall be handled in accordance with applicable law, regulations, **Board policy and procedures**, and the district's legal and investigative obligations **to carry out the grievance procedures**.[\[17\]](#)[\[27\]](#)[\[37\]](#)[\[38\]](#)

The district shall not disclose personally identifiable information except in the following circumstances:[\[26\]](#)[\[37\]](#)[\[38\]](#)[\[39\]](#)[\[40\]](#)[\[41\]](#)[\[42\]](#)

1. **When the district has obtained prior written consent in accordance with law.**

2. **When student information is disclosed to a parent/guardian as defined in Board policy or other authorized legal representative with the legal right to receive disclosures on behalf of the individual.**
3. **To carry out the requirements of this policy and the accompanying procedures.**
4. **As required or permitted by applicable law or regulations or the requirements of grant funding.**

Retaliation

The Board prohibits retaliation by the district or any other person against any person for:[\[17\]](#)
[\[43\]](#)

1. Reporting or making a **complaint of conduct that may constitute** discrimination or retaliation, including Title IX **sex-based discrimination or** harassment.
2. Testifying, assisting, participating **in any manner** or refusing to participate in a related investigation, process or other proceeding or hearing.
3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The district, its employees and others are prohibited from intimidating, threatening, **harassing**, coercing or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if they believe retaliation has occurred. **The district shall respond to reports of retaliation by initiating the appropriate procedures in accordance with applicable law, regulations and this Board policy. Retaliation that falls under Title IX shall be addressed through the grievance procedures or, as appropriate, through the informal resolution process.**[\[17\]](#)

Title IX Sex-Based Discrimination and Harassment Training Requirements

The district shall provide training annually to all school employees on:[\[28\]](#)

1. **The district's obligation to address sex-based discrimination and harassment in district education programs and activities.**
2. **The scope of conduct that constitutes sex-based discrimination and harassment, as defined in the law and this policy.**
3. **Staff responsibility to provide the Title IX Coordinator's contact information to students or parents/guardians and to notify the Title IX Coordinator regarding conduct that may constitute sex-based discrimination or harassment, in accordance with Board policy and procedures.**[\[41\]](#)

The Compliance Officer and Title IX Coordinator, investigators, decision-makers, or any **staff responsible to implement grievance procedures** related to Title IX **sex-based discrimination or harassment and any staff authorized to modify or terminate supportive measures** shall receive the following training **annually**, as required or appropriate to their specific role:[\[28\]](#)

1. **The district's obligations under Title IX, including definitions of sex-based discrimination and harassment.**
2. **The grievance procedures used to address Title IX complaints.**
3. **How to conduct an investigation, including examination of evidence, interviewing witnesses, evaluating credibility, drafting reports and determinations, and handling**

appeals, as applicable.

4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.
5. Issues of relevance **in relation to** questions and evidence, **and the types of evidence that are impermissible regardless of relevance.**
6. **{X}** How to address complaints when the alleged conduct does not qualify as Title IX **sex-based discrimination or harassment** but could be addressed under another complaint process or Board policy.[30][31][44][45]

Staff designated to facilitate the informal resolution process shall receive training annually on the rules and practices associated with the informal resolution process and how to serve impartially, including by avoiding conflicts of interest and bias.[28]

The Title IX Coordinator and designees shall receive the following training annually, in addition to all other training required by Title IX and this policy:[28]

1. **Specific responsibilities of the Title IX Coordinator, in accordance with law and Board policy and procedures.**
2. **The district's recordkeeping system and requirements for recordkeeping in accordance with Title IX and Board policy and administrative regulations.[40][46]**
3. **Any other training required to coordinate the district's compliance with Title IX and other applicable laws, regulations and Board policy.**

All training materials shall be **retained for at least seven (7) years and must be made available for inspection upon request from a member of the public.[28][46][47]**

Disciplinary Consequences

An employee who violates this policy, **including a determination of sex-based harassment**, shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[30][31]

Handling of Reports

[Use the first two (2) options if the district decides to maintain separate complaint and grievance procedures for Title IX complaints and complaints addressing other types of discrimination. Use the third option if the district decides to maintain a single set of grievance procedures that aligns with the more prescriptive requirements of Title IX for all complaints of discrimination.]

{X} Reports of Discrimination –

{X} Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX **sex-based discrimination or harassment** but are based on race, color, age, **religious** creed, religion, sex, **gender identity**, sexual orientation, ancestry, genetic information, national origin, marital status, handicap/disability **or pregnancy, childbirth or pregnancy-related conditions** shall **be handled in accordance with** the Discrimination Complaint Procedures **attached** to this policy.

{X} Reports of Title IX Sex-Based Discrimination or Harassment –

{X} Any reports deemed by the Title IX Coordinator to meet the definition of **sex-based discrimination** or harassment under Title IX shall **be handled in accordance with the Grievance Procedures attached** to this policy.

{ } All reports of **discrimination** or **Title IX sex-based discrimination** or harassment shall be handled in accordance with the **Grievance Procedures attached to this policy.**

PSBA 7/24 @2024

Legal

- [1. 43 P.S. 336.3](#)
- [2. 43 P.S. 951 et seq](#)
- [3. 34 CFR Part 106](#)
- [4. 20 U.S.C. 1681 et seq](#)
- [5. 29 U.S.C. 206](#)
- [6. 29 U.S.C. 621 et seq](#)
- [7. 29 U.S.C. 794](#)
- [8. 42 U.S.C. 1981 et seq](#)
- [9. 42 U.S.C. 2000e et seq](#)
- [10. 42 U.S.C. 2000ff et seq](#)
- [11. 42 U.S.C. 12101 et seq](#)
- [12. 29 CFR Part 1636](#)
- [13. U.S. Const. Amend. XIV, Equal Protection Clause](#)
- [14. 34 CFR 106.2](#)
- [15. 29 CFR 1636.3](#)
- [16. 16 PA Code 41.204](#)
- [17. 34 CFR 106.71](#)
- [18. 16 PA Code 41.205](#)
- [19. 16 PA Code 41.207](#)
- [20. 16 PA Code 41.206](#)
- [21. 34 CFR 106.10](#)
- [22. 34 CFR 106.31](#)
- [23. 34 U.S.C. 12291](#)
- [24. 20 U.S.C. 1092](#)
- [25. 34 CFR 106.11](#)
- [26. 34 CFR 106.44](#)
- [27. 34 CFR 106.45](#)
- [28. 34 CFR 106.8](#)
- [29. 34 CFR 106.41](#)
30. Pol. 317
31. Pol. 317.1
- [32. 29 CFR 1630.1 et seq](#)
- [33. 29 CFR 1636.4](#)

34. Pol. 335

35. Pol. 336

36. Pol. 339

[37. 20 U.S.C. 1232g](#)

[38. 34 CFR Part 99](#)

39. Pol. 216

40. Pol. 324

41. Pol. 103

42. Pol. 113.4

[43. 29 CFR 1636.5](#)

44. Pol. 806

45. Pol. 824

46. Pol. 800

47. Pol. 801

[18 Pa. C.S.A. 2709](#)

[16 PA Code 41.201 et seq](#)

[28 CFR 35.140](#)

[28 CFR Part 41](#)

[29 CFR Parts 1600-1691](#)

[U.S. Equal Employment Opportunity Commission Questions and Answers on Religious Discrimination in the Workplace](#)

[U.S. Equal Employment Opportunity Commission \(EEOC\) Enforcement Guidance on Harassment in the Workplace \(2024\)](#)

Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998)

Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 (2020)

Groff v. DeJoy, 600 U.S. 447 (2023)

Pol. 320

Pol. 815

[104 Report Form.pdf \(322 KB\)](#)

[104-Discrimination Complaint Procedures.docx \(49 KB\)](#)

[104-Grievance Procedures.docx \(85 KB\)](#)



Book	Policy Manual
Section	200 Pupils
Title	Student Discipline
Code	218 Vol III 2024
Status	From PSBA

Purpose

The Board recognizes that student conduct is closely related to learning. An effective educational program requires a safe and orderly school environment.

Authority

The Board shall establish fair, reasonable and nondiscriminatory rules and regulations regarding the conduct of all students in the district.[1][2][3][4][5]

The Board shall adopt a Code of Student Conduct to govern student discipline, and students shall not be subject to disciplinary action because of race, sex, color, religion, sexual orientation, national origin or handicap/disability. Each student must adhere to Board policies and the Code of Student Conduct governing student discipline.[1][2][4][5][6][7][8]

{ } The Board shall approve the inclusion of restorative practices in the Code of Student Conduct to address violations where applicable.[9]

The Board prohibits the use of corporal punishment by district staff to discipline students for violations of Board policies, the Code of Student Conduct and district rules and regulations.[10]

Any student disciplined by a district employee shall have the right to be informed of the nature of the infraction and the applicable rule or rules violated.[11]

When suspensions and expulsions are imposed, they shall be carried out in accordance with Board policy.[7][11]

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with **law** enforcement and Board policies.[5][7][12][13][14][15]

On and Off-Campus Activities

This policy and the Code of Student Conduct apply to the behavior of students at all times during the time they are under the supervision of the school or at any time while on school property, while present at school-sponsored activities and while traveling to or from school and school-

sponsored activities or at other times while riding in school-provided means of transportation ("on-campus"). This policy and the Code of Student Conduct also apply to student behavior that occurs at other times and places ("off-campus") when:[3]

1. The conduct involves, threatens or makes more likely violence, use of force or other serious harm directed at students, staff or the school environment;
2. The conduct materially and substantially disrupts or interferes with the school environment or the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions;
3. The conduct interferes with or threatens to interfere with the rights of students or school staff or the safe and orderly operation of the schools and their programs;
4. The conduct involves the theft or vandalism of school property; or
5. The proximity, timing or motive for the conduct in question or other factors pertaining to the conduct otherwise establish a direct connection to attendance at school, to the school community or to a school-sponsored activity. This would include, for example, but not be limited to, conduct that would violate the Code of Student Conduct if it occurred in school that is committed in furtherance of a plan made or agreed to in school, or acts of vandalism directed at the property of school staff because of their status as school staff.

Delegation of Responsibility

The Superintendent or designee shall ensure that reasonable and necessary rules and regulations are developed to implement Board policy governing student conduct.

The Superintendent or designee shall publish and distribute to all staff, students and parents/guardians the rules and regulations for student behavior contained in the Code of Student Conduct, the sanctions that may be imposed for violations of those rules and a listing of students' rights and responsibilities. A copy of the Code of Student Conduct shall be available in each school library and school office and may be included in student handbooks and on the district website.[1][8]

The building principal **or designee** shall have the authority to assign discipline to students, subject to Board policies, administrative regulations, the Code of Student Conduct and school rules, and to the student's due process right to notice, hearing and appeal.[7][11][16][17]

Teaching staff and other district employees responsible for students shall have the authority to take reasonable actions necessary to control the conduct of students in all situations and in all places where students are within the jurisdiction of this Board, and when such conduct interferes with the educational program of the schools or threatens the health and safety of others, in accordance with Board policy, administrative regulations, the Code of Student Conduct and school rules.[16]

Reasonable force may be used by teachers and school authorities under any of the following circumstances: to quell a disturbance, obtain possession of weapons or other dangerous objects, for the purpose of self-defense, **and/or** for the protection of persons or property.[10]

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use or sale of alcohol or tobacco **products**; or conduct that constitutes an offense listed **in the school safety and security provisions of School Code**. [18][19][20]

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the **law enforcement agency** that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with **law** enforcement and Board policies.[15][18][20][21][22][23]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the **law enforcement agency** that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[15][18][24]

In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the **PA Department of Education** on the required form.[15][20][23][25][26][27][28]

When a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy.[29][30]

The Superintendent shall report to the Board the methods of discipline imposed by administrators and incidences of student misconduct, in the degree of specificity required by the Board.

NOTES:

Act 116 of 2002 defines graffiti as it relates to criminal mischief offenses and defines defiant trespassers – Title 18, Sec. 3304 (3503)

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Legal	<u>1. 22 PA Code 12.3</u>
	<u>2. 22 PA Code 12.4</u>
	<u>3. 24 P.S. 510</u>
	4. Pol. 103
	5. Pol. 103.1
	<u>6. 22 PA Code 12.2</u>
	7. Pol. 113.1
	8. Pol. 235
	9. Pol. 146.1
	<u>10. 22 PA Code 12.5</u>
	11. Pol. 233
	<u>12. 22 PA Code 10.23</u>
	<u>13. 20 U.S.C. 1400 et seq</u>
	14. Pol. 113.2
	15. Pol. 805.1
	<u>16. 24 P.S. 1317</u>

- 17. 24 P.S. 1318
- 18. 22 PA Code 10.2
- 19. 35 P.S. 780-102
- 20. 24 P.S. 1319-B
- 21. 22 PA Code 10.21
- 22. 22 PA Code 10.22
- 23. 24 P.S. 1306.2-B
- 24. 22 PA Code 10.25
- 25. Pol. 218.1
- 26. Pol. 218.2
- 27. Pol. 222
- 28. Pol. 227
- 29. 24 P.S. 1302-E
- 30. Pol. 236.1
- 22 PA Code 12.1 et seq
- 22 PA Code 403.1
- 20 U.S.C. 7114
- 34 CFR Part 300
- Mahanoy Area School District v. B.L., 594 U.S. _____ (2021)
- Pol. 122
- Pol. 123
- Pol. 218.3
- Pol. 805



Book	Policy Manual
Section	200 Pupils
Title	Weapons
Code	218.1 Vol III 2024
Status	From PSBA

Purpose

The Board recognizes the importance of a safe school environment relative to the educational process. Possession of weapons in the school setting is a threat to the safety of students and staff and is prohibited by law.

Definitions

Weapon - the term shall include but is not limited to any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, replica of a weapon and any other tool, instrument or implement capable of inflicting serious bodily injury.[1][2]

Possession - a student is in possession of a weapon when the weapon is found on the person of the student; in the student's locker or assigned storage area; or under the student's control while on school property, on property being used by the school, at any school function or activity, at any school event held away from the school or while the student is coming to or from school.

Authority

The Board prohibits students from possessing and bringing weapons and replicas of weapons into any district buildings, onto school property, to any school-sponsored activity and onto any public vehicle providing transportation to or from school or a school-sponsored activity, or while the student is coming to or from school.[2][3]

The Board shall expel for a period of not less than one (1) year any student who violates this weapons policy. Such expulsion shall be given in conformance with formal due process proceedings required by law and Board policy.[2][4][5]

The Superintendent may recommend modifications of such expulsion requirement on a case-by-case basis.[2]

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding **with** law enforcement and Board policies.[2][4][6][7][8][9][10][11]

Delegation of Responsibility

The Superintendent or designee shall react promptly to information and knowledge concerning possession of a weapon. Such action shall be in compliance with state law and regulations and with the procedures set forth in the memorandum of understanding with **the law enforcement agency that has jurisdiction over the school's property**, and the district's emergency preparedness plan.[11][12][13]

When the behavior of a student in possession of a weapon indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy.[14][15]

Guidelines

The Superintendent or designee shall immediately report incidents involving weapons on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the **law enforcement agency** that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding **with** law enforcement and Board policies.[2][11][12][16][17][18]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving weapons as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the **law enforcement agency** that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[11][17][19]

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents involving possession of a weapon to the **PA Department of Education** on the required form. [11][12][16]

The building principal shall annually inform staff, students and parents/guardians about the Board policy prohibiting weapons and about their personal responsibility for the health, safety and welfare of the school community.

An exception to this policy may be made by the Superintendent, **in accordance with law**, who shall prescribe special conditions or administrative regulations to be followed.[2]

{ } In accordance with federal law, possession or discharge of a firearm in, on, or within 1,000 feet of school grounds is prohibited. Violations shall be reported to the appropriate law enforcement agency.[20][21]

Transfer Students

When the district receives a student who transfers from a public or private school during an expulsion period for an offense involving a weapon, the district may assign that student to an alternative assignment or may provide alternative education, provided the assignment does not exceed the expulsion period.[2][22]

NOTES:

Gun-Free School Zone Act was found unconstitutional – change language to read “In accordance with federal law...” and keep cites to 18 U.S.C. Sec. 921, 922.

The “replica of a weapon” language in the policy definition of “weapon” is not included in School Code 1301-A or 1317.2; it was included because PSBA and solicitors agree that districts may define “weapon” through policy based on their needs—that language was included as a

recommendation from a school safety standpoint, since it is often difficult to tell whether a weapon, particularly a gun, is real or a model.

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Legal

1. 24 P.S. 1301-A
2. 24 P.S. 1317.2
3. Pol. 218
4. Pol. 113.1
5. Pol. 233
6. 20 U.S.C. 1400 et seq
7. 22 PA Code 10.23
8. Pol. 103.1
9. Pol. 113.2
10. Pol. 113.3
11. Pol. 805.1
12. 24 P.S. 1319-B
13. Pol. 805
14. 24 P.S. 1302-E
15. Pol. 236.1
16. 24 P.S. 1306.2-B
17. 22 PA Code 10.2
18. 22 PA Code 10.21
19. 22 PA Code 10.25
20. 18 U.S.C. 921
21. 18 U.S.C. 922
22. Pol. 200
- 18 Pa. C.S.A. 912
- 20 U.S.C. 7114
- 20 U.S.C. 7961
- 22 PA Code 403.1
- 34 CFR Part 300



Book	Policy Manual
Section	200 Pupils
Title	Terroristic Threats
Code	218.2 Vol III 2024
Status	From PSBA

Purpose

The Board recognizes the danger that terroristic threats by students present to the safety and welfare of district students, staff and community. The Board acknowledges the need for an immediate and effective response to a situation involving a terroristic threat.

Definitions

Communicate - shall mean to convey in person or by written or electronic means, including telephone, electronic mail, Internet, facsimile, telex and similar transmissions.[1]

Terroristic threat - shall mean a threat communicated either directly or indirectly to commit any crime of violence with the intent to terrorize another; to cause evacuation of a building, place of assembly or facility of public transportation; or to otherwise cause serious public inconvenience, or cause terror or serious public inconvenience with reckless disregard of the risk of causing such terror or inconvenience.[1]

Authority

The Board prohibits any district student from communicating terroristic threats directed at any student, employee, **school director**, community member or property owned, leased or being used by the district.

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Board policies.[2][3][4][5][6][7]

Delegation of Responsibility

The Superintendent or designee, in coordination with the threat assessment team, shall react promptly to information and knowledge concerning a possible or actual terroristic threat. Such action shall be in compliance with state law and regulations, Board policy and administrative regulations, the procedures set forth in the memorandum of understanding with **law enforcement agencies having jurisdiction over school property** and the district's emergency preparedness plan.[2][8][9][10][11]

Guidelines

In all cases of terroristic threats, where a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy.[8][10]

Staff members and students shall be made aware of their responsibility for informing the threat assessment team regarding any information or knowledge relevant to a possible or actual terroristic threat.[10][12]

The threat assessment team shall immediately inform the Superintendent or designee, School Safety and Security Coordinator and building principal of a terroristic threat, in accordance with Board policy and administrative regulations.[10]

The Superintendent or designee may report incidents involving terroristic threats on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the **law enforcement agency** that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding **with** law enforcement and Board policies.[2][9][13][14][15]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving a terroristic threat as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the **law enforcement agency** that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[2][14][16]

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of terroristic threats to the **PA Department of Education** on the required form.[2][9][13]

{ } If a student is expelled for making terroristic threats, the Board may require, prior to readmission, that the student provide competent and credible evidence from a behavioral service provider that the student does not pose a risk of harm to others.[6][10][17]

NOTES:

Act 76 of 1998 – Restitution Payments – 18 Pa. C.S.A. Sec. 2706

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Legal

1. 18 Pa. C.S.A. 2706
2. Pol. 805.1
3. 22 PA Code 10.23
4. 20 U.S.C. 1400 et seq
5. Pol. 103.1
6. Pol. 113.1
7. Pol. 113.2
8. 24 P.S. 1302-E
9. 24 P.S. 1319-B
10. Pol. 236.1

11. Pol. 805

12. 22 PA Code 12.2

13. 24 P.S. 1306.2-B

14. 22 PA Code 10.2

15. 22 PA Code 10.22

16. 22 PA Code 10.25

17. Pol. 233

34 CFR Part 300



Book	Policy Manual
Section	800 Operations
Title	Public Records
Code	801 Vol III 2024
Status	From PSBA

Purpose

The Board recognizes the importance of public records as the record of the district's actions and the repository of information about this district. The public has the right to access and procure copies of public records, with certain exceptions, subject to law, Board policy and administrative regulations.

Definitions

Financial record - any account, voucher or contract dealing with the receipt or disbursement of funds; or acquisition, use or disposal of services, supplies, materials, equipment or property; or the salary or other payments or expenses paid to an officer or employee, including the individual's name and title; **or** a financial audit report, excluding the audit's underlying work papers.[1]

Public record - a record, including a financial record, that is not protected by a defined privilege or is not exempt from being disclosed under one of the exemptions in Pennsylvania's Right-to-Know Law or under other federal or state law or regulation, or judicial decree or order.[1]

Record - information, regardless of physical form or characteristics, that documents a district transaction or activity and is created, received or retained pursuant to law or in connection with a district transaction, business or activity, including: a document; paper; letter; map; book; tape; photograph; film or sound recording; information stored or maintained electronically; and a data-processed or image-processed document.[1]

Response - the district's notice informing a requester of a granting of access to a record or the district's written notice to a requester granting, denying or partially granting and partially denying access to a requested record.[1]

Requester - a **person that is a** legal resident of the United States who requests access to a record. **The term Requester includes an agency.**[1]

Authority

The Board shall make the district's public records available for access and duplication to a requester, in accordance with law, Board policy and administrative regulations.[2][3][4][5]

✘ The Board authorizes the district to deny anonymous requests for records. A request may be considered anonymous if the requester has submitted insufficient information for the district to identify if the requester is a legal resident of the United States.[1][6]

Delegation of Responsibility

The Board shall designate an Open Records Officer, who shall be responsible to:[7]

1. Receive written requests for access to records submitted to the district.
2. Review and respond to written requests in accordance with law, Board policy and administrative regulations.
3. Direct requests to other appropriate individuals in the district or in another agency.
4. Track the district's progress in responding to requests.
5. Issue interim and final responses to submitted requests.
6. Maintain a log of all record requests and their disposition.
7. Ensure district staff are trained to perform assigned job functions relative to requests for access to records.

Upon receiving a request for access to a record, the Open Records Officer shall:[7][8][9]

1. Note the date of receipt on the written request.
2. Compute and note on the written request the day on which the five-day period for response will expire.
3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled.
4. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

Guidelines

Requesters may access and procure copies of the public records of the district during the regular business hours of the administration offices.[5]

A requester's right of access does not include the right to remove a record from the control or supervision of the Open Records Officer.

The district shall not limit the number of records requested.[2]

When responding to a request for access, the district is not required to create a record that does not exist nor to compile, maintain, format or organize a record in a manner which the district does not currently use.[10]

Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.[11][12][13]

The district shall post at the administration office and on the district's **website, the** following information:[4][14]

1. Contact information for the Open Records Officer.
2. Contact information for the state's Office of Open Records or other applicable appeals officer.
3. The form to be used to file a request, with a notation that the state Office of Open Records form may also be used if the district decides to create its own form.

The district shall post the acceptable form(s) on the district website with information notifying requesters that the district may choose to deny a request for failure to submit the proper form.[15]

4. Board policy, administrative regulations and procedures governing requests for access to the district's public records.

Request for Access

A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer.[4][14][15][16]

Requests made in accordance with this policy may be submitted to the district in person, by mail **or** to a designated email address **and must include the following information:[5][16]**

1. Identification or description of the requested record, in sufficient detail **to allow the district to determine what records are being requested.**
2. Medium in which the record is requested.
3. Name and address of the individual to receive the district's response.

The district shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.[16]

Fees

Except for the duplication fee established by the state, the Board shall approve a list of reasonable fees relative to requests for public records. The district shall maintain a list of applicable fees and disseminate the list to requesters.[17]

No fee may be imposed for review of a record to determine whether the record is subject to access under law.[17]

Prior to granting access, the district may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.[17]

The Superintendent may waive duplication fees when the requester duplicates the record, or the Superintendent deems it is in the public interest to do so.[17]

Response to Request

District employees shall be directed to immediately forward requests for access to public records to the Open Records Officer.[7][18]

Upon receipt of a written request for access to a record, the Open Records Officer shall determine if the requested record is a public record and if the district has possession, custody or control of that record.[8]

The Open Records Officer shall respond as promptly as possible under the existing circumstances, and the initial response time shall not exceed five (5) business days from the date the written request is received by the Open Records Officer.[8]

The initial response shall grant access to the requested record; deny access to the requested record; partially grant and partially deny access to the requested record; notify the requester of the need for an extension of time to fully respond; or request more detail from the requester to clearly identify the requested material.

If the district fails to respond to a request within five (5) business days of receipt, the request for access shall be deemed denied.[8]

Extension of Time

If the Open Records Officer determines that an extension of time is required to respond to a request, in accordance with the factors stated in law, written notice shall be sent within five (5) business days of receipt of request. The notice shall indicate that the request for access is being reviewed, the reason that the review requires an extension, a reasonable date when the response is expected and an estimate of applicable fees owed when the record becomes available.[8][19]

Up to a thirty-day extension for one (1) of the listed reasons does not require the consent of the requester. If the response is not given by the specified date, it shall be deemed denied on the day following that date.

A requester may consent in writing to an extension that exceeds thirty (30) days, in which case the request shall be deemed denied on the day following the date specified in the notice if the Open Records Officer has not provided a response by that date.

Granting of Request

If the Open Records Officer determines that the request will be granted, the response shall inform the requester that access is granted and either include **a copy of the requested records**, information on the regular business hours of the administration office, provide electronic access or state where the requester may go to inspect the records or information electronically at a publicly accessible site. The response shall include a copy of the fee schedule in effect, a statement that prepayment of fees is required in a specified amount if access to the records will cost in excess of \$100 and the medium in which the records will be provided.

A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. However, the district is not required to permit use of its computers.[5]

The Open Records Officer may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means or that the district shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the district's notice, submits a written request to have the record converted to paper, the district shall provide access in printed form within five (5) days of receipt of the request for conversion to paper.[5][20]

A public record that the district does not possess but is possessed by a third party with whom the district has contracted to perform a governmental function and which directly relates to that governmental function, shall be considered a public record of the district, **and shall be made accessible in accordance with law, Board policy and administrative regulations.** When the district contracts with such a third party, the district shall require the contractor to agree in writing to comply with requests for such records and to provide the district with the requested record in a timely manner to allow the district to comply with law.[21]

If the Open Records Officer determines that a public record contains information both subject to and not subject to access, the Open Records Officer shall grant access to the information subject to access and deny access to the information not subject to access. The Open Records Officer shall redact from the record the information that is not subject to access. The Open Records Officer shall not deny access to a record if information is able to be redacted.[22]

If the Open Records Officer responds to a requester that a copy of the requested record is available for delivery at the administration office and the requester does not retrieve the record within sixty (60) days of the district's response, the district shall dispose of the copy and retain any fees paid to date.[23]

Notification to Third Parties

The Open Records Officer shall notify a third party of a record request if the requested record contains a trade secret or confidential proprietary information, in accordance with law and administrative regulations.[24]

When the district produces a record that is not a public record in response to a request, the Open Records Officer shall notify any third party that provided the record to the district, the person that is the subject of the record and the requester.[24]

Denial of Request

If the Open Records Officer denies a request for access to a record, whether in whole or in part, a written response shall be sent within five (5) business days of receipt of the request. The response denying the request shall include the following:[8][25]

1. Description of the record requested.
2. Specific reasons for denial, including a citation of supporting legal authority.
3. Name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial is issued.
4. Date of the response.
5. Procedure for the requester to appeal a denial of access.

The Open Records Officer may deny a request for access to a record if the requester has made repeated, **identical** requests for that same record and the repeated requests have placed an unreasonable burden on the district.[21]

The Open Records Officer may deny a request for access to a record when timely access is not possible due to a disaster, or when access may cause physical damage or irreparable harm to the record. To the extent possible, a record's contents shall be made accessible even when the record is physically unavailable.[21]

Information that is not subject to access and is redacted from a public record shall be deemed a denial.[22][25]

Appeals

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the state's Office of Open Records within fifteen (15) business days of the mailing date of the Open Records Officer's response or deemed denial.[9]

Appeals Involving Third Party Records –

The Open Records Officer shall provide notice to a third party within seven (7) business days of any appeal relating to records requested, which affect the legal or security interest of an employee; contain or constitute proprietary, confidential or trademarked records of a third party; or are held by a third party contractor or vendor, the district shall notify such parties of the appeal and advise them of their ability to participate in accordance with law. The Open Records Officer shall also provide proof of such notice to the Office of Open Records within seven (7) business days of sending the third party notification.[9][26]

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Legal

1. 65 P.S. 67.102

2. 65 P.S. 67.302

3. 65 P.S. 67.305

4. 65 P.S. 67.504

5. 65 P.S. 67.701

6. Anonymous v. Downingtown Area School District, OOR Dkt. No.: AP 2023-2329

7. 65 P.S. 67.502

8. 65 P.S. 67.901

9. 65 P.S. 67.1101

10. 65 P.S. 67.705

11. 42 U.S.C. 12132

12. 28 CFR 35.160

13. 28 CFR 35.164

14. 65 P.S. 67.505

15. K Pace v. City of Philadelphia Department of Licenses and Inspections, OOR Dkt. No.: AP 2024-0292

16. 65 P.S. 67.703

17. 65 P.S. 67.1307

18. 65 P.S. 67.702

19. 65 P.S. 67.902

20. 65 P.S. 67.704

21. 65 P.S. 67.506

22. 65 P.S. 67.706

23. 65 P.S. 67.905

24. 65 P.S. 67.707

25. 65 P.S. 67.903

26. Office of Open Records Procedural Guidelines

24 P.S. 408

24 P.S. 518

42 U.S.C. 12101 et seq

65 P.S. 67.101 et seq

Pol. 800



Book	Policy Manual
Section	800 Operations
Title	School Calendar
Code	803 Vol III 2024
Status	From PSBA

Purpose

The Board recognizes that preparation of an annual school calendar is necessary for the efficient operation of the district **and communication with students, staff, parents/guardians and the school community.**

Authority

The Board shall determine annually the days and the hours when the schools will be in session for instructional purposes, in accordance with state law and regulations. This may include, as appropriate, activities qualifying as instructional days **or hours** under the direction of certified school employees for fulfilling the minimum required days **or hours** of instruction under law, regulations **and state guidance.**[1][2][3][4][5][6][7][8][9]

The school calendar shall normally consist of a minimum of [1][2][8][10]

~~✗~~ 180 student days.

{ } **900 hours of instruction at the elementary level and 990 hours of instruction at the secondary level.**

{ } **450 hours of instruction for half-day kindergarten programs.**

{ } **and prekindergarten programs.**

The Board reserves the right to alter the school calendar when it is in the best interests of the district, **including in cases of emergency, in accordance with applicable law and regulations. The Board shall take action to establish temporary provisions in cases of emergency, in accordance with law, and shall document such actions with the PA Department of Education when required.**[2][5][6][7][9][11][12][13][14]

Temporary provisions established in accordance with law may include but are not limited to:[1][2][5][6][7][8][9][12][13][15]

1. Keeping schools in session such days and **hours** as the Board deems necessary, which shall include maintaining the requirement for a minimum of 180 student days **or 900 hours of instruction at the elementary level and 990 hours of instruction at the secondary level.**

{ } 450 hours of instruction for half-day kindergarten programs.

{ } and prekindergarten programs.

- 2. Reducing the length of time of daily instruction for courses and classes.
- 3. Implementing remote and other alternative methods of delivering instruction under the direction of certified school employees.

Delegation of Responsibility

The Superintendent shall annually prepare a school calendar for Board consideration.

The Superintendent or designee shall document alterations to the school calendar and any temporary provisions in accordance with law, regulations, guidance from the PA Department of Education **and** Board policy.[15]

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Legal

- 1. 24 P.S. 133
- 2. 24 P.S. 1501
- 3. 24 P.S. 1502
- 4. 24 P.S. 1503
- 5. 24 P.S. 1504
- 6. 24 P.S. 1505
- 7. 24 P.S. 1506
- 8. 22 PA Code 11.1
- 9. 22 PA Code 11.2
- 10. 22 PA Code 4.4
- 11. 24 P.S. 520
- 12. 24 P.S. 520.1
- 13. 24 P.S. 1501.3
- 14. Pol. 006
- 15. Pol. 805
- Pol. 204
- Pol. 804



Book	Policy Manual
Section	800 Operations
Title	Emergency Preparedness and Response
Code	805 Vol III 2024
Status	From PSBA

Purpose

The Board recognizes its responsibility for the safety of students, staff, visitors and facilities. Therefore, the Board shall provide facilities, equipment and training necessary to protect against hazards and emergencies, including but not limited to natural disasters, hazardous chemicals, fires, weapons, bomb threats, intruders, terrorism, communicable diseases and pandemics. Advance planning, training, practice and comprehensive implementation are key components in protecting the safety and security of the school community.[1]

Authority

The district, in cooperation with the county Emergency Management Agency and the Pennsylvania Emergency Management Agency (PEMA), shall develop and implement a comprehensive disaster response and emergency preparedness plan, consistent with the guidelines developed by PEMA and other applicable state requirements.[2][3]

The Board shall also utilize the resources of and comply with the requirements of the Pennsylvania Department of Health, the Pennsylvania Department of Education and **law** enforcement agencies.[4]

The Board requires that emergency preparedness, emergency evacuation and school security drills be conducted at intervals required by state law.[3][5][6]

Definitions

School security drill – a planned exercise, other than a fire drill or natural disaster drill, designed to practice procedures to respond to an emergency situation that may include, but is not limited to, an act of terrorism, armed intruder situation or other violent threat.[5]

School Safety and Security Assessment – a strategic evaluation of a school entity’s facilities and programs used to identify potential safety and security threats.[7]

Delegation of Responsibility

The Superintendent or designee shall collaborate with relevant stakeholders, including parents/guardians, students, staff, community agencies, **law** enforcement agencies and first responders, during the development and implementation of the emergency preparedness plan.

The Superintendent or designee shall implement a communication system to notify parents/guardians of the evacuation or sheltering of students and to alert the entire school community when necessary.

Annually, on or before April 10, the Superintendent shall certify that emergency evacuation drills and school security drills have been conducted in the manner prescribed by law.[5]

In accordance with state law and regulations, the Superintendent shall execute a memorandum of understanding with each **law enforcement agency** that has jurisdiction over school property. [4][8][9][10]

The Board directs the

{ } Superintendent or designee

School Safety and Security Coordinator

to periodically complete a School Safety and Security Assessment in accordance with the provisions of law and established criteria, based on the needs of the district and availability of funding and resources.[7][11]

Guidelines

Emergency Planning

The emergency preparedness plan shall be accessible in each district building, be reviewed at least annually, and be modified as necessary. A copy of the plan shall be made accessible to the county Emergency Management Agency, each **law enforcement agency** and each local fire department that have jurisdiction over school property. The district shall obtain assurances from each appropriate agency that the emergency preparedness plan will be safeguarded and maintained confidentially.[2][3][9]

Appropriate information regarding the emergency preparedness plan shall be communicated to students, parents/guardians, staff, the community and other relevant stakeholders.

Annually, by September 30, the district shall assemble information required to assist **law enforcement agencies** and fire departments in responding to an emergency. The required information shall be deployed immediately to the Incident Command Post in the event of an emergency incident or disaster.[2][3][4]

Schools and school buses or transportation vehicles owned or leased by the district shall be made available to local, county and state officials for emergency planning and exercises.[3]

Continuity of Student Learning/Core Operations

In the event of an emergency, local, county or state officials may require that schools be made available to serve as mass-care facilities. Local, county or state officials may also utilize district-owned buses and other transportation vehicles. The Superintendent or designee shall determine whether schools shall be closed, or the educational program suspended, to safeguard student and staff health and safety.[3][12]

State officials may also direct schools to close in order to mitigate the spread of infection or illness in designated emergencies.[13]

The district shall make provisions in the emergency preparedness plan and any applicable health and safety plan for the continuity of student learning during school closings or excessive absences, in accordance with law. This may include, as appropriate, activities qualifying as instructional days **or hours** for fulfilling the minimum required days **or hours** of instruction under the law. Instructional activities may include: [14][15][16][17][18][19][20]

1. ✕ Web-based instruction.
2. ✕ Mailed lessons and assignments.
3. { } Instruction via local television or radio stations.
4. { } Other: _____.

The continuity of core operations such as payroll and ongoing communication with staff, students and parents/guardians shall be an essential part of the emergency preparedness plan.

Education and Training

Students and staff members shall be instructed and shall practice how to respond appropriately to emergency situations. [5][6][21]

Effective infection control and prevention education and procedures, such as frequent hand washing and cough/sneeze etiquette, shall be encouraged continually to help limit the spread of germs at district schools. [22][23]

The district shall provide mandatory training for school staff on school safety and security, in accordance with law and the standards specified by the state's School Safety and Security Committee: [21][24][25][26]

1. Two (2) hours of required training addressing any combination of one (1) or more of the following areas shall be completed each year, in person or virtually:
 - a. Situational awareness.
 - b. Trauma-informed approaches. [25][27]
 - c. Behavioral health awareness.
 - d. Suicide and bullying awareness. [28][29]
 - e. Substance use awareness. [30][31]
2. One (1) hour of **required** training in the following areas shall be completed each year:
 - a. Emergency training drills, including fire, natural disaster, active shooter, hostage situation and bomb threat. This training must be conducted in person. [32]
 - b. Identification or recognition of student behavior that may indicate a threat to the safety of the student, other students, school employees, other individuals, school facilities, or the community. This training may be conducted in person or virtually. [33]
[34]

The required school safety and security training shall be credited toward professional education requirements, in accordance with law and the district's Professional Education Plan. [21][25][35]

Required Drills

Emergency Preparedness Drill -

The Board directs district schools to conduct a disaster response or emergency preparedness plan drill at least annually, in accordance with the provisions of law.[3]

Fire Drills -

The Board directs each district school to conduct fire drills at least once a month during the school year, in accordance with the provisions of law.[5][6]

School Security Drills -

The Board directs each district school to conduct a school security drill within ninety (90) days of the beginning of each school year. The school security drill shall be conducted while school is in session, with students present.[5]

The school security drill may take the place of a fire drill for the month in which it is conducted.

The Superintendent or designee

~~may~~

{ } shall

conduct additional school security drills in district schools after the first ninety (90) days of the school year. Up to two (2) additional school security drills per school year may be conducted in place of the required fire drills for the month in which they are conducted.[5]

The Superintendent or designee shall:[5]

1. Oversee instruction and training of students and school employees in procedures for conducting school security drills and responding to emergency situations.
2. Notify and request assistance from local law enforcement and the emergency management agency prior to conducting a school security drill.
3. Notify parents/guardians of the students attending the school building where the school security drill is scheduled in advance of conducting the drill.

Bus Evacuation Drills -

Bus evacuation and safety drills shall be conducted twice a year, in accordance with the provisions of law.[5][36]

Safe2Say Something Program

The Board directs the Superintendent or designee to develop procedures for assessing and responding to reports received from the Safe2Say Something anonymous reporting program, in accordance with law. The procedures shall establish a framework within which district administration and staff will respond to program reports, coordinate with the county emergency dispatch center(s) and **law** enforcement, and provide appropriate assessment and response for the safety and security of students, staff and school facilities, in accordance with applicable law and Board policy and administrative regulations.[4][26][32][34][37]

NOTES:

School entities who receive specific federal funding grants for readiness and emergency management may also have additional requirements for compliance with the National Incident Management System (NIMS).

False alarms – 18 Pa. C.S.A. Sec. 4905, 4906

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Legal

1. Pol. 705
2. 22 PA Code 10.24
3. 35 Pa. C.S.A. 7701
4. Pol. 805.1
5. 24 P.S. 1517
6. 24 P.S. 1518
7. 24 P.S. 1301-B
8. 22 PA Code 10.11
9. 24 P.S. 1306.2-B
10. 24 P.S. 1319-B
11. 24 P.S. 1303-B
12. Pol. 804
13. 35 Pa. C.S.A. 7301 et seq
14. 24 P.S. 133
15. 24 P.S. 520.1
16. 24 P.S. 1501
17. 24 P.S. 1505
18. 24 P.S. 1506
19. 22 PA Code 11.2
20. Pol. 803
21. 24 P.S. 1310-B
22. Pol. 203
23. Pol. 203.1
24. 24 P.S. 102
25. Pol. 333
26. Pol. 805.2
27. Pol. 146.1
28. Pol. 249
29. Pol. 819
30. Pol. 227
31. Pol. 351
32. Pol. 805

33. 24 P.S. 1302-E

34. Pol. 236.1

35. 24 P.S. 1205.2

36. 75 Pa. C.S.A. 4552

37. 24 P.S. 1303-D

24 P.S. 1205.7

20 U.S.C. 7112

20 U.S.C. 7118

20 U.S.C. 7801

Pol. 146

Pol. 236

Pol. 709

Pol. 810

Pol. 909

805-Attach-Safe2SayProcedures.doc (228 KB)



Book	Policy Manual
Section	800 Operations
Title	Relations With Law Enforcement Agencies
Code	805.1 Vol III 2024
Status	From PSBA

Purpose

The Board recognizes that cooperation with law enforcement agencies is considered essential for protecting students and staff, maintaining a safe environment in schools and safeguarding district property.

Authority

It shall be the policy of the Board to establish and maintain a cooperative relationship between the school district and **law enforcement agencies with jurisdiction over school property of the school district** in maintaining school safety and security; responding to school safety and security reports; and reporting and resolution of incidents that occur on school property, at any school-sponsored activity or on any conveyance providing transportation to or from a school or school-sponsored activity.**[1][2][3][4][5]**

The Board directs the Superintendent to execute and update, on a biennial basis, a memorandum of understanding with each **law enforcement agency that** has jurisdiction over school property in accordance with state law and regulations.**[1][2][6]**

Definition

Incident - an instance involving an act of violence; the possession of a weapon by any person; the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use or sale of alcohol or tobacco **products** by any person on school property; or conduct that constitutes an offense listed **in the school safety and security provisions of School Code.****[2][7][8][9][10][11][12][13][14][15][16]**

Guidelines

Memorandum of Understanding

In accordance with state law and regulations, the Superintendent shall **form an advisory committee composed of relevant school staff to assist in the development of a memorandum of understanding with law enforcement. The Superintendent shall** execute and update, every two (2) years, a memorandum of understanding with each **law enforcement agency** that has jurisdiction over school property. The memorandum of

understanding shall be signed by the Superintendent, chief of police **of the law enforcement agency with jurisdiction over the relevant school property** and each building principal, and be filed with the **PA Department of Education.**[1][2][6]

In developing and updating the memorandum of understanding, the district shall consult and consider the **model memorandum of understanding, in accordance with applicable law and regulations.**[1][2][6]

The memorandum of understanding shall comply with state law and regulations and set forth:[1][2][6]

1. **A procedure for law enforcement agency review of the district's annual incident report required by law, prior to the Superintendent filing the report with the PA Department of Education.**
2. **A procedure for the resolution of incident data discrepancies in the report prior to filing the report.**
3. **Additional matters pertaining to crime prevention agreed to between the Superintendent and the law enforcement agency.**

Students With Disabilities

The district shall provide a copy of its administrative regulations and procedures for behavior support, developed in accordance with the Special Education Plan, to each **law enforcement agency** that has jurisdiction over school property. Updated copies shall be provided each time the administrative regulations and procedures for behavior support are revised by the district. [17][18][19][20]

The district shall invite representatives of each **law enforcement agency** that has jurisdiction over school property to participate in district training on the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require intervention, as included in the district's Special Education Plan and positive behavior support program. [17][18][19][20][21]

{ } Training

{ } The district shall invite representatives of each **law enforcement agency** that has jurisdiction over school property to participate in district training related to subjects that enhance understanding of and build positive relationships with students, which may include but not be limited to training on trauma-informed approaches, restorative practices, suicide awareness and prevention, child abuse recognition and reporting, maintaining confidentiality of students' personally identifiable information and maintaining professional adult/student boundaries. [4][22][23][24][25][26][27]

Referral to Law Enforcement

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity, to the **law enforcement agency** that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with **law enforcement** and Board policies. [1][2][7][9][10][11][12][13][14][15][16][20][28][29][30][31]

School Safety and Security Incidents Report

Annually, by July 31, the Superintendent shall report on the designated form, to the **PA Department of Education**, all new incidents as required by state law. [2]

Prior to submitting the **incidents** report, the Superintendent and each **law enforcement agency** having jurisdiction over school property shall do all of the following:**[2]**

1. No later than thirty (30) days prior to the deadline for submitting the report to the **PA Department of Education**, the Superintendent shall submit the report to the **law enforcement agency** that has jurisdiction over the relevant school property. The **law enforcement agency** shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects **law enforcement** incident data.
2. No later than fifteen (15) days prior to the deadline for the Superintendent to submit the report to the **PA Department of Education**, the **law enforcement agency** shall notify the Superintendent, in writing, whether the report accurately reflects **law enforcement** incident data. Where the **law enforcement agency** determines that the report accurately reflects **law enforcement** incident data, the chief of police shall sign the report. Where the **law enforcement agency** determines that the report does not accurately reflect **law enforcement** incident data, the **law enforcement agency** shall indicate any discrepancies between the report and **law enforcement** incident data.
3. **Prior to submitting the report to the PA Department of Education, the Superintendent and the law enforcement agency shall attempt to resolve any discrepancy between the report and law enforcement incident data. If a discrepancy remains unresolved, the law enforcement agency shall notify the Superintendent and the PA Department of Education in writing.**
4. Where a **law enforcement agency** fails to take action as required above, the Superintendent shall submit the report to the **PA Department of Education** and indicate that the **law enforcement agency** failed to take the required action.

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Legal

1. 24 P.S. 1306.2-B
2. 24 P.S. 1319-B
3. 22 PA Code 10.1
4. Pol. 805
5. Pol. 805.2
6. 22 PA Code 10.11
7. 22 PA Code 10.2
8. 35 P.S. 780-102
9. Pol. 218
10. Pol. 218.1
11. Pol. 218.2
12. Pol. 222
13. Pol. 227
14. Pol. 323
15. Pol. 351
16. Pol. 904

17. 22 PA Code 10.23

18. 22 PA Code 14.104

19. Pol. 113

20. Pol. 113.2

21. 22 PA Code 14.133

22. Pol. 113.4

23. Pol. 216

24. Pol. 333

25. Pol. 806

26. Pol. 819

27. Pol. 824

28. 22 PA Code 10.21

29. 22 PA Code 10.22

30. Pol. 103.1

31. Pol. 113.1

22 PA Code 10.24

75 Pa. C.S.A. 3345.1

Pol. 909



Book	Policy Manual
Section	800 Operations
Title	Child Abuse
Code	806 Vol III 2024
Status	From PSBA

Authority

The Board requires district employees, independent contractors and volunteers to comply with identification and reporting requirements for suspected child abuse, as well as the training requirement for recognition and reporting of child abuse in order to comply with the Child Protective Services Law and the School Code.[1][2][3][4]

Definitions

The following words and phrases, when used in this policy, shall have the meaning given to them in this section:

Adult - an individual eighteen (18) years of age or older.[5]

Bodily injury - impairment of physical condition or substantial pain.[5]

Certifications - refers to the child abuse history clearance statement and state and federal criminal history background checks required by the Child Protective Services Law and/or the School Code.[6][7]

Child - an individual under eighteen (18) years of age.[5]

Child abuse - intentionally, knowingly or recklessly doing any of the following:[5]

1. Causing bodily injury to a child through any recent act or failure to act.
2. Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
3. Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
4. Causing sexual abuse or exploitation of a child through any act or failure to act.
5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.

6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
7. Causing serious physical neglect of a child.
8. Engaging in any of the following recent acts:
 - a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - c. Forcefully shaking a child under one (1) year of age.
 - d. Forcefully slapping or otherwise striking a child under one (1) year of age.
 - e. Interfering with the breathing of a child.
 - f. Causing a child to be present during the operation of methamphetamine laboratory, provided that the violation is being investigated by law enforcement.[8]
 - g. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known was required to register as a Tier II or Tier III sexual offender, has to register for life or has been determined to be a sexually violent predator or sexually violent delinquent.[9][10][11][12]
9. Causing the death of the child through any act or failure to act.
10. Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined in the law.[13]

The term **child abuse** does not include physical contact with a child that is involved in normal participation in physical education, athletic, extracurricular or recreational activities. Also excluded from the meaning of the term **child abuse** is the use of reasonable force by a person responsible for the welfare of a child for purposes of supervision, control or safety, provided that the use of force:[14]

1. Constitutes incidental, minor or reasonable physical contact in order to maintain order and control;
2. Is necessary to quell a disturbance or remove a child from the scene of a disturbance that threatens property damage or injury to persons;
3. Is necessary for self-defense or defense of another;
4. Is necessary to prevent the child from self-inflicted physical harm; or
5. Is necessary to gain possession of weapons, controlled substances or other dangerous objects that are on the person of the child or in the child's control.

Direct contact with children - the possibility of care, supervision, guidance or control of children or routine interaction with children.[1]

Independent contractor - an individual other than a school employee who provides a program, activity or service who is otherwise responsible for the care, supervision, guidance or control of children pursuant to a contract. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with children. [5][15]

Perpetrator - a person who has committed child abuse and is a parent/guardian of the child; a spouse or former spouse of the child's parent/guardian; a paramour or former paramour of the child's parent/guardian; an individual fourteen (14) years of age or older who is responsible for the child's welfare or who has direct contact with children as an employee of child-care services, a school or through a program activity or service; an individual fourteen (14) years of age or older who resides in the same home as the child; or an adult who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child; or an adult who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined in the law. Only the following may be considered a perpetrator solely based upon a failure to act: a parent/guardian of the child; a spouse or former spouse of the child's parent/guardian; a paramour or former paramour of the child's parent/guardian; an adult responsible for the child's welfare; or an adult who resides in the same home as the child. [5][13]

Person responsible for the child's welfare - a person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. [5]

Program, activity or service - any of the following in which children participate and which is sponsored by a school or a public or private organization: [5]

1. A youth camp or program.
2. A recreational camp or program.
3. A sports or athletic program.
4. A community or social outreach program.
5. An enrichment or educational program.
6. A troop, club or similar organization.

Recent act or failure to act - any act or failure to act committed within two (2) years of the date of the report to the Department of Human Services of the Commonwealth or county agency. [5]

Routine interaction - regular and repeated contact that is integral to a person's employment or volunteer responsibilities. [5]

School employee - an individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with children. [5]

Serious mental injury - a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that: [5]

1. Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened; **or**

2. Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical neglect - any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:[5]

1. A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
2. The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

Sexual abuse or exploitation - any of the following:[5]

1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:
 - a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
 - b. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
 - c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
 - d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

The conduct described above does not include consensual activities between a child who is fourteen (14) years of age or older and another person who is fourteen (14) years of age or older and whose age is within four (4) years of the child's age.

2. Any of the following offenses committed against a child: rape; statutory sexual assault; involuntary deviate sexual intercourse; sexual assault; institutional sexual assault; aggravated indecent assault; indecent assault; indecent exposure; incest; prostitution; sexual abuse; unlawful contact with a minor; or sexual exploitation.

Student - an individual enrolled in a district school under eighteen (18) years of age.[5]

Volunteer - an unpaid adult individual, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service is a person responsible for the child's welfare or has direct contact with children.[15]

Delegation of Responsibility

The Superintendent or designee shall:

1. Require each candidate for employment to submit an official child abuse clearance statement and state and federal criminal history background checks (certifications) as required by law.[6][7][16][17][18][19]
2. Require each applicant for transfer or reassignment to submit the required certifications unless the applicant is applying for a transfer from one position as a district employee to

another position as a district employee of this district and the applicant's certifications are current.[20][21][22]

School employees and independent contractors shall obtain and submit new certifications every sixty (60) months.[21]

Certification requirements for volunteers are addressed separately in Board Policy 916.[23]

The Superintendent or designee shall annually notify district staff, independent contractors and volunteers of their responsibility for reporting child abuse in accordance with Board policy and administrative regulations.

The Superintendent or designee shall ensure that the poster, developed by the PA Department of Education, displaying the statewide toll-free telephone numbers for reporting suspected child abuse, neglect and school safety issues be posted in a high-traffic, public area of each school. The designated area shall be readily accessible and widely used by students.[24]

The Superintendent or designee shall annually inform students, parents/guardians, independent contractors, volunteers and staff regarding the contents of this Board policy.

Guidelines

Aiding and Abetting Sexual Abuse

School employees, acting in an official capacity for this district, are prohibited from assisting another school employee, contractor or agent in obtaining a new job if the school employee knows, or has probable cause to believe, that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or student.[16][17][18][19][22][25][26][27][28]

This prohibition applies only to assistance that extends beyond performance of normal processing of personnel matters including routine transmission of files or other information. This prohibition shall not apply if:[26]

1. The relevant information has been properly reported to law enforcement officials and any other authority required by federal, state or local law and the matter has been officially closed or the prosecutor or law enforcement officials notified school officials that there is insufficient information to establish probable cause.
2. The school employee, contractor or agent has been acquitted or otherwise exonerated of the alleged misconduct.
3. The case or investigation remains open and no charges have been filed against, or indictment of, the school employee, contractor or agent within four (4) years of the date on which the information was reported to the law enforcement agency.

Training

The school district, and independent contractors of the school district, shall provide their employees who have direct contact with children with mandatory training on child abuse recognition and reporting. The training shall include, but not be limited to, the following topics: [1][3][4][27]

1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.

2. Provisions of the Educator Discipline Act, including mandatory reporting requirements.[27]
[29]
3. District policy related to reporting of suspected abuse and sexual misconduct.
4. Maintenance of professional and appropriate relationships with students.[28]

Employees are required to complete a minimum of three (3) hours of training every five (5) years.[1]

{ } The district shall provide each volunteer with training on child abuse recognition and reporting.

Duty to Report

School employees, independent contractors and volunteers shall make a report of suspected child abuse if they have reasonable cause to suspect that a child is the victim of child abuse under any of the following circumstances:[15]

1. The school employee, independent contractor or volunteer comes into contact with the child in the course of employment, occupation and the practice of a profession or through a regularly scheduled program, activity or service.
2. The school employee, independent contractor or volunteer is directly responsible for the care, supervision, guidance or training of the child.
3. A person makes a specific disclosure to a school employee, independent contractor or volunteer that an identifiable child is the victim of child abuse.
4. An individual fourteen (14) years of age or older makes a specific disclosure to a school employee, independent contractor or volunteer that **the individual** has committed child abuse.

A child is not required to come before the school employee, independent contractor or volunteer in order for that individual to make a report of suspected child abuse.[15]

A report of suspected child abuse does not require the identification of the person responsible for the child abuse.[15]

Any person who, in good faith, makes a report of suspected child abuse, regardless of whether the report is required, cooperates with an investigation, testifies in a proceeding or engages in other action authorized by law shall have immunity from civil and criminal liability related to those actions.[30]

Any person required to report child abuse who willfully fails to do so may be subject to disciplinary action and criminal prosecution.[31]

Any person who intentionally or knowingly makes a false report of child abuse or intentionally or knowingly induces a child to make a false claim of child abuse may be subject to disciplinary action and criminal prosecution.[32]

Any person who engages in intimidation, retaliation or obstruction in the making of a child abuse report or the conducting of an investigation into suspected child abuse may be subject to disciplinary action and criminal prosecution.[33]

The district shall not discriminate or retaliate against any person for making, in good faith, a report of suspected child abuse.[34]

Reporting Procedures

School employees, independent contractors or volunteers who suspect child abuse shall immediately make a written report of suspected child abuse using electronic technologies (www.compass.state.pa.us/cwis) or an oral report via the statewide toll-free telephone number (1-800-932-0313). A person making an initial oral report of suspected child abuse must also submit a written electronic report within forty-eight (48) hours after the oral report. Upon receipt of an electronic report, the electronic reporting system will automatically respond with a confirmation, providing the district with a written record of the report.[15][35][36]

A school employee, independent contractor or volunteer who makes a report of suspected child abuse shall immediately, after making the initial report, notify the building principal or administrator and if the initial report was made electronically, also provide the building principal or administrator with a copy of the report confirmation. The building principal or administrator shall then immediately notify the Superintendent or designee that a child abuse report has been made and if the initial report was made electronically, also provide a copy of the report confirmation.[15][35][36]

When a report of suspected child abuse is made by a school employee, independent contractor or volunteer as required by law, the school district is not required to make more than one (1) report. An individual otherwise required to make a report who is aware that an initial report has already been made by a school employee, independent contractor or volunteer is not required to make an additional report. The person making an initial oral report is responsible for making the follow-up written electronic report within forty-eight (48) hours, and shall provide the building principal or administrator with a copy of the report confirmation promptly after the written electronic report has been filed. The building principal or administrator shall in turn provide a copy of the report confirmation to the Superintendent or designee.[15][35][36]

{ } When necessary to preserve potential evidence of suspected child abuse, a school employee may, after the initial report is made, take or cause to be taken photographs of the child who is the subject of the report. Any such photographs shall be sent to the county agency at the time the written report is sent or within forty-eight (48) hours after a report is made by electronic technologies or as soon thereafter as possible. The building principal or administrator shall be notified whenever such photographs are taken.[37]

If the Superintendent or designee reasonably suspects that conduct being reported involves a **school safety and security** incident required to be reported under **law**, the Superintendent or designee shall inform **the law enforcement agency that has jurisdiction over the school's property**, in accordance with applicable law, regulations and Board policy.[38][39][40][41][42][43]

Investigation

The building principal or administrator shall facilitate the cooperation with the Department of Human Services of the Commonwealth **and/or** the county agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at school.[15][44]

Upon notification that an investigation involves suspected child abuse by a school employee, the building principal or administrator shall immediately implement a plan of supervision or alternative arrangement that has been approved by the Superintendent for the school employee under investigation. The plan of supervision or alternative arrangement shall be submitted to the county agency for approval.[45]

NOTES:

If district has three (3) employee sections, remember to change the policy cites in the policy and references.

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Legal

1. 24 P.S. 1205.6
2. 23 Pa. C.S.A. 6301 et seq
3. Pol. 333
4. Pol. 818
5. 23 Pa. C.S.A. 6303
6. 24 P.S. 111
7. 23 Pa. C.S.A. 6344
8. 18 Pa. C.S.A. 7508.2
9. 42 Pa. C.S.A. 9799.12
10. 42 Pa. C.S.A. 9799.24
11. 42 Pa. C.S.A. 9799.55
12. 42 Pa. C.S.A. 9799.58
13. 22 U.S.C. 7102
14. 23 Pa. C.S.A. 6304
15. 23 Pa. C.S.A. 6311
16. Pol. 302
17. Pol. 304
18. Pol. 305
19. Pol. 306
20. 23 Pa. C.S.A. 6344.3
21. 23 Pa. C.S.A. 6344.4
22. Pol. 309
23. Pol. 916
24. 23 Pa. C.S.A. 6332
25. 24 P.S. 111.1
26. 20 U.S.C. 7926
27. Pol. 317.1
28. Pol. 824
29. 24 P.S. 2070.1a
30. 23 Pa. C.S.A. 6318
31. 23 Pa. C.S.A. 6319
32. 18 Pa. C.S.A. 4906.1
33. 18 Pa. C.S.A. 4958
34. 23 Pa. C.S.A. 6320

35. 23 Pa. C.S.A. 6305

36. 23 Pa. C.S.A. 6313

37. 23 Pa. C.S.A. 6314

38. 22 PA Code 10.2

39. 22 PA Code 10.21

40. 22 PA Code 10.22

41. 24 P.S. 1306.2-B

42. 24 P.S. 1319-B

43. Pol. 805.1

44. 23 Pa. C.S.A. 6346

45. 23 Pa. C.S.A. 6368

24 P.S. 1527

24 P.S. 2070.1a et seq

22 PA Code 10.1 et seq

18 Pa. C.S.A. 4304

Pol. 317



Book	Policy Manual
Section	800 Operations
Title	Opening Exercises/Moment of Silence/Flag Displays
Code	807
Status	First Reading

Purpose

The Board adopts this policy to ensure that all district schools comply with state and federal laws concerning flag displays, opening exercises **and the moment of silence on the anniversary of September 11**, while respecting the rights of individuals.

Authority

A United States flag shall be displayed in classrooms and on or near each school building during school hours, in clement weather and at other times determined by the Board.[1]

District schools shall provide opening exercises that include a salute to the flag and/or recitation of the Pledge of Allegiance or the National Anthem.[1]

Students may decline to recite the Pledge of Allegiance or National Anthem and to salute the flag on the basis of personal belief or religious conviction. Students who choose to refrain from such participation shall respect the rights and interests of classmates who do participate.[1][2]

{ } The Board shall direct professional employees to conduct a brief period of silent prayer or meditation as part of daily opening exercises. Silent prayer or meditation shall not be conducted as a religious service or exercise.[3]

The Board directs the district to annually provide, during instructional hours, a moment of silence for students and staff to observe the anniversary of September 11, 2001.[4]

NOTES:

Do not use language about notifying the parents/guardians (and/or require them to supply a note) when the student refuses to salute the flag and/or recite the pledge or national anthem - this language was determined to be unconstitutional. (Circle v. Phillips).

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Legal [1. 24 P.S. 771](#)
[2. 22 PA Code 12.10](#)

[3. 24 P.S. 1516.1](#)

[4. 24 P.S. 1555](#)



Book	Policy Manual
Section	900 Community
Title	Public Attendance at School Events
Code	904 Vol III 2024
Status	From PSBA

Purpose

The Board welcomes the public at activities and events sponsored by the school district, but the Board also acknowledges its duty to maintain order and preserve school facilities and health and safety during such events. This policy establishes conditions, restrictions and procedures to regulate public attendance and conduct at school and school-sponsored activities.

Definition

For purposes of this policy, tobacco product encompasses not only tobacco but also vaping products including electronic cigarettes (e-cigarettes). **Tobacco products**, for purposes of this policy and in accordance with law, shall be defined to include the following:[1][2]

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.
2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.
3. Any product containing, made or derived from either:
 - a. Tobacco, whether in its natural or synthetic form; or
 - b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.
4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term **tobacco product** does not include the following:[1][2]

1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled.

2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. *Federal law requires the district to maintain a drug-free environment, at which marijuana of any kind is prohibited.*[3][4]

Authority

The Board has the authority to prohibit at a school event the attendance of any individual whose conduct may constitute a disruption. The Superintendent or designee and building principal may limit attendance to designated areas or may limit the number of attendees to school events when necessary to protect the health and safety of students, staff and the public, in accordance with Board-approved health and safety plans and guidance from state and local officials.

The Board prohibits gambling and the possession and use of controlled substances prohibited by state or federal law, alcoholic beverages and weapons on school premises.[5][6]

Attendees shall be informed of the district's health and safety rules through announcements and posting of appropriate signage. Health and safety rules must be followed prior to entry and while attendees are in school buildings and on school property, in accordance with Board policy, district procedures, the Board-approved health and safety plans and guidance from state and local officials.[7]

Tobacco and Vaping Products

The Board prohibits use of tobacco and vaping products, **including** e-cigarettes, by any persons at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; or on property owned, leased or controlled by the school district.[2][8]

{ } unless expressly permitted in designated areas which must be located at least fifty (50) feet from school buildings, stadiums or bleachers.

This policy does not prohibit possession of tobacco **products** by members of the public of legal age at school or school-sponsored activities.

The Board deems it to be a violation of this policy for an individual in attendance at school or a school-sponsored activity to furnish a tobacco **product** to a minor.[1]

Delegation of Responsibility

A schedule of fees for attendance at school events shall be prepared by the Superintendent or designee and adopted by the Board.

The Superintendent shall ensure that this policy is posted on the district's publicly accessible website.[9]

Reports

Annual School Safety and Security Incidents Report –

The Superintendent shall annually, by July 31, report all incidents of prohibited possession, use or sale of tobacco **products** by any person on school property to the **PA Department of Education** on the required form.[10][11][12]

Law Enforcement Incident Report –

In accordance with state law and regulations, the procedures set forth in the memorandum of understanding with **law** enforcement and Board policies, the Superintendent or designee may report to the **law enforcement agency** that has jurisdiction over the school's property, the use

or sale of tobacco **products** by any person in a school building; on a school bus or other vehicles that are owned, leased or controlled by the school district; or on any property owned leased or controlled by the school district.[1][2][10][11][12][13][14]

Guidelines

Free Admittance

{ } Senior citizens who are district residents and are 62 years of age or older shall be admitted

- without charge *with a senior citizen pass issued by the high school*
- at a reduced fee
- to all school events.
- to all school athletic events.

District personnel will be admitted

- to all school events
- at no charge.
- at a reduced fee.

Free passes to school events will be available to each Board member.

- and a guest.

{ } The Board will honor athletic passes from all districts that are members of conferences in which teams of this district compete and honor the passes of this district.

Service Animals

Individuals with disabilities may be accompanied by their service animals while on district property for events that are open to the general public in accordance with Board policy and state and federal laws and regulations.[15][16][17]

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- Legal
- 1. 18 Pa. C.S.A. 6305
 - 2. 18 Pa. C.S.A. 6306.1
 - 3. 20 U.S.C. 7118
 - 4. Pol. 351
 - 5. 24 P.S. 511
 - 6. 24 P.S. 775
 - 7. Pol. 705
 - 8. 20 U.S.C. 7973
 - 9. 24 P.S. 510.2
 - 10. 24 P.S. 1306.2-B

11. 24 P.S. 1319-B

12. Pol. 805.1

13. 22 PA Code 10.2

14. 22 PA Code 10.22

15. 28 CFR 35.136

16. 43 P.S. 953

17. Pol. 718

35 P.S. 637.1 et seq

20 U.S.C. 7971 et seq

28 CFR Part 35

904-Attach.doc (51 KB)



Book	Policy Manual
Section	900 Community
Title	Municipal Government Relations
Code	909 Vol III 2024
Status	From PSBA

Purpose

It is the policy of the Board that school district officials and municipal officials maintain a close and harmonious association. Such liaison is requisite for dealing with school/community concerns and issues in **an efficient** manner while assuring prudent expenditure of tax dollars.

Authority

The Board recognizes that its authority derives directly from the General Assembly, but it also is aware that the municipality and the school district must work together for the welfare of the residents.[1]

The Board, as an independent body, has no statutory relationship to other local governmental bodies. However, the Board may cooperate with local government units and other appropriate organizations in matters that affect district responsibilities. Such organizations may include, but not be limited to, health agencies, public libraries, museums, **law enforcement agencies** and fire departments, township supervisors, borough council, planning commissions and the courts.


In matters affecting the budgets of such agencies, the Board shall neither seek special consideration nor assume costs that properly fall outside its jurisdiction, except as prescribed by law.

The Board advocates joint expenditures of district and municipal or county funds to provide facilities from which the entire community may derive benefits. In accordance with this policy, the Board may, as either opportunity or need arises, and as it is entitled to do by law, enter into joint action agreements with the local municipal governing body in acquiring or leasing, improving, equipping, operating or maintaining such jointly used facilities.[2][3][4][5][6]

Delegation of Responsibility

The Superintendent and each **law enforcement agency** that has jurisdiction over school property shall enter into, and update on a biennial basis, a memorandum of understanding, which shall be developed and executed in accordance with state law and regulations.[7][8][9][10]

To maintain cooperation with the municipality for fiscal and facilities planning, the

 Board or its member representative

{ } Superintendent or designee

{ } Board Secretary

{ } Business Manager

will meet periodically with municipal officials to discuss issues of common interest.

{ } The public library can and should play an important role in the intellectual and educational development of district students, serving as a resource to reinforce and augment the school library and provide services and materials that may go beyond those which the school library can provide. To help achieve this end, the school district shall provide financial support for the local library.

NOTES:

Intergovernmental Cooperation – 53 Pa. C.S.A. 2301 et seq.

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Legal

1. PA Const. Art. III Sec. 14

2. 24 P.S. 502

3. 24 P.S. 521

4. 24 P.S. 706

5. 24 P.S. 775

6. 24 P.S. 790

7. 24 P.S. 1306.2-B

8. 24 P.S. 1319-B

9. 22 PA Code 10.11

10. Pol. 805.1

22 PA Code 10.24

35 Pa. C.S.A. 7701

Pol. 613

Pol. 805