

Policy Committee Agenda
Wednesday, October 18, 2017 7:00 p.m.
Room 200, T/E Administration Offices

1. Approval of Minutes of the September 7, 2017 Policy Committee Meeting

2. Public Comment

3. Review of Policies for 2nd Reading

- Policy and Regulation 1126: Website Accessibility
- Policy and Regulation 4030: Appointment of Employees and Required Clearances
- Policy and Regulation 4035: Dress and Appearance
- Policy and Regulation 5436: Reporting Suspected Child Abuse

4. Information

- None

5. Follow Up from Previous Policy Committee Meeting

- Regulation 5461: Maintaining Appropriate Boundaries with Students
- Regulation 5455: Homeless Students

6. Policies and Regulations for Review and Discussion

- Policy and Regulation 4040: Obligation to Report Driver's License Suspensions and Revocations
- Policy and Regulation 6146: Student Athletics
- Regulation 5401: Student Discipline

7. Future Meetings

The next meeting is scheduled on November 9, 2017. All meetings are held at the Tredyffrin/Easttown Administration Offices, 940 West Valley Road, Suite 1700, in Room 200 at 7:00 p.m.

2017 Policy Committee Goals:

1. To identify and examine critical issues facing the District from a Policy and Regulation perspective.
2. To review existing and develop new Policies and Regulations in response to legal requirements, administrative recommendations, Board priorities, community input and external issues.
3. To communicate Policy and Regulation revisions to stakeholders via webpage postings, email messages, and oral reports at Board meetings.
4. To continue with a cyclical review of Board Policies and Regulations in determining if they should be revised, updated or repealed.

**Draft Pending Committee Approval
Policy Committee Meeting
Thursday, September 7, 2017
T/E Administrative Offices, Room 200
7:00 p.m.**

Board Committee Members: Kevin Buraks, Chair; Todd Kantorczyk, Kate Murphy, Ed Sweeney
Other Board Members: Virginia Lastner
T/E School District Representatives: Rich Gusick, Ken Roos, Mark Cataldi, Oscar Torres, Jeanne Pocalyko, Chris Groppe, Mike Szymendera

Community Members: Heather Ward, Tina Whitlow, Doug Anestad

Approval of Minutes: The minutes of the May 18, 2017 meeting were approved.

Public Comment

Doug Anestad commented on the communication of meeting dates and times, as well as Regulation 5455: Homeless Students, Regulation 5113: Procedures for Enforcing School Attendance, Regulation 5461: Maintaining Appropriate Boundaries with Students, and Regulation 6193: Web Content, Hosting and Maintenance

Heather Ward commented on Regulation 5436: Reporting Suspected Child Abuse, Regulation 5461: Maintaining Appropriate Boundaries with Students, and Regulation 6193: Web Content, Hosting and Maintenance

Review of Policies for 2nd Reading

None

Information

None

Follow Up from Previous Policy Committee Meeting

None

Policies and Regulations for Review and Discussion

Regulation 2200: Administrative Organizational Chart

This Regulation was revised to reflect the new title of Director of State and Federal Programs.

Regulation 5455: Homeless Students

This Regulation specifies the implementation of the law for homeless children and youth and governs entitlements to students who are deemed homeless. The District's Director of State and Federal Programs serves as the designated liaison for homeless students. This Regulation will be brought back to the committee after further revisions.

Policy and Regulation 4030: Appointment of Employees and Required Clearances

The title of Policy and Regulation was revised to use the term Certifications instead of Clearances. Employees are required to obtain certifications for child abuse, PA State Police criminal record check and FBI criminal record check as a condition of employment, and they must be renewed every 60 months. Information about how to apply for and obtain employment certifications can be found on the District website, and also the Pennsylvania Department of Human Services' website. Individuals

whose background check/certifications reveal an offense that would disqualify the individual from obtaining work in the District under applicable law shall not be considered for employment. Policy 4040: Obligation to Report Driver's License Suspensions and Revocations and Policy 4041: Obligation to Report Criminal Offenses will be listed as cross-references. The Policy will be sent to the Board of School Directors for a first reading at their meeting on September 25, 2017. Regulation 4030 is being revised and returned to the Committee for further review and discussion.

Policy and Regulation 4035: Dress and Appearance

This existing Policy and Regulation specifies guidelines to appropriate dress and appearance, as well as restrictions to the promotion of religion and political advocacy for District employees only. Revisions were made to apply the same requirements for non-District employed aides and other professionals while performing services to the District. The Policy will be sent to the Board of School Directors for a first reading at their meeting on September 25, 2017. Regulation 4035 was approved as presented.

Regulation 5113: Procedures for Enforcing School Attendance

This Regulation was revised in May 2017 as the State issued new attendance legislation that went into effect at the start of the current school year. The new law defines truancy as having incurred three (3) or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance. Habitually truant is defined as six (6) or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance. The Regulation contains a list of reasons for excused absences, school responses and procedures for unexcused absences and templates for parent/guardian notification. Parents/guardians will be notified via email and phone on the day of an unexcused absence for their child. The most recent revisions include updated wording to the email notification, as parents/guardians may reply to the email indicating the appropriate excuse for the absence. Regulation 5113 was approved as presented with minor revisions.

Policy and Regulation 5436: Reporting Suspected Child Abuse

This Policy was revised to specify that the term mandated reporters is defined in the accompanying Regulation. All school employees are required to report suspected child abuse if the person has reasonable cause to suspect that a child is a victim of child abuse. In compliance with the law, engaging a child in trafficking was added to the list of reportable offenses. A direct link to the State's electronic reporting system for suspected child abuse was updated in the Regulation. The Policy will be sent to the Board of School Directors for a first reading at their meeting on September 25, 2017. Regulation 5436 was approved as presented.

Policy and Regulation 5461: Maintaining Appropriate Boundaries with Students

This Policy and Regulation address a range of behaviors that includes unlawful or improper interactions with students. All District Adults shall be expected to maintain professional, moral and ethical relationships with District students that are conducive to an effective, safe learning environment. The Policy was reviewed and non-substantive changes were made for readability and clarity. The Regulation was revised to include the definition of a "District Employee." Other terms that are defined in the Regulation, such as "legitimate educational reason" and "electronic communication," will be moved to the beginning of the Regulation. Additional examples of conduct that could or may violate professional boundaries were specified. Furthermore, District Employees are prohibited from allowing a student to use their cell phone or other personal electronic device, except in an emergency situation. District Employees are prohibited from using personal email, text messaging, instant messaging, and social-networking accounts, websites, and any other applications for communicating

with students that are not specifically authorized. If a District Employee plans to use electronic or digital messages, including text messages, then permission must be obtained from the student's parent/guardian and the building Principal. In the case where a personal relationship exists or develops between a District Adult and a student's family, the District Adult is strongly encouraged to maintain professional boundaries and has the burden to demonstrate that the student's parent/guardian had actual knowledge of and consented with the conduct deviating from the professional boundaries as specified in the Regulation. Any adult who is aware of or suspects a violation of the Regulation shall immediately notify the Superintendent or an administrator. Questions or concerns about the Policy or Regulation should be directed to the Director of Assessment and Accountability or building Principal. Regulation 5461 is being revised and returned to the Committee for further review and discussion.

Policy and Regulation 1126: Website Accessibility

This new Policy and Regulation are part of the continued efforts to ensure the District's website is accessible to all visitors. In accordance with best practices set forth by the Office of Civil Rights, the intention of this Policy and Regulation is to affirm the District's commitment to making all new, newly-added, or modified online content and functionality accessible to people with disabilities as measured by conformance to industry standards for web content. The Policy will be sent to the Board of School Directors for a first reading at their meeting on September 25, 2017. Regulation 1126 was approved as presented with minor revisions.

Regulation 6193: Web Content, Hosting and Maintenance

The District's Media Consent Form, which requires parental permission to post student work, student photographs and student first and last names on web pages, was updated to include the District's social media pages. The consent form does not cover photos taken by parents, guardians or other classroom guests attending classroom activities and events. Regulation 6193 was approved as presented with minor revisions.

Future Meetings

Additional meetings are scheduled for Wednesday, October 18, 2017 and Thursday, November 9, 2017. The remainder of the meetings for the 2017-2018 school year will be determined and published at a later date. All meetings are held at the Tredyffrin/Easttown Administration Offices, 940 West Valley Road, Suite 1700, in Room 200 at 7:00 p.m.

Adjournment

The meeting adjourned at 9:29 PM.

2017 Policy Committee Goals:

1. To identify and examine critical issues facing the District from a Policy and Regulation perspective.
2. To review existing and develop new Policies and Regulations in response to legal requirements, administrative recommendations, Board priorities, community input and external issues.
3. To communicate Policy and Regulation revisions to stakeholders via webpage postings, email messages, and oral reports at Board meetings.
4. To continue with a cyclical review of Board Policies and Regulations in determining if they should be revised, updated or repealed.

Website Accessibility

The Superintendent or designee shall develop and implement an accompanying Administrative Regulation designed to ensure that access to the District's publicly accessible website and the information contained therein is in compliance with applicable law.

Website Accessibility

With respect to access to its publicly accessible website, federal law requires the District to ensure that people with disabilities (1) be able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as their nondisabled peers, with substantially equivalent ease of use; (2) not be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online; and (3) receive effective communication of the District's programs, services, and activities delivered online.

Measuring Criteria

The District uses the W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 techniques for web content as a benchmark for measuring compliance with its legal obligations described above with respect to its publicly accessible website.

Guidelines

The District is committed to having all new, newly-added, or modified online content and functionality of the District's website be accessible to people with disabilities as measured by the criteria noted above; ~~;~~—this includes online content and functionality under the control of the District offered through a third-party vendor or by using open sources, except where doing so would impose a fundamental alteration or undue burden, where alternate access which is as effective as that provided to individuals without disabilities has been provided, or where permission has been sought and granted from the Office for Civil Rights.

When fundamental alteration or undue burden defenses apply, the District shall take ~~any actions that do not result in a fundamental alteration or undue financial or administrative burdens, but nevertheless steps to~~ ensure that, ~~to the extent required by law,~~ individuals with disabilities receive the same benefits or services as their nondisabled peers to the extent required by law.

The Director of Instructional Technology or designee(s) shall periodically review content published or uploaded to the District's website for accessibility compliance and respond to any complaints received regarding inaccessible content or functionality. Instances of inaccessible content on the District's website that are brought to the attention of the Director of Instructional Technology in accordance with the procedures outlined below shall be resolved in a timely manner.

Website Accessibility Complaints

Individuals requesting alternative access to website content may send correspondence to webmaster@tesd.net or to the following address:

Tredyffrin/Easttown School District;

Attn: Director of Instructional Technology;
940 West Valley Road - Suite 1700;
Wayne, PA 19087;

To enable the District to respond to your request, please indicate the nature of the accessibility concern, the web address of the requested material, your desired outcome or preferred format in which you want to receive the material, and your name and contact information.

If you wish to file a complaint related to the accessibility or functionality of any content on the District's website, please visit <https://www.tesd.net/page/8> for additional guidance on how to do so.

Appointment of Employees and Required ~~Clearances~~Certifications

Employees of the District shall be appointed upon the recommendation of the Superintendent or designee and approval of the Board. Should a person nominated by the Superintendent or designee be rejected by the Board, the Superintendent or designee shall make another nomination.

The Superintendent is authorized to employ staff without submitting nominations to the Board during the period schools are closed for summer vacation. Such employment shall be within the personnel and budgeting authorization as approved by the Board. The Superintendent or designee shall present such appointments to the Board for confirmation no later than the next regular meeting of the Board after school resumes in the fall.

The Superintendent or designee shall establish procedures to ensure that persons nominated for employment meet all qualifications established by law and by the Board for the type of position for which the nomination is made, including the timely submission of all required child abuse and background ~~clearances~~certifications.

Adopted: September 8, 1969
Revised: May 23, 1994
Revised: September 26, 1995
Revised: January 24, 2000
Revised: October 25, 2004
Revised: September 25, 2006
Revised: February 23, 2015
First Reading: September 25, 2017

Appointment of Employees and Required ~~Cleanances~~Certifications

~~Beginning December 31, 2014, a~~All District employees, as a prerequisite to employment, must, ~~at their own expense~~, comply with certain background ~~check/clearance certification~~ requirements, ~~including FBI, State Police, and Department of Public Welfare clearances~~. ~~Individuals whose background check/certifications reveal an offense that would disqualify the individual from obtaining work in the District under applicable law shall not be considered for employment.~~

Employees ~~having contact with children~~ are required to obtain ~~the following certifications as a condition of employment, and to obtain renewed certifications every sixty (60) months from the date of his/her oldest certification:~~

- ~~PA Department of Human Services Child Abuse Certification (CY113)~~
- ~~PA State Police Criminal Record Check for Employment (SP4-164)~~
- ~~FBI Criminal Background Check -(through the PA Dept. of Education)~~

~~certifications every thirty six (36) months. If a person has a current certification issued before December 31, 2014, he or she must obtain renewed certifications within thirty sixsixty (3660) months of the date of his or her most recent oldest certification, or, if the current certification is older than thirty sixsixty (3660) months as of December 31, 2014, no later than December 31, 2015. If employees have applied for clearances for employment within the Tredyffrin-Easttown School District in the past, but have not yet submitted them, they are strongly encouraged to do so as promptly as possible to save both themselves and the District time and expense. Information on how to apply for and obtain certifications can be found on the District's website, and also on the Pennsylvania Department of Human Services' (DHS) website at: <http://dhs.pa.gov/publications/findaform/childabusehistoryclearanceforms/index.htm>.~~

~~No individual shall be hired if the If an applicant's or current employee's criminal history record indicates conviction of a felony offense under the Controlled Substances, Drug, Device and Cosmetic Act within the five year period immediately preceding verificationdisqualifying offense under applicable law., in no case shall an employer, administrator, supervisor, or other person responsible for employment decisions hire or approve the applicantsuch individual be hired or approved.~~

~~An employee will be required to report new arrests or convictions for an offense that would create a ban on employment with children to an administrator in writing within 72 hours.[A1]~~

If the person responsible for employment decisions or an administrator has a reasonable belief that an employee was arrested or convicted for an offense that would constitute grounds for denying employment, or was named as a perpetrator in a founded or indicated report of child abuse, or the employee has provided notice as required ~~under the bill~~by applicable law, the employer or administrator must immediately require that individual to submit current FBI, State Police, and ~~DPW-DHS~~ ~~clearance~~certifications.

~~If an employee does not disclose arrests or convictions as required, he or she will be subject to possible termination.~~

Furthermore, pursuant to Act 168 of 2014, before a District may offer employment to a person who would be in direct contact with children, the District must:

1. Require the applicant to provide:
 - a. all relevant contact information for his or her current employer and former employers that were school entities or where a position involved direct contact with children;
 - b. written authorization consenting to this disclosure by current and former employers and releasing them from liability stemming from disclosure; and
 - c. a written statement indicating whether the applicant (1) has been the subject of any abuse or sexual misconduct investigation unless the investigation resulted in a finding of false allegations; (2) ever has been disciplined, discharged, non-renewed, asked to resign from, or otherwise separated from employment while allegations of abuse or sexual misconduct were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct; or (3) ever has had a license, professional license, or certificate suspended, surrendered, or revoked while such allegations were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct.
2. Review the applicant's employment history by contacting previous and current employers to request dates of employment and a statement as to whether the applicant was the subject of any actions specified in paragraph 1(c) above.
3. Check the applicant's eligibility for employment, confirm he or she holds a valid and active certification, and inquire whether PDE has received notification of any pending criminal charges against the applicant.

Information received ~~by a~~ District may be used to evaluate an applicant's fitness for employment or continued employment, and may be reported ~~to other governmental agencies~~ as appropriate.

The District may not hire an individual who does not provide the requested information, although it may make a provisional-basis hire for up to ninety (90) days pending review of the requested information, so long as the District has no knowledge that could disqualify the applicant and the applicant swears or affirms in writing that he or she is not disqualified from employment. ~~Furthermore, in accordance with Act 168 of 2014, when an Act 168 form is not received within the first twenty (20) days of the District's request for information, that employee may not work alone with children and must work in the immediate vicinity of a permanent employee during that twenty (20) day period. Employees hired on this provisional basis may not work alone with children and must work in the immediate vicinity of a permanent employee.~~

The District may not enter into a collective bargaining agreement, employment contract, agreement for resignation/termination, severance agreement, or any contract after the effective date of this provision that suppresses information related to a report of suspected abuse or sexual misconduct; affects the District's ability to report suspected abuse or sexual misconduct; or requires the District to expunge information from any documents unless the allegations are determined to be false.

~~Substitute employees must undergo the employment review only upon their initial hire or placement. These reviews remain valid so long as they continue to be employed by the District.~~

Applicants who provide false information or willfully fail to disclose required information may be terminated, denied employment, prosecuted criminally and/or civilly, and subject to professional discipline.

Cross References:

Board Policy and Administrative Regulation 4040 (Obligation to Report Driver's License Suspensions and Revocations):

Board Policy and Administrative Regulation 4041 (Obligation to Report Criminal Offenses)

Dress and Appearance

Dress, appearance and good personal hygiene of employees are important for maintaining a positive learning and working environment.

Employees should present themselves in a physically clean, neat, well-groomed, and professional manner. Employees should dress in a manner that is appropriate for each professional's assignment and that is conducive to the educational environment. The Board recognizes that assignments and activities vary between employees and from day to day requiring employees and persons responsible for enforcing this Policy to use common sense and good judgment as to what is appropriate attire.

The requirements of this Policy, as well as those outlined in the accompanying regulations, apply to non-District employed aides and other professionals while performing services to District students or otherwise for the benefit of the District.

The Superintendent or designee shall create and distribute regulations in accordance with this Policy.

Adopted: October 23, 2006
Revised: February 27, 2017
Reviewed: April 20, 2017
First Reading: September 25, 2017

Tredyffrin/Easttown School District

Dress and Appearance

Applicability

The requirements of this regulation detailed below apply, in addition to District employees, to non-District employed aides and other professionals while performing services to District students or otherwise for the benefit of the District.

General Guidelines

District employees are expected to be:

- physically clean;
- neat;
- well-groomed; and
- dressed in a manner reflecting their professional assignment.

A District employee's dress or appearance may not cause a substantial or material disruption to the learning environment.

Appropriate Dress

In regard to decisions regarding dress and appearance, employees shall remember that the District is an institution for the education of children. As such, employees are not permitted to wear clothing that:

- bears an emblem or advertisement for products that are inappropriate or illegal for use by children (i.e. cigarettes, alcohol, drugs, etc.);
- encourages inappropriate or illegal activities by children; and/or
- is sexually suggestive, including but not limited to, displaying evocative printed words or images and/or through some other obvious manner.

Promotion of Religion

Within the limits of the law, the District strives to create an environment that fosters free expression of religion. Subject to employees' constitutional right to freedom of religious expression, District employees may not wear in a District school and during the school day, or while otherwise engaged in the performance of the employee's duties, any visible dress, mark, emblem, or insignia that either inherently promotes or is worn with the intention to promote a particular religious order, sect, or denomination. In case of doubt as to whether the wearing of any item promotes religion in this way, the employee should contact the employee's supervisor or the Director of Human Resources.

Political Advocacy

When political expression occurs on District property or at District-sponsored events, the employee's right to expression must be balanced against the District's responsibility to educate

students without substantial disruption, the prohibition against using public resources for personal expression, and the concern that the individual will appear to be representing the District on a particular issue.

The District is required to maintain political neutrality. Thus, employees who are acting on behalf of the school, or who are reasonably perceived to be representing the school both while on duty and during non-working hours on District property and at District-sponsored events, must also maintain political neutrality. Because partisan political activities, other than for students, are prohibited on District property and at District-sponsored events, all District employees are prohibited from wearing any clothing, buttons, signs, or other accessories that advocate for or against a particular political candidate and/or party or political issue on District property and at District-sponsored events while in contact with students, except at locations designated as polling places on Election Day during nonworking time, or as permitted by the organizer of a non-partisan debate, speech or other similar event authorized by the District.

Exceptions

If a District employee feels that an exception to Board Policy and this Administrative Regulation regarding “Dress and Appearance” would enable the employee to carry out assigned duties more effectively, a request should be made to the employee’s immediate supervisor or the Director of Human Resources.

Reporting Suspected Child Abuse

~~Those school employees, independent contractors, and volunteers who are M~~mandated reporters, as defined in the accompanying Administrative Regulation, must report cases of suspected child abuse as required by law. The Superintendent is authorized to promulgate regulations implementing this Policy and the applicable law.

Adopted: December 5, 1983
Revised: September 26, 1994
Revised: January 24, 2000
Revised: December 7, 2009
Reviewed: January 22, 2013
Reviewed: January 15, 2015
Revised: June 15, 2015
First Reading: September 25, 2017

Reporting Suspected Child Abuse

A. Definitions:

1. *Child abuse*—A term meaning intentionally, knowingly or recklessly doing any of the following:

- (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:
 - (i) Kicking, biting-~~or~~, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - (ii) Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - (iii) Forcefully shaking a child under one year of age.
 - (iv) Forcefully slapping or otherwise striking a child under one year of age.
 - (v) Interfering with the breathing of a child.
 - (vi) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being

investigated by law enforcement.

(vii) Leaving a child unsupervised with an individual, other than the child’s parent, who the actor knows or reasonably should have known:

(A) Is required to register as a Tier II or Tier III Sexual Offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.

(B) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors).

(C) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

(9) Causing the death of the child through any act or failure to act.

~~(9)~~(10) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

2. *Exclusions from Child Abuse*

(1) Environmental factors—No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors such as inadequate housing, furnishings, income, clothing and medical care, that are beyond the control of the parent or person responsible for the child’s welfare with whom the child resides.

(2) Practice of religious beliefs—If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of sincerely held religious beliefs of the child’s parents or relative within the third degree of consanguinity and with whom the child resides, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused.

(3) Use of force for supervision, control and safety purposes—the use of reasonable force on or against a child by the child’s own parent or person responsible for the child’s welfare shall not be considered child abuse if any of the following conditions apply:

(i) the use of reasonable force constitutes incidental, minor or reasonable physical contact with the child or other actions that are designed to maintain order and control.

(ii) the use of reasonable force is necessary:

(A) to quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to personal or damage to property

(B) to prevent the child from self-inflicted physical harm;

(C) for self-defense or the defense of another individual; or

(D) to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are on the child or within the control of the child.

(4) Rights of Parents—Nothing in this definition shall be construed to restrict the generally recognized existing rights of parents to use reasonable force on or against their children for the purposes of supervision, control and discipline of their children. Such reasonable force shall not constitute child abuse.

(5) Participation in events that involve physical contact with child—An individual participating in a practice or competition in an interscholastic sport, physical education, a recreational activity or an extracurricular activity that involves physical contact with a child does not, in itself, constitute contact that is subject to the reporting requirement.

(6) Child-on-child contact—harm or injury to a child that results from the act of another child shall not constitute child abuse unless the child who caused the harm or injury is a perpetrator. No child shall be deemed to be a perpetrator of child abuse based solely on physical or mental injuries caused to another child in the course of a dispute, fight or scuffle entered into by mutual consent.

The following child-on-child acts constitute crimes against a child which are subject to reporting requirements of this regulation:

(i) rape as defined in 18 Pa.C.S. § 3121 (relating to rape);

(ii) involuntary deviate sexual intercourse as defined in

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);

(iii) sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault);

(iv) aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault);

(v) indecent assault, as defined in 18 Pa.C.S. § 3126 (relating to indecent assault);

(vi) indecent exposure, as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).

(7) Defensive force—Reasonable force for self-defense or the defense of another individual, consistent with the provisions of with 18 Pa.C.S. §§ 505 (relating to use of force for self-protection) and 506 (relating to use of force for the protection of other persons), shall not be considered child abuse.

3. *Bodily Injury*—Impairment of physical condition or substantial pain.

4. *Child*—An individual under 18 years of age.

5. *Serious mental injury*—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:

(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.

6. *Serious bodily injury*—Bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ.

7. *Parent*—A biological parent, adoptive parent or legal guardian.

8. *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:

(1) A repeated, prolonged or unconscionable 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.

9. *Sexual abuse or exploitation*—Any of the following:

(1) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct, which includes, but is not limited to, the following:

(i) 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

(ii) 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

(iii) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

This paragraph does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within four years of the child's age.

(2) Any of the following offenses committed against a child:

(i) rape as defined in 18 Pa.C.S. § 3121 (relating to rape).

(ii) statutory sexual assault, as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

(iii) Involuntary deviate sexual intercourse, as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(iv) Sexual assault, as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(v) Institutional sexual assault, as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).

(vi) Aggravated indecent assault, as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(vii) Indecent assault, as defined in 18 Pa.C.S. § 3125 (relating to indecent assault).

(viii) Indecent exposure, as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).

(ix) Incest, as defined in 18 Pa.C.S. § 4302 (relating to incest).

(x) Prostitution, as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).

(xi) Sexual abuse, as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(xii) Unlawful contact with a minor, as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(xiii) Sexual exploitation, as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

10. *Perpetrator*—A person who has committed child abuse as defined in this section. The following shall apply:

(1) The term includes only the following:

(i) A parent of the child.

(ii) A spouse or former spouse of the child's parent.

(iii) A paramour or former paramour of the child's parent.

(iv) A person 14 years of age or older and responsible for the child's welfare.

(v) An individual 14 years of age or older who resides in the same home as the child.

(vi) An individual 18 years of age or older 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.

(vii) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

(2) Only the following may be considered a perpetrator for failing to act,

as provided in this section:

- (i) A parent of the child.
- (ii) A spouse or former spouse of the child's parent.
- (iii) A paramour or former paramour of the child's parent.
- (iv) A person 18 years of age or older and responsible for the child's welfare.
- (v) A person 18 years of age or older who resides in the same home as the child.

11. *Direct contact with children* — The possibility of care, supervision, guidance or control of children or routine interaction with children.

12. *Sexual misconduct*— Any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student. Such acts include, but are not limited to:

- a) sexual or romantic invitation.
- b) dating or soliciting dates.
- c) engaging in sexualized or romantic dialog
- d) making sexually suggestive comments.
- e) self-disclosure or physical exposure of a sexual, romantic or erotic nature.
- f) any sexual, indecent, romantic or erotic contact with the child or student.

B. Mandated Reporters

1. Definition: *Mandated Reporters* – The following adults shall make a report of suspected child abuse, subject to subsection B.2 below, if the person has reasonable cause to suspect that a child is a victim of child abuse:

- (1) A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
- (2) A medical examiner, coroner or funeral director.
- (3) An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
- (4) A school employee.
- (5) An employee of a child-care service who has direct contact with children in the course of employment.

- (6) A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.
- (7) An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child.
- (8) An employee of a social services agency who has direct contact with children in the course of employment.
- (9) A peace officer or law enforcement official.
- (10) An emergency medical services provider certified by the Department of Health.
- (11) An employee of a public library who has direct contact with children in the course of employment.
- (12) An individual supervised or managed by a person listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11), who has direct contact with children in the course of employment.
- (13) An independent contractor.
- (14) An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.

2. Basis to Report: A mandated reporter enumerated shall make a report of suspected child abuse or cause a report to be made in accordance with the reporting procedure described below in Section C, if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- (1) the mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service;
- (2) the mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child;
- (3) A person makes a specific disclosure to the mandated reporter that an identifiable child is a victim of child abuse;
- (4) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

1. It is ultimately the responsibility of each mandated reporter to refer all cases of suspected child abuse as provided in Section C.1 below.
2. By law, a mandatory reporter who willfully fails to report a case of suspected child abuse commits a misdemeanor of the third degree for the first violation, and a misdemeanor of the second degree for a second or subsequent violation. Such failure will also be grounds for disciplinary action, up to and including termination.

C. Procedures:

1. Any mandated reporter who has reasonable cause to suspect that a child is a victim of child abuse must make either (but not both) an electronic report through the Child Welfare Portal¹ or an oral report of suspected child abuse to the Department of ~~Human Services~~~~Public Welfare~~, ChildLine, by calling (800) 932-0313.
 - (1) If ChildLine receives a report of suspected child abuse that also alleges that a criminal offense has been committed against the child, the Department of ~~Human Services~~~~Public Welfare~~ will immediately transmit notice to the appropriate law enforcement official in the county where the suspected child abuse is alleged to have occurred.
2. Unless the report was made electronically, the mandated reporter designated in C.1. above must also complete a written report of suspected child abuse in the form attached as Attachment A. This form must be submitted within 48 hours to:
Chester County Children, ~~and Families~~ and Youth ~~and Families~~Division
601 Westtown Road Suite 310
West Chester, PA 19380
Phone: (610) 344-5800 Fax: (610) 344-5858

The written report of suspected child abuse shall include the following information, if known:

- (1) The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.
- (2) Where the suspected abuse occurred.
- (3) The age and sex of each subject of the report.
- (4) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.
- (5) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.
- (6) Family composition.
- (7) The source of the report.

¹ <https://www.compass.state.pa.us/cwis/public/home> <http://www.pamedsoc.org/MainMenuCategories/Laws-Politics/Analysis/Laws-Analysis/Child-abuse/Child-Welfare-Portal.html>

- (8) The name, telephone number and e-mail address of the person making the report.
 - (9) The actions taken by the person making the report, including those actions taken under section 6314 (relating to photographs, medical tests and X-rays of child subject to report), 6315 (relating to taking child into protective custody), 6316 (relating to admission to private and public hospitals) or 6317 (relating to mandatory reporting and postmortem investigation of deaths).
 - (10) Any other information required by Federal law or regulation.
 - (11) Any other information that the Department of ~~Public Welfare~~Human Services requires by regulation.
3. Immediately after reporting to ChildLine, the mandated reporter must notify the Building Principal. Upon notification, the Building Principal shall ensure that the mandated reporter submits a written report as provided in C.2 above. The Building Principal shall assume the responsibility of facilitating the cooperation of the District with the investigation of the report.
 4. The Superintendent or his/her designee shall immediately also contact local law enforcement officials in all cases where a report has been made to ChildLine.
 5. The Building Principal must immediately notify as soon as practicable (and document all attempts to contact) the parent or guardian of a victim or suspect directly involved in any incidents of alleged child abuse unless the parent/guardian is the alleged perpetrator or notifying the parent/guardian would endanger the student and/or the investigation of the incident. The Building Principal must inform the parent/guardian that the local police department has been notified of the incident.
 6. If physical abuse is suspected, the school nurse shall examine the student and report his or her results to the building administrator. When there is visible trauma and it is necessary to preserve potential evidence of suspected child abuse from a reportedly non-accidental physical injury, a school nurse or other school official may, after the initial report is made, take photographs of the child who is the subject of the report as authorized by the building administrator and in the presence of another adult. Any such photographs shall be provided 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.
 7. Within 15 days of notice or discovery, the Superintendent shall file with the Department of Education in the form attached as Attachment B any of the following information:
 - (1) Any educator who has been provided by the District with notice of intent to dismiss or remove for cause;
 - (2) Any educator who has been arrested or indicted for or convicted of any crime that is graded a misdemeanor or felony or any crime

enumerated under Section 111(e) and (f.1) of the Public School Code.

- (3) Any educator against whom allegations have been made that the educator has:
 - (i) committed sexual abuse or exploitation involving a child or student; or
 - (ii) engaged in sexual misconduct with a child or student
- (3) Information which constitutes reasonable cause to suspect that an educator has caused physical injury to a child or student as a result of negligence or malice.
- (4) Any educator who has resigned, retired or otherwise separated from employment after the District has received information of alleged misconduct under the Professional Educator Discipline Act;
- (5) Any educator who is the subject of a report filed by a mandated reporter designated in C.1 above;
- (6) Any educator who the District knows to have been named as the perpetrator of an indicated or founded report of child abuse or named as an individual responsible for injury or abuse in an indicated or founded report under the Child Protective Services Law.

D. Immunity from Liability

1. By law, any person, hospital, institution, school, facility or agency participating in good faith in making a report, and cooperating with an investigation will have immunity from any liability, civil or criminal, that might have otherwise result by reason of such action.

E. Agency Cooperation

1. The School will cooperate with any subsequent investigation regarding suspected child abuse conducted by the proper authorities. Such cooperation will include, but shall not be limited to, permitting authorized personnel from the investigating county agency to interview a student while the student is in attendance at school.

F. Child abuse recognition and reporting training

1. The District shall provide all employees who have direct contact with children with mandatory training on child abuse recognition and reporting.
 - (1) Training shall address, but shall not be limited to, the following topics:

- (i) this regulation and accompanying Board Policy related to reporting of suspected abuse and sexual misconduct.
 - (ii) recognition of the signs of abuse and sexual misconduct and reporting requirements under the Child Protective Services Law.
 - (iii) the provisions of the "Professional Educator Discipline Act," including mandatory reporting requirements.
 - (iv) maintenance of professional and appropriate relationships with students.
- (2) The District may provide this training through the internet or other distance communications systems.
 - (3) All employees shall complete a minimum of three (3) hours of training every five (5) years.
 - (4) When applicable, in order that employees required to undergo continuing professional education under section 1205.2 shall receive credit toward their continuing profession education requirements, the District shall submit its training program to be approved by the Department of Education in consultation with the Department of ~~Public Welfare~~Human Services.

G. Confidentiality

1. As part of its notification of an incident to the local police department, the chief school administrator or a designee shall provide information in accordance with the MOU developed with local law enforcement officials and pursuant to the Safe Schools Act regulation 22 Pa. Code § 10.21.
2. All information collected in the process of reporting suspected child abuse shall remain a confidential educational record, and shall only be disclosed in accordance with FERPA or any other applicable law.

Contact Address:

Tredyffrin/Easttown Administration Offices
940 West Valley Road, Suite 1700
Wayne, PA 19087

{01495666 } Adopted: December 5, 1983

Revised: September 26, 1994

Revised: January 24, 2000

Revised: December 7, 2009

Reviewed: January 22, 2013

Reviewed: January 15, 2015

Revised: June 11, 2015

Revised: February 18, 2016

**TREDYFFRIN-EASTTOWN SCHOOL DISTRICT
CHILD ABUSE REPORTING FLOW CHART**

(Exhibit A to Regulation 5436)—~~Revised February 18, 2016~~

1. A mandated reporter who has reasonable cause to suspect that a child is a victim of child abuse must promptly and directly make a report to Department of Human Services (DHS) either (but not both) by phone via ChildLine (800-932-0313) (a state-wide, toll-free number that is staffed 24/7) or via the state's electronic reporting system at www.compass.state.pa.us/cwis/public/home. Unless the report was made electronically, the mandated reporter must also complete a written report of suspected child abuse in the form attached as Attachment A within 48 hours as set forth in the accompanying regulation.
2. Once this report is made and depending on the nature of the allegations, ChildLine and the Department of Children and Youth assume either all or primary responsibility for further investigation. When the offense constitutes an offense under the Safe Schools Act, aggravated assault, stalking, unlawful restraint, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, institutional sexual assault, aggravated indecent assault, and indecent assault, District staff should not investigate the incident further, question the child, or notify parents or guardians, except if physical abuse is suspected (see below) or unless specifically authorized by law enforcement. In all other cases, the District shall conduct its own investigation of any offenses occurring under the jurisdiction of the District unless directed not to investigate by the applicable law enforcement agency.
3. After reporting to ChildLine, a reporter must immediately notify the Building Principal or the designated agent that he or she has done so. The reporter must give the Principal a copy of the on-line confirmation if he or she reported electronically. If the reporter first reported by phone, the Principal must ensure that the reporter submits a written report.
4. The Principal must inform the Superintendent that a report has been made and, if it was made electronically, must give the Superintendent or designee a copy of the confirmation.
5. The Superintendent or his or her designee is required to contact local law enforcement in all cases where a report has been made to ChildLine.
6. In addition, a school entity must immediately notify as soon as practicable (and document all attempts to contact) the parent or guardian of a victim or suspect directly involved in any incidents of alleged child abuse unless the parent/guardian is the alleged perpetrator or notifying the parent/guardian would endanger the student and/or the

investigation of the incident. The school must inform the parent/guardian that the local police department has been notified of the incident.

7. If physical abuse is suspected, the school nurse shall examine the student and report his or her results to the building administrator. When there is visible trauma and it is necessary to preserve potential evidence of suspected child abuse from a reportedly non-accidental physical injury, a school nurse or other school official may, after the initial report is made, take photographs of the child who is the subject of the report as authorized by the building administrator and in the presence of another adult. Any such photographs shall be set 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.

8. If the initial report to ChildLine is made by phone, a written report must be submitted within 48 hours of the oral report. This may be done electronically as stated above, or on a hard-copy DHS Form CY-47 ("Report of Suspected Child Abuse"). This report is submitted to DHS or the county agency to which the case is assigned.

9. The Principal shall facilitate the ~~institution's~~school's cooperation with any investigation.

*Maintaining Appropriate Boundaries with Students*Definitions

“District Adults” means all District employees, coaches of recognized club sports, volunteers, student teachers, and independent contractors, including the employees of independent contractors who interact with ~~District~~ students or are present on District grounds. The term District Adults, as used in this ~~Policy~~Administrative Regulation and the accompanying Board Policy, does not include ~~District~~ students who serve as a volunteer or on a compensated basis.

“District Employees” shall mean all individuals employed by the District as well as those employed by or through a contractor or agency whose role or function involves providing services to the District.

“eElectronic communication” shall mean a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant or pager. Electronic communications include, but are not limited to, emails, instant messages, text messages, and communications made by means of an Internet website, including social media and other networking websites.

“Legitimate educational reasons” include matters or communications related to teaching, counseling, athletics, extracurricular activities, co-curricular activities, treatment of a student's physical injury or other medical needs, school administration or other purposes within the scope of the District Adult's job duties. Legitimate educational reasons must be justified entirely by professional interests, not personal or private interests. Such determinations are made on a case-by-case basis.

“pPersonal” means of or concerning one’s private life, relationships and emotions, rather than matters connected with one’s public or professional career.

“Student” shall mean a student enrolled in or attending Tredyffrin/Easttown School District schools.

Prohibited Conduct*Romantic or Sexual Interactions*

District Adults shall be prohibited from entering into or attempting to form romantic or sexual interactions with any student enrolled in the District, regardless of the student's age. Students of any age are not legally capable of consenting to romantic or sexual interactions with District Adults as defined in this ~~regulation~~Regulation.

Romantic or sexual interactions involving students include, but are not limited to:

1. ~~dating~~Dating,
2. ~~seeking~~Seeking the romantic affections of, or entering into or attempting to form

3. a romantic or sexual relationship,
4. Sexual physical contact,
5. Romantic flirtation, propositions, or sexual remarks,
6. Sexualized dialogue,
7. Restricting a student's freedom of movement in a sexually intimidating or provocative manner, and
8. Displaying or transmitting sexual objects, pictures, or depictions.

Social Interactions

In order to maintain professional boundaries, District Adults shall ensure that their interactions with students are appropriate.

~~The This~~ section of ~~this the regulation~~ Regulation includes examples of conduct that could or may violate professional boundaries. ~~In the context of these examples, the following definitions apply:~~

~~“personal” means of or concerning one’s private life, relationships and emotions, rather than matters connected with one’s public or professional career.~~

~~“legitimate educational reason” is inclusive of co-curricular or extracurricular activities and means justified entirely by professional interest, not personal or private interest. Such determinations are made on a case-by-case basis.~~

Examples of conduct that could or may violate professional boundaries include, but are not limited to:

1. Disclosing inappropriate personal, sexual, employment concerns or other private matters to one or more students-;
2. Exchanging notes, emails, text messages, phone calls, photographs or other communications of a personal nature with a student without a legitimate educational reason;
3. Giving personal gifts, cards or letters to a student without a legitimate educational reason;
4. Singling out a particular student or students for personal attention or friendship beyond the ordinary professional District Adult-student relationship;
5. Taking a student out of class without a legitimate educational reason;
6. Being alone with a student behind closed doors without a legitimate educational reason;
- 6.7. Being alone with a student in a motor vehicle without a legitimate educational reason;
- 7.8. Initiating or extending contact with a student beyond the school day or outside of class

times without a legitimate educational reason;

~~8.9.~~ Inviting a student to ~~the a~~ District ~~Adult's Employee's~~ home without express authorization from the ~~District employee's Employee's~~ supervisor and the student's parent/guardian;

~~9.10.~~ Going to a student's home without express authorization from the ~~District employee's Employee's~~ supervisor, unless invited by the parent/guardian;

~~10.11.~~ Taking a student on outings without prior notification to and approval from both the parent/guardian and the ~~employeestudent's~~ building principal;

~~11.12.~~ Giving a student a ride alone in a vehicle in a nonemergency situation without prior notification to and approval from both the parent/guardian and the ~~employeestudent's~~ building principal or supervisor. If circumstances are such that the parent/guardian is not available to request approval and a student has no other option to be transported, then the District ~~Adult Employee~~ may provide a student a ride after notifying and receiving approval from the building principal or supervisor and notifying the parent/guardian after the fact;

~~13.~~ Furnishing alcohol, illegal drugs or tobacco to a student or being present where any student is consuming these substances;

~~14.~~ Leaving school premises with a student without a legitimate educational reason and approval from the parent/guardian and the employeestudent's building principal;

~~12.15.~~ Eating a meal with and/or purchasing food or drink for a student, unless directly related to a pre-approved curricular activity or in connection with a legitimate educational activity approved in advance by the employeestudent's building principal; and

~~13.16.~~ Engaging in harassing or discriminatory conduct prohibited by other District policies or by state or federal law and regulations.

Electronic Communications

Electronic communication with students shall be for legitimate educational reasons only.

~~For purposes of this regulation, "electronic communication" shall mean a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant or pager. Electronic communications include, but are not limited to, emails, instant messages, text messages, and communications made by means of an Internet website, including social media and other networking websites.~~

As with other forms of communication, when communicating electronically, District Adults shall maintain professional boundaries with students. District Adults Employees are prohibited from allowing a student to use their cell phone or other personal electronic device, except in an emergency situation. In an emergency situation where a student uses a District Adult's Employee's cell phone or other electronic device, the District Adult Employee shall immediately, or as soon as is practicable thereafter, notify the building principal of such use.

~~Electronic communication with students shall be for legitimate educational reasons only.~~

When available, all District employees Employees, including extra-duty employees such as coaches and activity sponsors, shall use District-provided email or other District-provided communication devices when communicating electronically with students. The use of District-provided email or other District-provided communication devices shall be in accordance with District policies and procedures.

District employees Employees are prohibited from using personal email, text messaging, instant messaging, and social-networking accounts, websites, and any other applications for communicating with parents and students that are not specifically authorized. District employees Employees shall not follow or accept requests for current students to be friends or connections on personal social networking sites and shall not create any networking site for communication with students other than those provided by the District for this purpose, without the prior written approval of the building principal. An example of allowable communications in this context includes where the adult is a family relative of the student.

Improper and/or inappropriate electronic communication between employees District Adults and students is prohibited, regardless of whether the employee District Adult or the student initiates the communication. Improper and/or inappropriate electronic communication includes but is not limited to any type of message that may be viewed as:

- Derogatory;
- Sexual, lewd, pornographic, or obscene in content;
- Offensive through the use of profanity;
- Threatening or harassing;
- Discriminatory;
- Facilitation of illegal activities;
- Having the purpose to assist personal causes or for-profit ends;
- Expression of political viewpoints;
- Unauthorized or illegal distribution, reproduction, or use of copyrighted materials;
- Fraternalization or otherwise crossing the line between professional and personal boundaries; and/or
- Suggestive in nature.

Group Messaging for Sports and Other Activities

The use of electronic or digital messages, ~~(including text messages)~~, may be a form of electronic communication that is especially valuable in certain contexts when the possibility of immediate

and/or urgent contact with students by ~~District employees~~ Employees is desirable. Such contexts include but are not limited to the following:

- District Employee coaches of District sports who need the ability to quickly reach student athletes and team members,
- District Employee advisors of extra-curricular programs or activities who need the ability to quickly reach student participants, and
- District Employees chaperoning District field trips who need the ability to monitor the locations of students.

If an ~~District employee~~ Employee plans to communicate ~~electronically~~ with students through the use of electronic or digital messages, including text messages, the ~~District employee~~ Employee must obtain permission to do so from the child student's parent/guardian and his/her the building principal using the form attached as Attachment A. ~~Also, if permission is received, the employee must not only provide students' parents with written notification of the intent to use text messaging but must also obtain written parental permission to do so by using the form attached as Attachment B.~~

All electronic communications from coaches and advisors to team or club members shall be sent in a single communication to all participating team or club members, except for communications concerning an individual student's medical or academic privacy matters, in which case the communications will be copied to the building principal. In the case of sports teams under the direction of the Athletic Director, such medical or academic communications shall also be copied to the Athletic Director.

Exceptions

An emergency situation or a legitimate educational reason may justify deviation from professional boundaries set out in this ~~regulation~~ Regulation. The District Adult ~~is expected to and~~ shall be prepared to articulate the reason for any deviation from the requirements of this ~~regulation~~ Regulation and must demonstrate that s/he has maintained an appropriate relationship with the student.

In any circumstance where a District Adult Employee communicates with or receives communication from a student without having obtained the necessary permission(s) in advance, which shall be expected only in emergency or other infrequent circumstances supported by legitimate educational reasons, the District Adult Employee initiating or receiving the communication must immediately, or as soon as is practicable thereafter, complete the reporting form attached hereto as Attachment B and submit such form to the Bbuilding Pprincipal. Failure to complete and submit this form as required by this ¶Regulation shall be considered a violation of this ¶Regulation and will result in the application of appropriate discipline.

Under no circumstance will an educational or other reason justify deviation from the "Romantic and Sexual Interactions" section of this ~~regulation~~ Regulation.

There will be circumstances where personal relationships exist or develop between a District Adult and a student's family, e.g. when their children become friends. This ~~regulation~~ Regulation is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. District Adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity. Additionally, where a personal or family friend-type relationship exists between a District Adult and a student or his/her family and the District Adult relies on the existence of such relationship to justify deviation from the professional boundaries set out in this ¶Regulation, the District Adult has the burden, and is expected and shall be prepared to demonstrate that the student's parent/guardian had:

- (1) actual knowledge of personal/family-friend relationship;
- (2) actual knowledge of the conduct (including the scope and extent of the conduct) deviating from the professional boundaries set forth in this ¶Regulation; and
- (3) consented to the conduct deviating from the professional boundaries detailed in this ¶Regulation.

It is understood that many District Adults are involved in various other roles in the community through non-District-related civic, religious, athletic, scouting or other organizations and programs whose participants may include ~~District~~ students. Such community involvement is commendable, and this ~~regulation~~ Regulation is not intended to interfere with or restrict a District Adult's ability to serve in those roles. However, District Adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

Reporting Inappropriate or Suspicious Conduct

Any student or District Adult person, including a student, who is aware of or suspects a violation of this ¶Regulation or has concerns about or is uncomfortable with a relationship or interaction between a District Adult and a student, shall immediately, or as promptly as possible thereafter under the circumstances, notify the Superintendent, principal or other administrator.

Any student who is aware of or suspects a violation of this Regulation or has concerns about or is uncomfortable with a relationship or interaction between a District Adult and a student, shall immediately, or as promptly as possible thereafter under the circumstances, notify another District Adult.

Individuals who make good faith reports of potential or actual violations of this ¶Regulation shall not be subject to retaliation, discipline or other adverse action.

~~All District employees, independent contractors and volunteers~~ Any mandated reporter who has reasonable cause to suspect that a child is the victim of child abuse shall immediately report the suspected abuse, in accordance with ~~the Board policy~~ Policy and Administrative Regulation 5436 ~~referenced below.~~

Any certified employee ~~educator~~ who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report

such misconduct in accordance with ~~the Board policy~~ Policy referenced below and Administrative Regulation 5436.

If the Superintendent or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Child Protective Services Law, the Educator Discipline Act or the Safe Schools Act, the Superintendent or designee shall make a report, in accordance with ~~the Board policy~~ Policy and Administrative Regulation 5436 referenced below.

It is a violation of this ~~regulation~~ Regulation for a District Adult to retaliate against any person for reporting any action pursuant to this ~~regulation~~ Regulation or for participating as a witness in any related investigation or hearing.

Investigation

Allegations of inappropriate conduct shall be promptly investigated in accordance with the procedures utilized for complaints of prohibited harassment of students as referenced below.

It is understood that some reports made pursuant to this ~~regulation~~ Regulation will be based on rumors or misunderstandings; the mere fact that the reported District Adult is cleared of any wrongdoing shall not result in disciplinary action against the reporter or any witnesses. If as the result of an investigation any individual, including the reported District Adult, the reporter, or a witness is found to have intentionally provided false information in making the report or during the investigation or hearings related to the report, or if any individual intentionally obstructs the investigation or hearings, this may be addressed as a violation of this ~~regulation~~ Regulation and other applicable laws, regulations and District policies. Obstruction includes but is not limited to violation of "no contact" orders given to the reported District Adult, attempting to alter or influence witness testimony, and destruction of or hiding evidence.

Disciplinary Action

A District ~~employee~~ Employee who violates this ~~regulation~~ Regulation may be subject to disciplinary action, up to and including termination, in accordance with all applicable District disciplinary policies and procedures.

A volunteer, student teacher, or independent contractor or an employee of an independent contractor who violates this ~~regulation~~ Regulation may be prohibited from working or serving in District schools for a defined period of time or permanently, as determined by the Superintendent or designee.

The District shall make current and new District employees, volunteers and student teachers aware of the content of this ~~regulation~~ Regulation.

The District, at its sole discretion, may require independent contractors and their employees who interact with students or are present on school grounds to receive training on this ~~regulation~~ Regulation and related procedures.

Any person with questions or concerns regarding this Administrative Regulation or the accompanying Board Policy, including whether particular conduct or activity is permissible under this Administrative Regulation or the accompanying Board Policy is encouraged to direct their concerns to the Director of Assessment and Accountability or the applicable building principal.

References:

Board Policy No. 4150 “Insurance Protection - Employees Using Their Own Automobiles”

Administrative Regulation No. 5420 “~~Unlawful~~ Harassment ~~by and~~ of Students by Nonstudents”

Board Policy and Administrative Regulation No. 5436 “Reporting Suspected Child Abuse”

School Code — 24 P.S. Sec. 510, 1302.1-A, 1303-A

State Board of Education Regulations — 22 PA Code Sec. 10.2, 10.21, 10.22 Educator Discipline Act — 24 P.S. Sec. 2070.1a et seq.

Pennsylvania's Code of Professional Practice and Conduct for Educators — 22 PA Code Sec. 235.1 et seq.

Child Protective Services Law — 23 Pa. C.S.A. Sec. 6301 et seq.

Tredyffrin/Easttown School District
Attachment A

**Consent and Approval Form for District Employee/Student Text Messaging
for Designated Activity**

This form provides you with written notice of the District’s request to use text messaging with your child. Parental/guardian permission, as well as permission from the building principal, must be obtained in writing in order for a District eEmployee to communicate with your child via text messaging.

Student Name: _____

School: _____

Designated Activity (Extra-Curricular Activity/Club/Sport/Field Trip):

Expected Dates of Communication: _____

Check as many as are applicable

_____ I give my permission for my child’s cell phone number to be shared with and used by the following District eEmployees in connection with the Designated Activity:

District Employees:

- 1. _____
- 2. _____
- 3. _____

_____ I give my permission for my child’s cell phone number to be shared with other students and District eEmployees who are associated with the group-related activity.

Name of Parent or Guardian: _____
(please print)

Signature of Parent or Guardian: _____

Student’s Cell Phone Number: _____

Date: _____

Approval of Building Principal: _____

Tredyffrin/Easttown School District

Attachment AB

TREDYFFRIN/EASTTOWN SCHOOL DISTRICT

District Employee/Student Electronic Communication Reporting Form

Reporting District Employee: _____

School: _____

Date of Report: _____

INCIDENT:

Who initiated the electronic communication? _____ Employee _____ Student

Date of Communication: _____ Time of Communication: _____

Method of Communication:

- _____ District-Provided E-Mail
- _____ District-Sponsored Web Site (including school and teacher web pages)
- _____ Telephone
- _____ Text Message
- _____ Other: Specify _____

Specify E-Mail Address, Phone Number, Web Site, or Other Electronic Method Used by District Employee/Student for Electronic Communication:

District Employee(s) Name(s) Involved in Electronic Communication if Other Than Reporting District Employee:

Student(s) Name(s) Involved in Electronic Communication: Include School if Different from Reporter's School. (Add attachment if necessary.)

Content/Details of Electronic Communication:

*Homeless Students*I. Definitions

1. *Homeless children and youths* are individuals who lack a fixed, regular, and adequate nighttime residence. The categories of children who are "homeless" and entitled to the protections of the federal law include:

These categories include:

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals; ~~or are awaiting foster care placement;~~

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; ~~and~~

(iv) "migratory children" who qualify as homeless under federal law because the children are living in circumstances described in clauses (i) through (iii) above. The term "migratory children" means children who are (or whose parent(s) or spouse(s) are) migratory agricultural workers, including migratory dairy workers or migratory fishermen, and who have moved from one school district to another in the preceding 36 months, in order to obtain (or accompany such parents or spouses in order to obtain) temporary or seasonal employment in agricultural or fishing work; and

~~(v) Children and youths "awaiting foster care placement," which means children who are placed in shelters, emergency foster care, transitional foster care or respite care. These placement settings are intended to be short term, and do not typically last longer than 30 days. However, individual circumstances may, at times, require a longer length of stay. If the placement exceeds 30 days, contact should be made with the child welfare worker and the local McKinney-Vento Coordinator to determine if there is any valid reason to conclude that the child is still "awaiting foster care placement."~~

~~Communication and collaboration among education and child welfare professionals is critical to support school stability and continuity for children in out-of-home care. The law requires child welfare and local education agencies to work together to promote school stability and continuity including trying to ensure children remain in the school in which they were enrolled at the time of placement when it is in their best interest. Best practice would suggest that decisions be made collaboratively between school personnel, child welfare agencies and any other individual involved in the child's case including the child, resource parent, child advocate and attorney. It is imperative that caseworkers and school district administration and staff work together to help ensure the educational progress of all students. Local school officials should consult with their Pennsylvania Homeless Children's Initiative Regional, Site, and State Coordinators, whenever necessary to determine, on a case-by-case basis, whether a child is "awaiting foster care placement."~~

(vi) "Unaccompanied homeless youth" (i.e. a youth experiencing homelessness while not in the physical custody of a parent or guardian). This category of students could include including any child who is "not in the physical custody of a parent or guardian." ~~This includes youths who have run away from home, been thrown out of their home, or been abandoned by parents or guardians, or separated from their parents for any other reason.~~

2. *School of origin* means the school the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.
3. *"Supervised or licensed shelters"* are those facilities which provide temporary shelter for a specified, limited period of time.
4. *Enroll* and *enrollment* are defined as attending classes and participating fully in school activities.
5. ~~"Unaccompanied homeless student" is any child who is not in the physical custody of a parent/guardian and includes a student who has run away, been thrown out of the home, or been abandoned or separated from a parent/guardian.~~

II. Procedures

1. The District will immediately enroll the **homeless** child or youth in school, even if the child or youth lacks records normally required for enrollment, such as previous academic records, medical **or immunization** records, **or** proof of residency ~~or other documentation.~~
2. The District will immediately enroll an unaccompanied homeless student without documents and without the help of an adult.
3. The District shall ensure that each child of a homeless individual and each

homeless youth has equal access to the same free, appropriate public education, as provided to other children and youths and shall, according to the child's best interest:

- a) continue the child's or youth's education in the school of origin for the duration of homelessness in any case in which a family becomes homeless between academic years or during an academic year; or
 - b) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
 - c) enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.
4. The District ~~will designate~~ the Director of ~~Individualized Student Services~~State and Federal Programs as the District's liaison for homeless children and youth.²² The Director of ~~Individualized Student Services~~State and Federal Programs or that Director's designee is responsible for the following:
- a) Identifying homeless children and youths with assistance by school personnel and through coordination activities with other entities and agencies;
 - b) Informing parents or guardians of educational rights and related opportunities available to their **homeless** children and provide them with meaningful opportunities to participate in the education of their children;
 - c) Disseminating public notice of the educational rights of homeless students where children and youths receive services under the McKinney-Vento Act (such as schools, family shelters and food pantries);
 - d) Mediating enrollment disputes in accordance with the Enrollment Dispute section;
 - e) Informing the parent or guardian of a homeless child, youth and any unaccompanied youth, of all transportation options, including to the school of origin, and assist in accessing these transportation services;
 - f) Ensuring that unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over school enrollment or placement;
 - g) Assisting **homeless** children and youths who do not have documentation of immunizations or medical records to obtain necessary immunizations or necessary medical documentation;
 - h) Understanding the guidance issued by the Pennsylvania Department of

Education (PDE) for the education of homeless students and be ready to explain ~~the BEC~~this guidance related to homeless education to ~~school~~dDistrict staff;

- i) Getting to know the ~~best~~ resources in the community to assist families with referrals for things such as shelter, counseling, food and transportation;
- j) Distributing information on the subject of homeless students and arrange staff development workshops and presentations for school personnel, including office staff;
- k) Providing standard forms and information about enrollment procedures and key school programs to each shelter in the District;
- l) Becoming familiar with the various program materials that are available from PDE;
- m) Collaborating with the ~~school-d~~District's special education program to ensure that homeless children who are in need of special education and related services are located, identified and evaluated. This is a requirement under the Individuals with Disabilities Education Act, which mandates that highly mobile children with disabilities, including homeless children, be identified and served. Liaisons should also ensure that homeless youths who have or may have disabilities have a parent or a surrogate parent to make special education or early intervention decisions. In the case of unaccompanied homeless youth, if a student is disabled or may be disabled and the youth does not have a person authorized to make special education decisions, the following people can be temporary surrogate parents: staff in emergency shelters; transitional shelters; independent living programs; street outreach programs; and state, local educational agency or child welfare agency staff involved in the education or care of the child. This rule applies only to unaccompanied homeless youth;
- n) Identifying preschool-aged homeless children by working closely with shelters and social service agencies in the area. In addition, the liaison should inquire, at the time they are enrolling homeless children and youths in school, whether the family has preschool-aged children;
- o) Identifying unaccompanied homeless youth while respecting their privacy and dignity by providing specific outreach to areas where eligible students who are out of school may congregate;
- p) Ensuring that public notice of the educational rights of homeless students is disseminated in locations frequented by parents and guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians and unaccompanied youth;

- q) Ensuring that unaccompanied youths are enrolled in school, and have opportunities to meet the same challenging state academic standards as the state establishes for other children and youths, are informed of their status as independent students under Section 480 of the Higher Education Act of 1965 and their right to receive verification of this status from the local liaison.
5. In determining the best interest of the homeless child or youth ~~under McKinney-Vento Act~~, the District shall:
- a) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;
 - b) provide a written explanation, including a statement regarding the right to appeal, to the homeless child's or youth's parent or guardian, if the District sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and
 - c) in the case of an unaccompanied homeless youth, ensure that the homeless liaison assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied homeless youth and provides notice to such youth of the right to appeal.
6. Homeless students shall be provided services comparable to those offered to other District students including, but not limited to, transportation services; school nutrition programs; vocational programs and technical education; preschool programs; programs for students with limited English proficiency; and educational services for which students meet eligibility criteria, such as programs for disadvantaged students, students with disabilities, and gifted students.

III. Homeless Students Residing in Shelters, Facilities or Institutions

1. Children in temporary shelters and children who "lack a fixed, regular, adequate night time residence" – homeless children – are entitled to free school privileges from either the school district in which their person or the shelter is located or the school district of origin.
2. Where there is an agency, supervised or licensed shelter, group home, maternity home, residence, facility, orphanage or other institution for care or training of children or adolescents located in the District, the District shall admit to its schools school-aged children who are living at or assigned to the facility or institution.

IV. Homeless Students Not Residing in a Shelter, Facility or Institution

1. In order to maintain continuity and school stability for homeless children in compliance with ~~the McKinney-Vento Act. Rather~~law, homeless children are entitled to attend school in any school district where a parent, guardian, an adult

caring for them or where an unaccompanied child:

- A. spends the greatest percentage of his or her time; or
- B. has a substantial connection such as where he or she is:
 - a) regularly receiving day shelter or other services involving any of the 16 McKinney-Vento Activities (42 U.S.C.A. 11433(d)) for individuals who are homeless;
 - b) conducting daily living activities; or
 - c) staying overnight on a recurring basis.

V. School/Health Records

1. The District should immediately enroll and begin to provide instruction to homeless children. The District may contact the district of origin for oral confirmation that the child has been immunized. Oral confirmation between professionals is a sufficient basis to verify immunization with written confirmation to follow within 30 days. The instructional program should begin as soon as possible after the enrollment process is initiated and should not be delayed until the procedure is completed.
2. If the **homeless** child or youth needs to obtain immunizations, or immunization or medical records, the District shall immediately refer the parent or guardian of the child or youth to the liaison who shall assist in obtaining necessary immunizations, or immunization or medical records.

VI. Transportation

1. If the homeless student continues to live in the area served by the District, the District must provide or arrange transportation on equal terms as it provides to other students living within the District. If the homeless student moves to an area served by another **District school district**, though continuing his or her education at the District as the school district of origin, the **school of origin and the District and the school district** in which the student is living must agree upon a method to apportion responsibility and costs for transportation to the **school of origin District**. If the Districts cannot agree upon such a method, the responsibility and costs must be shared equally. Distance, time of year, options available, the effects of a transfer, etc., should all be addressed.
2. The provision of transportation to the school of origin is based on a student's status as homeless. The provision to remain in the school of origin during the remainder of the academic year is offered to provide for school stability. The District shall continue to provide transportation to and from the school of origin to formerly homeless students who have become permanently housed for the remainder of the academic year during which the child or youth becomes permanently housed.

~~However, the transportation mandate is for homeless students only. Once a student becomes permanently housed and chooses to remain in their school of origin, it is at the District's discretion to continue to provide or arrange transportation, as appropriate. The district is under no statutory obligation.~~

VII. Dispute Resolution Process

1. Level 1 – A dispute may be raised with ~~a~~the District
 - A. If a dispute arises over school selection or enrollment, the **homeless** child or youth involved must immediately be admitted to the school in which they are seeking enrollment, pending resolution of the dispute.
 - B. The parent, guardian or unaccompanied youth who initiates the dispute should contact the District liaison for individuals experiencing homelessness as soon as possible after receiving notice of the dispute. If the person initiating the dispute does not contact the District liaison directly, the District shall be responsible for contacting the District liaison regarding the dispute as soon as possible and referring the family or youth involved to the liaison.
 - C. The District liaison shall ensure that the **homeless** child or youth is immediately enrolled, explain the dispute resolution process to families and help them to use it.
 - D. The District shall issue a written disposition of the dispute within 20 business days after the District liaison is notified of the dispute. The disposition shall be provided to the parent, guardian or unaccompanied youth and shall explain the basis for the decision and advise the parent, guardian or youth of the right to appeal.
 - E. NOTE: The District should use and maintain copies of PDE's "Notice of Procedural Safeguards" form (see attached) which ensures that all Districts (a) inform families of the basis of their decision regarding enrollment or school selection; (b) notifies families of their right to remain in their school of choice pending resolution of the dispute and (c) explains the procedures for challenging the decision of the District.
2. Level 2 – A complaint may be filed with a McKinney-Vento Coordinator
 - A. If the parent, guardian or unaccompanied youth is dissatisfied with the District's disposition of a dispute or would like to raise any issue of McKinney-Vento Act noncompliance, they may file a complaint or appeal with a McKinney-Vento site or regional coordinator or with the state coordinator.

VIII. Title I

Title I of the Elementary and Secondary Education Act (reauthorized December 2015 by the Every Student Succeeds Act) mandates that funds be reserved to serve homeless children.

The District shall reserve such funds as are necessary to provide services comparable to those provided to children in schools funded under Title I to serve homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live.

The Business Manager will ensure that sufficient funds are reserved as are necessary to comply with the mandates of Title I.

Obligation to Report Driver's License Suspensions and Revocations

Any employee whose essential job requirements include a valid driver's license who has his or her driver's license suspended or permanently revoked must notify the Superintendent or designee immediately.

The Superintendent or designee will take appropriate action to determine the effect of the license suspension or revocation on the employee's ability to perform the functions of his or her position in the District.

The Superintendent or designee may periodically perform driver's license checks on employees covered by this Policy to the extent permitted by law.

The Superintendent shall issue regulations establishing the procedure by which suspensions or revocations are to be reported and the consequence for failure to report consistent with the terms of any applicable collective bargaining agreement. These regulations shall include procedures for notification of employees covered by this Policy.

Obligation to Report Driver's License Suspensions and Revocations

Employees who are required to hold a valid driver's license in the course of performing their essential job responsibilities must report any suspension or revocation of such license to the Director of Human Resources as soon as is practicable following notification of the suspension or revocation, but in no case later than seventy-two (72) hours following such notification.

Under no circumstances may a District employee operate a District vehicle while his/her driver's license is suspended or revoked

Failure to abide by the provisions of this Administrative Regulation or the accompanying Board Policy shall be grounds for discipline, up to and including termination, in accordance with applicable law and the provisions of any applicable Collective Bargaining Agreement.

Following notification of a driver's license suspension or revocation, the Director of Human Resources shall be responsible for determining and communicating the effect of such suspension or revocation on the employee's ability to perform the functions of his/her position in the District.

Contracted services providers who are responsible for transporting District students, employees or property shall notify the District any time any of its employees or agents who are performing work for or on behalf of the District have had his/her driver's license suspended or revoked in accordance with Board Policy 4940.

Employees who are subject to this Administrative Regulation and the accompanying Board Policy shall be advised of their obligation to report driver's license suspensions or revocations at the time of their hire and on an as-needed basis thereafter, as determined by the Superintendent or designee.

Cross Reference:

Board Policy 4940 (Contracted Services)

Adopted:

Student Athletics

Definitions

“Interscholastic sports” are those that are funded and fully staffed by the District and compete under Rules and Regulations provided by the Pennsylvania Interscholastic Athletic Association (“PIAA”), or other applicable governing body.

“Intramural sports” are staffed and financially supported by the District, but are not governed by the PIAA.

“Club sports” may receive some support from the District whether financial and/or through use of facilities or equipment.

Guidelines~~Guiding Principles~~

The Board establishes the following ~~guidelines-principles to guide the establishment and implementation of~~ for its athletic program:

- ~~1. — **Establishment of Program** — Athletics are offered by the District as an integral part of the District’s educational program.~~
- 21. Course Credit** - High School students, with the exception of ninth grade students, may earn physical education credit by participating in an approved athletic activity.
- ~~3. — **Staffing** — Special effort shall be made to attract and hold a highly qualified, experienced staff which is oriented to the teaching aspects of both the curricular athletic program and the extracurricular program.~~
- 42. Equal Opportunity** - The District will operate athletic programs in compliance with all applicable Federal and State laws, including Title IX of the Educational Amendments of 1972.
- 53. Gender Eligibility**- Any issues with respect to eligibility for a specific District team will be determined by the District in a manner that does not limit the ability of that District team to participate in competitions, including playoffs, with other teams of the District’s team’s gender designation.
- 64. Management** - Since athletics are a part of the educational program designed to meet the needs of the participants, all activities shall be organized and scheduled strictly for the benefit of the participating students. Every effort shall be made to schedule athletic contests after regular class hours so that students will not have to be excused from class.
- 75. Extracurricular Program Offerings** -The specific sports for men and women, and the levels offered in each sport, shall be reviewed by the principal of each building on an annual basis to ensure the overall program meets the requirements of this Policy and assures maximum educational value for the resources expended. ~~The following factors shall be considered in recommending, and by the Board in assessing, the possibility of adding a new sport or adding a new level in an existing sport:~~

- ~~–Contribution to the goals of the District and the athletic program~~
- ~~–Effect on the balance between athletic opportunities for men and women~~
- ~~–Sustained interest by enough students to qualify as a team~~
- ~~–Financial feasibility, including insurance costs~~
- ~~–Availability of qualified coaching staff~~
- ~~–Cost and availability of facilities appropriate to the demands of the sport~~
- ~~–Availability of competition at other schools~~
- ~~–Safety issues and the ability of the school administration to provide adequate supervision of the program~~

A new sport shall normally be offered either as an intramural or club sport while student interest grows and participation develops. The same factors shall be considered when the elimination of a sport or level is contemplated.

Student Conduct & Eligibility

While participating in student athletics, ~~In all these activities,~~ students shall be subject to all school rules, Board Policies and Administrative Regulations and the provisions contained in any applicable Student Handbook or Code of Conduct. Additionally, any applicable school and District policies, including regulations of the Central League and PIAA, including those related to academic eligibility, shall also apply if applicable.

All extracurricular interscholastic sports are offered subject to PIAA rules and regulations whether competition is specifically regulated by the PIAA or not.

Cross Reference:

Policy and Administrative Regulation 5311 (Eligibility for Participation in School-Related Activities)

Adopted: November 24, 1969
Revised: September 10, 1973
Revised: January 24, 1983
Revised: January 27, 1986
Revised: December 5, 1994
Revised: April 28, 1997
Revised: June 16, 1997
Revised: January 26, 1998
Revised: June 1, 1998
Revised: February 23, 2004
Revised: October 27, 2014
Revised: January 3, 2017

Student Athletics

Equal Opportunity

The District will take affirmative action to ensure that a balanced program for men and women is maintained at all times. The following factors shall be considered in assessing the balance of the program:

- the nature and extent of the sports offered and their accommodation of the interests and abilities of men and women both in terms of sports and levels of competition offered
- the provision of equipment and supplies
- the scheduling of games and practice time
- the provisions for travel
- the quality and extent of the coaching provided
- the assignment and compensation of coaches
- the provision of locker room, practice, and competitive facilities
- the nature and extent of publicity

Although equal aggregate expenditures shall not be required, financial resources shall be allocated as necessary to provide facilities, equipment, supervision, supplies, and opportunities for participation and competition which equally accommodate the athletic interests and abilities of both men and women.

Each school year, prior to participating in an athletic activity, including interscholastic, intramural and club sports, every student athlete and their parent/guardian shall be required to sign and return the following: (1) Sudden cardiac arrest symptoms and warning signs information sheet; and (2) Concussion and traumatic brain injury information sheet. These required forms can be found at **Attachment A** and **Attachment B**, respectively, of this Administrative Regulation.

Students participating in interscholastic athletics shall be responsible for signing and returning all paperwork and permission forms required by the PIAA. To the extent that the required sudden cardiac arrest and concussion/traumatic brain injury information sheets noted above are included and completed in connection with the required PIAA paperwork, it is not necessary for students to separately sign and return the specific forms attached at Attachment A and Attachment B.

The District will follow the guidelines as set forth in Pennsylvania Interscholastic Athletic

Association (“PIAA”) By-Law Article XVI with regard to mixed gender participation in athletics in a manner that does not limit the ability of that District team to participate in competitions, including playoffs, with other teams of the District’s team’s gender designation. In general, a student is eligible to participate on sports teams that correspond with the student’s birth gender. Certain exceptions shall be made on a case-by-case basis in accordance with PIAA regulations as long as the eligibility of a student does not exclude the team as a whole from PIAA competition or playoffs with other teams of their gender. PIAA defines a mixed gender team as one consisting of both boys and girls. Mixed gender teams may only participate in post-season playoffs for boys’ teams.

Athlete/Parent/Guardian Sudden Cardiac Arrest Symptoms and Warning Signs Information Sheet and Acknowledgement of Receipt and Review Form

What is sudden cardiac arrest?

Sudden cardiac arrest (SCA) is when the heart stops beating, suddenly and unexpectedly. When this happens, blood stops flowing to the brain and other vital organs. SCA doesn't just happen to adults; it takes the lives of students, too. However, the causes of sudden cardiac arrest in students and adults can be different. A student's SCA will likely result from an inherited condition, while an adult's SCA may be caused by either inherited or lifestyle issues.

SCA is NOT a heart attack. A heart attack may cause SCA, but they are not the same. A heart attack is caused by a blockage that stops the flow of blood to the heart. SCA is a malfunction in the heart's electrical system, causing the heart to suddenly stop beating.

How common is sudden cardiac arrest in the United States?

SCA is the #1 cause of death for adults in this country. There are about 300,000 cardiac arrests outside hospitals each year. About 2,000 students die of SCA each year. It is the #1 cause of death for student athletes.

Are there warning signs?

Although SCA happens unexpectedly, some people may have signs or symptoms, such as:

- fainting or seizures during exercise;
- unexplained shortness of breath;
- dizziness;
- extreme fatigue;
- chest pains; or
- racing heart.

These symptoms can be unclear in athletes, since people often confuse these warning signs with physical exhaustion. SCA can be prevented if the underlying causes can be diagnosed and treated.

What are the risks of practicing or playing after experiencing these symptoms?

There are risks associated with continuing to practice or play after experiencing these symptoms. When the heart stops, so does the blood that flows to the brain and other vital organs. Death or permanent brain damage can occur in just a few minutes. Most people who experience SCA die from it.

Act 59 – the Sudden Cardiac Arrest Prevention Act (the Act)

The act is intended to keep student-athletes safe while practicing or playing. The requirements of the act are:

- All student-athletes and their parents or guardians must read and sign this form. It must be returned to the school before participation in any athletic activity. A new form must be signed and returned each school year.

- Schools may also hold informational meetings. The meetings can occur before each athletic season. Meetings may include student-athletes, parents, coaches and school officials. Schools may also want to include doctors, nurses and athletic trainers.

Removal from play/return to play

- Any student-athlete who shows signs or symptoms of SCA must be removed from play. The symptoms can happen before, during or after activity. Play includes all athletic activity.
- Before returning to play, the athlete must be evaluated. Clearance to return to play must be in writing. The evaluation must be performed by a licensed physician, certified registered nurse practitioner or cardiologist (heart doctor). The licensed physician or certified registered nurse practitioner may consult any other licensed or certified medical professionals.

I have reviewed and understand the symptoms and warning signs of SCA.

Signature of Student-Athlete

Print Student-Athlete's Name

Date

Signature of Parent/Guardian

Print Parent/Guardian's Name

Date

Athlete/Parent/Guardian Concussion Information Sheet and Acknowledgement Form

A concussion is a type of traumatic brain injury that disrupts normal functioning of the brain. . A concussion can be caused by a bump, blow, or jolt to the head or body that causes the head and brain to move rapidly back and forth. Concussions are a type of Traumatic Brain Injury (TBI), which can range from mild to severe and can disrupt the way the brain normally functions. Concussions can cause significant and sustained neuropsychological impairment affecting problem solving, planning, memory, attention, concentration, and behavior.

The Centers for Disease Control and Prevention estimates that 300,000 concussions are sustained during sports related activities annually and more than 62,000 concussions are sustained each year in high school contact sports. Second-impact syndrome occurs when a person sustains a second concussion while still experiencing symptoms of a previous concussion. It can lead to severe impairment and even death of the victim.

The Safety in Youth Sports Act signed into law in November of 2011 mandates measures to be taken in order to ensure the safety of student-athletes involved in interscholastic sports in Pennsylvania. It is imperative that athletes, coaches, and parent/guardians are educated about the nature and treatment of sports related concussions and other head injuries. The Act states that:

- A student participating in or desiring to participate in an athletic activity and the student's parent or guardian shall each school year, prior to participation by the student in an athletic activity, sign and return to the student's school an acknowledgment of receipt and review of a concussion and traumatic brain injury information sheet.
- A school entity may hold an informational meeting prior to the start of each athletic season for all ages of competitors regarding concussions and other head injuries, the importance of proper concussion management and how preseason baseline assessments can aid in the evaluation, management and recovery process.
- In addition to students, parents, coaches and other school officials, the informational meetings may include physicians, neuropsychologists, athletic trainers and physical therapists.
- A student who, as determined by a game official, coach from the student's team, certified athletic trainer, licensed physician, licensed physical therapist or other official designated by the student's school entity, exhibits signs or symptoms of a concussion or traumatic brain injury while participating in an athletic activity shall be removed by the coach from participation at that time.
- The coach shall not return a student to participation until the student is evaluated and cleared for return to participation in writing by an appropriate medical professional.
- The governing body of a school entity may designate a specific person or persons, who must be appropriate medical professionals, to provide written clearance for return to participation.
- In order to help determine whether a student is ready to return to participation, an appropriate medical professional may consult any other licensed or certified medical professionals.
- Once each school year, a coach shall complete the concussion management certification training course offered by the Centers for Disease Control and Prevention, the National Federation of State High School Associations or another provider approved by the Department of Health.

- A coach shall not coach an athletic activity until the coach completes a concussion management certification training course.
- The governing body of a school entity shall establish the penalties for a coach found in violation of the requirements of removing a player or returning to play.

Quick facts

- Most concussions do not involve loss of consciousness.
- Athletes who have, at any point in their lives, had a concussion have an increased risk of another concussion.
- Young children and teens are more likely to get a concussion and take longer to recover than adults.
- You can sustain a concussion even if you do not hit your head.
- A blow elsewhere on the body can transmit an “impulsive” force to the brain and cause a concussion.
- Signs and symptoms of a concussion can show up right after the injury or may not appear or be noticed until days or weeks after the injury.

Danger signs

In rare cases, a dangerous blood clot may form on the brain in a person with a concussion and crowd the brain against the skull. An athlete should receive immediate medical attention if after a bump, blow, or jolt to the head or body s/he exhibits any of the following danger signs:

- One pupil larger than the other.
- Is drowsy or cannot be awakened.
- A headache that not only does not diminish, but gets worse.
- Weakness, numbness, or decreased coordination.
- Repeated vomiting or nausea.
- Slurred speech.
- Convulsions or seizures.
- Cannot recognize people or places.
- Becomes increasingly confused, restless, or agitated.
- Has unusual behavior.
- Loses consciousness (even a brief loss of consciousness should be taken seriously).

Examples of signs of concussions observed by coaches, athletic trainers, parents/guardians

- Appears dazed or stunned.
- Is confused about assignment or position.
- Forgets plays or demonstrates short term memory difficulties.
- Unsure of game, score, or opponent.
- Exhibits difficulties with balance, coordination, concentration, and attention.
- Answers questions slowly or inaccurately.
- Demonstrates mood, behavior or personality changes.
- Unable to recall events prior to or after the hit or fall.

Examples of symptoms of concussions reported by student-athletes

- Headache or “pressure” in head.
- Nausea/vomiting.
- Balance problems or dizziness.
- Double vision or changes in vision.
- Sensitivity to light and/or sound.

- Feeling sluggish, hazy, or foggy.
- Difficulty with concentration and/or short term memory.
- Confusion.
- Just not “feeling right” or “feeling down.”

Why should a student-athlete report their symptoms?

- If an athlete has a concussion, his/her brain needs time to heal. While an athlete’s brain is still healing, s/he is much more likely to have another concussion.
- Repeat concussions can increase the time it takes to recover.
- In rare cases, repeat concussions in young athletes can result in brain swelling or permanent damage to their brain. They can even be fatal.

What should a student-athlete do if they think they have a concussion?

- **Don’t hide it.** Tell your Athletic Trainer, Coach, School Nurse, or Parent/Guardian.
- **Report it.** Don’t return to competition or practice with symptoms of a concussion or head injury. The sooner you report it, the sooner you may return-to-play.
- **Take time to recover.** If you have a concussion your brain needs time to heal. While your brain is healing you are much more likely to sustain a second concussion. Repeat concussions can cause permanent brain injury.

What can happen if a student-athlete continues to play with a concussion or returns to play to soon?

- Continuing to play with the signs and symptoms of a concussion leaves the student-athlete vulnerable to second impact syndrome.
- Second impact syndrome is when a student-athlete sustains a second concussion while still having symptoms from a previous concussion or head injury.
- Second impact syndrome can lead to severe impairment and even death in extreme cases.

What should you as a parent/guardian do if you think your athlete has a concussion?

- If you suspect that an athlete has a concussion notify the school and seek medical attention.
- Do not try to judge the severity of the injury yourself.
- Keep your athlete out of play until a health care professional, experienced in evaluating for concussions, says s/he is symptom-free and it’s OK to return to play.
- Rest is the key to helping an athlete recover from a concussion.
- Exercising or activities that involve a lot of concentration, such as studying, working on the computer, or playing video games, may cause concussion symptoms to reappear or get worse.
- Remember that after a concussion returning to sports and school is a gradual process that should be carefully managed and monitored by a health care professional.

Should there be any temporary academic accommodations made for student-athletes who have suffered a concussion?

- To recover cognitive rest is just as important as physical rest. Reading, texting, testing-even watching movies can slow down a student-athletes recovery.
- Stay home from school with minimal mental and social stimulation until all symptoms have resolved.
- Students may need to take rest breaks, spend fewer hours at school, be given extra time to complete assignments, as well as being offered other instructional strategies and classroom accommodations.

Student-athletes who have sustained a concussion should complete a graduated return-to-play before they may resume competition or practice, according to the following protocol:

- **Step 1:** Completion of a full day of normal cognitive activities (school day, studying for tests, watching practice, interacting with peers) without reemergence of any signs or symptoms. If no return of symptoms, next day advance.
- **Step 2:** Light Aerobic exercise, which includes walking, swimming, and stationary cycling, keeping the intensity below 70% maximum heart rate. No resistance training. The objective of this step is increased heart rate.
- **Step 3:** Sport-specific exercise including skating, and/or running: no head impact activities. The objective of this step is to add movement.
- **Step 4:** Noncontact training drills (e.g. passing drills). Student-athlete may initiate resistance training.
- **Step 5:** Following medical clearance (consultation between school health care personnel and student-athlete's physician), participation in normal training activities. The objective of this step is to restore confidence and assess functional skills by coaching and medical staff.
- **Step 6:** Return to play involving normal exertion or game activity.

Remember

Concussions affect people differently. While most athletes with a concussion recover quickly and fully, some will have symptoms that last for days, or even weeks. A more serious concussion can last for months or longer. It's better to miss one game than the whole season

For more information on Sports-Related Concussions and other Head Injuries, please visit the following websites:

www.cdc.gov/concussion

www.gopats.org

www.biapa.org

www.brainsteps.net

www.stopsportsinjuries.org/concussion

www.ncaa.org/health-safety

www.concussionwise.com/pennsylvania

http://www.portal.state.pa.us/portal/server.pt/community/grants_funding/14140/traumatic_brain_injury/666239

Signature of Student-Athlete

Print Student-Athlete's Name

Date

Signature of Parent/Guardian

Print Parent/Guardian's Name

Date

References:

1. The Centers for Disease Control and Prevention (CDC): "*Heads Up Tool Kit for Youth Sports*"
2. NCAA: "*Concussion- A Fact Sheet for Student-Athletes*"

Student Discipline

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 Bullying Procedures 11

Definitions

“Bullying” as used in Policy 5401 and this regulation means intentional and repeated hurtful or intimidating words, acts or other behaviors, such as name-calling, threats and/or deliberate ostracism, committed by one or more students against another student.

Bullying includes systematic harassment, attacks or intentional electronic, written, verbal or physical acts, perpetrated by a student or group of students, on another student or students, which meets all of the following criteria:

- a) occur during the school day, on school property, on a school bus, or at a school-sponsored activity or event
- b) are severe, persistent or pervasive; and
- c) include any written, verbal, or physical act including but not limited to:
 - Written intimidating/threatening, and/or demeaning letters, notes, messages, emails and/or any other electronic means
 - Verbally intimidating/threatening comments, slurs, innuendos, or taunting
 - Visual gestures
 - Physical hitting, slapping, kicking, and pinching, etc.
 - Making reprisals, threats of reprisal, or implied threats of reprisal, social isolation or manipulation of a student
 - Engaging in implicit or explicit coercive behavior to control, influence, or affect the health and well-being of a student
 - Any other behavior or acts which has the effect of substantially interfering with a student's education, creates an intimidating or threatening educational environment, or substantially disrupts the orderly operation of the school

See Bullying Procedures set forth later in this Regulation

“Self-Discipline” means the ability to control one’s behavior in order to conform with school rules and other age-appropriate and desirable behavioral norms.

Guidelines for Developing Self-Discipline

1. The development and maintenance of self-discipline is an integral aspect of learning.
2. Each professional staff member, as a part of the normal teacher-learning process, shall develop and emphasize self-disciplinary procedures with students.
3. Each staff member is responsible for contributing to the maintenance of these standards of behavior which are conducive to learning not only in the classroom but in corridors, the cafeteria and throughout the school site.

Disciplinary Action

Building Level

1. Under these districtwide guidelines, basic standards of behavior shall be developed and then reviewed annually within each building of the District.
2. Appropriate and consistent action shall be taken not only in the classroom, but throughout the entire building to maintain these standards. Punishment (or consequences) will be proportional to the severity of the infraction with consideration of academic consequences associated with discipline.
3. Building administrators shall be responsible for maintaining such standards building-wide.
4. The individuality of each student and each incident shall be taken into consideration in any disciplinary action.
5. If a student is suspended from school, a building administrator shall contact the parents or guardian by telephone or face-to-face prior to re-admittance of the student.

District Level: Extended suspension or expulsion

1. Recommendation for suspension or expulsion when made to the Superintendent for action shall include:
 - a. A chronology of the incident(s).
 - b. Statement(s) by those involved in crucial incident(s).
 - c. Statement(s) of student status from educators currently involved with student(s).
 - d. A review and recommendation by the principal and Director of Individualized Student Services.
2. As soon as extended suspension or expulsion is considered as a possible course of action, the principal shall consult with the Superintendent and request legal guidance on the matter.
3. The Superintendent or designee shall review such information, including the student's file, and recommend to the Board the setting of a hearing to consider possible expulsion from school.

Protocol for Assessment of Threatening Behaviors

1. Building administrator or designee conducts initial investigation to verify the incident and the probability of student involvement. Office of Individualized Student Services and District mental health specialist are notified by the building administrator or designee.
2. Building administrator or designee contacts parent/guardian to review these steps in the protocol, which steps do not necessarily need to be taken in the order listed below:
 - a. The student will be removed from class to a safe location and/or additional supervision will be assigned.
 - b. Parent/guardian is notified by the building administrator and an initial investigation is conducted by the building administrator or designee. The building administrator will determine any disciplinary action.
 - c. A clinical interview may be completed by a District mental health specialist and the results of the clinical interview will be discussed with the building administrator and parent/guardian.
 - d. If the District mental health specialist through clinical interview determines the student is not a threat to self or others, then the mental health specialist shall make a recommendation to the building principal that the student may return to school pending the outcome of any disciplinary action.
 - e. Based upon the available information, the building administrator will determine if a mental health risk assessment (“the mental health risk assessment”) is required.
 - f. If the mental health risk assessment is required, it will be completed by a District-selected or District-approved certified child and adolescent psychiatrist or other District-selected or District-approved qualified mental health professional.
 - g. The Office of Individualized Student Services will schedule the mental health risk assessment, and the school administrator or designee will contact the parent/guardian to discuss arrangements for the mental health risk assessment.
 - h. Signed parent/guardian consent is required for the mental health risk assessment to commence. If signed consent is not forthcoming and the family has not made arrangements with a District-approved psychiatrist or other mental health professional, then the student will be suspended, pending the development of a District-approved written plan to ensure the safety of the student and others in school. The student will still need to complete a District-approved mental health risk assessment.
 - i. If there is a delay in the completion of the mental health risk assessment beyond the length of the assigned suspension, then a District-approved written safety plan will be developed to ensure the safety of the student and others before the student is scheduled to return to school. The student will still need to complete a District-approved mental health risk assessment.

- j. If suspension exceeds three school days, the family has the right to an informal hearing. If suspension exceeds ten school days, the student has the right to a Board hearing.
 - k. Police must be notified by the building administrator in the event of a weapons or drug offense.
 - l. Police will be notified by the building administrator in situations involving possible criminal conduct such as threatening statements or actions towards others, or an intentional infliction or attempted infliction of bodily injury.
3. Office of Individualized Student Services or designee prepares appropriate parent permissions for assessment and release of information for building administrator to secure parent/guardian signature.
4. Upon receipt of permission and information release from the parent/guardian, building administrator or designee contacts the District-approved mental health professional to provide student records and information about the incident.
5. The administrator or designee makes arrangements with the mental health professional to contact the building administrator or designee immediately following the mental health risk assessment as to whether the student is safe to return to school and to make recommendations for support. Following the mental health risk assessment, the mental health professional contacts the building administrator or designee as per previous agreement. The administrator or designee contacts the parent/guardian.
6. If the mental health risk assessment determines that the student is not considered a threat to self or others, then the student may return to school as determined by the building administrator pursuant to District disciplinary procedures.
7. Supports and services are guided by assessment data and determined by the appropriate building based team. Building and District personnel work with the parent/guardian and student to discuss and implement recommendations.
8. A report from the mental health risk assessment is sent to the Office of Individual Student Services which, in turn, will disseminate it to the building administrator and the parent/guardian.

Suspensions of Students with Disabilities

Typically, students with disabilities and students determined to be handicapped under Chapter 15, may not be suspended beyond ten consecutive school days and fifteen cumulative school days ("the 10/15 day limits") allowed by State Board of Education regulations, 22 Pa. Code §14.143. The exception to this general rule is where the IEP team determines that the student's conduct was not a manifestation of the student's disability. No later than the day on which the decision to take disciplinary action is made, the district shall notify the parents of the decision and of all procedural safeguards under the IDEA.

When discipline is to be imposed upon a student with disabilities, school personnel have the authority to (1) remove the child from his or her current placement to an appropriate interim alternative educational setting or suspension for a period of not more than the 10/15 day limits to the extent such discipline would be applied to students without disabilities; (2) assign the student to an alternative educational setting for the same period as such discipline would be imposed upon children without disabilities if there has been a determination that the conduct at issue was not a manifestation of the child's disability or (3) assign the student to an interim alternative educational setting for not more than forty-five school days without regard to whether the conduct at issue was a manifestation of the child's disability if the special circumstances for emergency placement described in this regulation apply.

When a student with a disability has committed an act that would result in a suspension from school all regular disciplinary procedures must be followed. If the proposed suspension is longer than the 10/15 day limits or involves the exclusion of a student with Intellectual Disability, it is considered a change of educational placement as defined in 22 Pa. Code 14.143. Any recurring, part-day removals may constitute a change of placement just as recurring full day removals of the student from the class constitute a change in placement.

If proposed discipline would result in a change in placement, then in addition to other applicable procedures, within ten school days of any decision to change the placement of a student with a disability, the relevant members of the IEP team must conduct a manifestation determination as set forth below.

Emergency Exclusions for Students with Intellectual Disability

The protection afforded students with intellectual disability in the Commonwealth concerning suspension is greater than the protection afforded other students with disabilities. For students with intellectual disability, any suspension is a change in placement; however, the regulations provide a mechanism for emergency exclusions of students with intellectual disability, where necessary.

If a discipline problem with a student with intellectual disability is so immediate or severe as to warrant immediate action, the school district via the Director of Individualized Student Services with the approval of the Secretary of Education or a designee, may implement an interim change in educational placement, including exclusion from school, as long as notice is provided to the parents and a due process hearing is scheduled as soon as possible. The Secretary approval process is available only for an exclusion of a student with intellectual disability for ten school days or less. A school district proposing to exclude a student with intellectual disability must first notify the student's parent/guardian in writing requesting approval. If the approval is not given, the parents and/or school district have the right to a due process hearing to determine whether a change in placement is appropriate.

In the event of a weapons incident, the appropriate procedures are followed including police notification, documentation for state reporting and recommendation to the Superintendent by administration for discretionary action if warranted.

IEP/Multidisciplinary Team Consideration

Within ten school days after the decision to change the placement, the relevant members of the IEP team as determined by the parent(s) and the Administration, must consider whether the student's behavior is attributable to the student's disability. In making this determination (hereafter called the manifestation determination), the IEP team must review all relevant information in the student's file, including the IEP, any teacher observations and any relevant information provided by the parents to determine: (a) whether the conduct in question was caused by or had a direct and substantial relationship to the student's disability and (b) whether the conduct in question was the direct result of the district's failure to implement the IEP. If the team determines that the answer to either of these questions is "yes", then the conduct shall be deemed a manifestation of the student's disability.

Conduct Deemed a Manifestation of Disability

If the conduct is deemed a manifestation, then the IEP team must (a) conduct a functional behavioral assessment of the student unless such an assessment was previously conducted and develop and implement a behavior intervention plan, unless such a plan has already been developed; or (b) if a behavior intervention plan was previously developed, then the IEP team must review the plan and modify it as necessary to address the behavior.

The behavioral intervention plan will provide the vehicle in the determination of what constitutes a change in educational placement for each student's program. If the IEP team has included certain school responses to student behavior in the behavior intervention plan, the application of the agreed upon procedures will not constitute a change in educational placement.

Additionally, if the conduct is deemed a manifestation of the student's disability, then the student must be returned to placement from which the student was removed unless (a) the parent(s) and the district agree to a change in placement as part of a behavioral intervention plan or (b) the special circumstances for emergency placements set forth in this regulation apply. If the conduct in question involved any of these special circumstances, then the district may assign the student to an alternative educational setting for not more than forty-five school days, regardless of whether the conduct was a manifestation of the student's disability.

If the conduct is deemed a manifestation, but the district believes that maintaining the current placement is substantially likely to result in injury to the child or others, then the district may request an expedited due process hearing which must be scheduled within 20 school days of the request. The student must remain in the current placement pending the hearing officer's decision, unless the district and the parent(s) agree to an alternative placement.

Conduct Not a Manifestation of Disability

If the conduct is not deemed a manifestation of the student's disability, then the district may proceed with the disciplinary measures applicable to students without disabilities in the same manner and for the same duration as they would apply to students without disabilities. The district is still required to provide a free appropriate public education to the student, but it may provide the education in an alternative setting. If a hearing before the School Board is necessary, then the School Board must receive the complete special education and disciplinary record of the child.

If the parents disagree with determination that the behavior was not a manifestation of the student's disability, then the parents have the right to an expedited hearing to challenge the determination. During the appeal, the student must remain in the interim alternative educational setting until the disposition of the appeal or until the expiration of the period of exclusion, whichever occurs first, unless the district and the parent agree otherwise.

If the conduct is not deemed a manifestation, then the district must, as appropriate, provide a functional behavioral assessment, behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Special Circumstances for Emergency Placements

The Administration can remove a student with disabilities to an interim alternative educational setting for a period of forty-five school days regardless of whether the conduct in question was a manifestation of the student's disability under the following circumstances:

Weapons

A student with a disability who carries or possesses a dangerous weapon to or at school, on school premises or to or at a school function can be placed in an interim alternative educational setting for a maximum of forty-five calendarschool days (the IEP team determines the setting and the student returns to regular education on the 46th school day unless a mutually agreed upon new placement has been identified). Procedures described above related to the manifestation determination and development of a functional behavioral assessment and implementation or modification of a behavioral intervention plan still apply.

Controlled Substances

A student with a disability who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function can be placed in an interim alternative educational setting for a maximum of forty-five calendarschool days (the IEP team determines the setting and the student returns to regular education on the 46th school day unless a mutually agreed upon new placement has been identified). The term "illegal drug" means a controlled substance but does not include a substance that is legally possessed or

used under the supervision of a licensed health-care professional. This does not include a legally-prescribed drug. A “controlled substance” is a substance as defined in the Controlled Substances Act (21 U.S.C. § 812(c).) Procedures described above related to the manifestation determination and development of a functional behavioral assessment and implementation or modification of a behavioral intervention plan still apply.

Serious Bodily Injury

A student with a disability who has inflicted serious bodily injury upon another person while at school, on school premises or at a school function can be placed in an interim alternative educational setting for a maximum of forty-five ~~calendar~~school days (the IEP team determines the setting and the student returns to regular education on the 46th school day unless a mutually agreed upon new placement has been identified). Serious bodily injury is defined as “bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.” Procedures described above related to the manifestation determination and development of a functional behavioral assessment and implementation or modification of a behavioral intervention plan still apply.

For any of these special circumstances for emergency placements, if a student’s conduct is deemed not to be a manifestation of the student’s disability, then the district can impose discipline beyond the forty-five school days to the extent and for the duration that it would impose such discipline on students without disabilities. If the district proposes such a placement beyond the forty-five school day alternative placement, then the district must offer a School Board hearing as it would for students without disabilities.

Procedures for Suspensions of Students with Disabilities

For suspensions of one to three school days and four to ten school days for all students with disabilities, except those who have intellectual disability, follow procedures used for regular education students set forth above. In addition the principal should notify the appropriate special education supervisor of the suspension and the readmission date.

For special education students who are being suspended for periods of time longer than the 10/15 school day limits commits a serious violation of school rules, the following procedures apply:

1. Prior to the student actually serving any suspension in excess of the 10/15 school day limits, the relevant members of the IEP team must conduct a manifestation determination.
2. If the IEP team determines the conduct was a manifestation of the student's disability, then the IEP team must conduct a functional behavioral assessment, unless one was already conducted and develop/modify a behavior intervention plan. Additionally, the student may not be suspended in excess of the 10/15 school day limits unless the special circumstances for emergency placement set forth on pages 9-10 apply (dangerous weapon, illegal drugs/controlled substance, inflicted serious

- bodily injury on another). If special circumstances do not apply and district believes that maintaining the current placement is substantially likely to result in injury to the student or others, then the district can request an expedited due process hearing.
3. If the IEP team determines the conduct was not a manifestation of the student's disability, then the student may be suspended in excess of the 10/15 school day limits. The decision of the IEP team need not be unanimous and can be made over the parents' objections subject to the parents' right to contest the determination.
 4. If the conduct is deemed not a manifestation, then the district issues a Notice of Recommended Educational Placement (NOREP) with a copy of the Parents' Rights letter indicating the alternative educational placement as the placement and (under "Reasons for the Recommendations") indicating that the IEP team determined that the conduct was not a manifestation of the student's disability.
 5. If the student's parents do not reject the NOREP or otherwise request a hearing, the suspension or expulsion and alternative placement may be implemented as if the student were in regular education. If the suspension is in excess of ten consecutive school days, the district must offer a hearing before the Board of School Directors in the same manner as it would for any regular education student. This hearing may be waived by parental consent. If the conduct involved special circumstances for emergency placement, then a School Board hearing would only be necessary if and to the extent that the alternative placement would exceed 45 school days.
 6. If parents reject the NOREP, then the student can be assigned to the interim alternative educational placement and an expedited due process hearing on the manifestation determination must take place within 20 school days of the date of the request and must result in a determination within ten school days after the hearing. If the removal exceeds 10 school days, and the conduct involved does not involve the special circumstances for emergency placements, then a hearing before the Board of School Directors must be offered as it would be for students without disabilities. If the conduct involved the special circumstances for emergency placement, then the School Board hearing would only be necessary if and to the extent that the alternative placement would exceed 45 school days.
 7. If the district prevails in the due process proceedings, then it can continue to implement the alternative placement for the duration of the exclusion as if the student were in regular education (subject to the Board Hearing requirement, if applicable).

Suspension of a Student Who Has NOT Been Determined to be Eligible for Special Education

1. The school may expel the child for more than ten school days to the same extent that it would expel a nondisabled child for the same offense, provided, however, that
 - a. the school did not have knowledge that the child was a child with a disability before the violation occurred; and
 - b. if an evaluation is requested after the violation occurs, the school conducts the evaluation in an "expedited manner."

2. The school will be deemed to have knowledge of a disability if, prior to the violation,
 - a. the parent expressed a concern, in writing, to supervisory or administrative personnel or a teacher of the child that the child requires special education and related services; or
 - b. the teacher of a child has expressed specific concerns about a pattern of behavior demonstrated by the child directly to the Director of Special Education or other supervisory personnel; or
 - c. the parent has requested an evaluation.
3. The school will not be deemed to have knowledge of a disability if:
 - a. the parent of the child has not allowed an evaluation; or
 - b. the parent of the child has refused services; or
 - c. the child has been evaluated and it was determined that the child was not a child with a disability under the IDEA.

Bullying Procedures

Reporting Procedures

1. Each building administrator will identify a staff person responsible for receiving reports of and documenting alleged bullying and publicize that information as set forth below.
2. The staff person responsible for receiving reports of bullying will document and investigate each alleged incident and report to the building administrator.
3. Annually, the building administrator will compile a report for the District administration to be incorporated into the District safety report to the Pennsylvania Department of Education

Disciplinary Consequences

Disciplinary consequences will be based on the seriousness and repetitiveness of the behavior and may include the following:

1. Parent conference;
2. Loss of privileges, including limitations on participation in extracurricular activities;
3. External suspension;
4. Mental health risk assessment; and
5. Police contact.

Publicity

1. These Bullying Procedures and the definition of bullying set forth in this Regulation will be posted on a publicly accessible page of Tredyffrin/Easttown School District's website. The posting shall be as set forth in Attachments A.

2. Within 90 days of the effective date of this Regulation, each school will introduce this Policy to its students and explain the procedures for reporting bullying incidents.
3. Once each school year, each school will review with its students these Bullying Procedures.
4. Building administrators or designees will ensure that these Bullying Procedures and the definition of bullying set forth in this Regulation is posted in each classroom and in a prominent location within the school building. An age-appropriate summary shall be included as part of this posting. The summaries for the elementary school, middle schools and high schools are attached to the Regulation as Attachments B, C and D respectively.

Review of Bullying Procedures

The Superintendent or designee, in cooperation with other appropriate administrators, shall review these Bullying Procedures every three (3) years and recommend necessary revisions to the Board.

Revised: August 1995
Revised; November 2003
Revised: April 15, 2004
Revised: October 2005
Revised: January 2007
Revised: October 27, 2008
Revised: January 15, 2015
Revised: January 21, 2016
Revised: October 20, 2016

Pupil Bullying

The development and maintenance of self-discipline is an integral aspect of learning. Efforts at such development are not only critical to a student's growth as a learner, but are essential to maintain a school climate that encourages learning for all students. As such, the bullying of a student by other students will not be tolerated within the Tredyffrin Easttown School District.

Board Policy and Regulation 5401, Student Discipline, provides information on the subject of bullying within the District. This Policy is extended to the transportation of students to and from school. No student should be in an environment that makes him/her feel unsafe, intimidated, or abused. It is the practice of Tredyffrin Easttown School District to maintain an environment in which bullying in any form is not tolerated. **Students engaging in this behavior may be subject to disciplinary actions including but not limited to: loss of bus riding privileges, parent conference, detention, suspension, or expulsion from school, and police referral.**

Definition of Bullying

Bullying includes systematic harassment, attacks or intentional electronic, written, verbal or physical acts, perpetrated by a student or group of students, on another student or students, which meets all of the following criteria:

- a) occur during the school day, on school property, on a school bus, or at a school-sponsored activity or event
- b) are severe, persistent or pervasive; and
- c) include any written, verbal, or physical act including but not limited to:
 - Written intimidating/threatening, and/or demeaning letters, notes, messages, emails and/or any other electronic means.
 - Verbally intimidating/threatening comments, slurs, innuendos, or taunting
 - Visual gestures
 - Physical hitting, slapping, kicking, and pinching, etc.
 - Making reprisals, threats of reprisal, or implied threats of reprisal, social isolation or manipulation of a student
 - Engaging in implicit or explicit coercive behavior to control, influence, or affect the health and well-being of a student
 - Any other behavior or acts which has the effect of substantially interfering with a student's education, creates an intimidating or threatening educational environment, or substantially disrupts the orderly operation of the school

Bullying Procedures

Reporting Procedures

1. Each building administrator will identify a staff person responsible for receiving reports

of and documenting alleged bullying and publicize that information as set forth below.

2. The staff person responsible for receiving reports of bullying will document and investigate each alleged incident and report to the building administrator.
3. Annually, the building administrator will compile a report for the District administration to be incorporated into the District safety report to the Pennsylvania Department of Education.

Disciplinary Consequences

Disciplinary consequences will be based on the seriousness and repetitiveness of the behavior and may include the following:

1. Parent conference;
2. Loss of privileges, including limitations on participation in extracurricular activities;
3. External suspension;
4. Mental health risk assessment; and
5. Police contact.

Publicity

1. These Bullying Procedures and the definition of bullying set forth in this Regulation will be posted on a publicly accessible page of Tredyffrin/Easttown School District's website. The posting shall be as set forth in Attachments A.
2. Within 90 days of the effective date of this Regulation, each school will introduce this Policy to its students and explain the procedures for reporting bullying incidents.
3. Once each school year, each school will review with its students these Bullying Procedures.
4. Building administrators or designees will ensure that these Bullying Procedures and the definition of bullying set forth in this Regulation is posted in each classroom and in a prominent location within the school building. An age-appropriate summary shall be included as part of this posting. The summaries for the elementary school, middle schools and high schools are attached to the Regulation as Attachments B, C and D respectively.

Review of Bullying Procedures

The Superintendent or designee, in cooperation with other appropriate administrators, shall review these Bullying Procedures every three (3) years and recommend necessary revisions to the Board.

BULLYING

What is bullying?

A person is bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other persons, and he or she has difficulty defending himself or herself.

Specific forms of bullying behaviors may include:

- verbal bullying (put downs)
- social exclusion or isolation
- negative physical contact
- lies and false rumors
- having money or other things taken or damaged
- threats
- being forced to do things
- cyber bullying (technological communications)

What should you do if you are being bullied?

If you know that you or someone is being bullied, you should tell an adult at home and an adult at school.

What will the school do?

The school will follow the Code of Conduct in assigning appropriate consequences to students who bully. Meetings with parents, counselors, and teachers may also take place.

What are Our School's Anti-Bullying Rules?

1. We will not bully others.
2. We will try to help students who are bullied.
3. We will try to include students who are left out.
4. If we know that someone is being bullied, we will tell an adult at school and an adult at home.

Information taken from the Olweus Bullying Prevention Program, ©2007

BULLYING

What is Bullying?

Sometimes a student can be a bully because of his or her words and sometimes a student can be a bully because of his or her actions. A student is being a bully if he or she...

Says hurtful, demeaning things to you or calls you names.

Says scary things to you a lot because they want to make you feel frightened.

Tells you they are going to hurt you or threatens you.

Teases or taunts you a lot, especially if you asked the student to stop.

Tells other people bad things about you.

Tells other students not to play with you, talk to you, be around you, or include you.

Writes you a lot of mean, threatening, demeaning letters, text messages or email messages.

Makes cruel faces at you on purpose.

Hits, kicks, slaps, punches, or pinches you on purpose.

Tries to hurt your body in any way.

Forces you or somehow gets you to do something that you do not want to do.

Tells you lies a lot that make you feel upset.

Makes you feel like you do not want to come to school or like you cannot concentrate in school.

What Should You Do if You are Being Bullied?

If you think that someone is bullying you, you should tell your teacher or an adult at school immediately.

What Will the School Do?

Sometimes the school will decide to have a meeting with the bully's parents.

Sometimes the school will take privileges away from the bully including school activities.

Sometimes the bully will be suspended from school.

Sometimes the police will need to talk to the bully, especially if the bully threatened someone or tried to hurt someone.

BULLYING

Definition of Bullying

Bullying is when a student or a group of students intentionally and repeatedly uses hurtful or intimidating words, actions or other behaviors against another student.

A student is bullying you if he or she does any of the following things intentionally and repeatedly:
Says unkind, harsh, demeaning, or abusive things to you or calls you names.

Threatens or intimidates you in writing, email, notes, messages, to you in person, or by any electronic means.

Teases, taunts, or harasses you.

Makes negative comments, slurs, or innuendos towards you.

Tells other people offensive or insulting things about you.

Ostracizes you, isolates you or tells other students not to talk to you, involve you, or be around you.

Writes threatening, demeaning, or intimidating letters or email messages to you.

Makes cruel faces or physical gestures at you.

Physically hits, kicks, slaps, punches, pinches or purposely assaults you in any way.

Forces, coerces, influences or manipulates you do something that you do not want to do.

Frequently tells you lies that make you feel upset or that affect you in a negative manner.

Makes you feel like uncomfortable to attend school or disrupts your concentration at school.

What Should You Do if You are Being Bullied?

If you think that someone is bullying you during the school day, on school property, on a school bus, or at a school-sponsored activity, you should tell your teacher or an adult at school immediately.

What Happens if You Report a Bully?

The school will investigate the situation.

The school may decide to have a conference with the bully's parents.

The school may take privileges away from the bully, including participation in extracurricular activities.

The bully may be suspended from school.

The police and law enforcement may need to be contacted, especially if the bully threatened someone or tried to hurt someone.