

**Policy Committee Agenda**  
**Thursday, October 20, 2016 7:00 p.m.**  
Room 200, T/E Administration Offices

- 1. Approval of Minutes of the September 22, 2016 Policy Committee Meeting**
- 2. Public Comment**
- 3. Review of Policies for 2<sup>nd</sup> Reading**
  - Policy and Regulation 5401: Student Discipline
  - Policy and Regulation 5415: Dress and Appearance
  - Policy and Regulation 6141: Nondiscrimination of Students in School and Classroom Practice
- 4. Information**
  - None
- 5. Follow Up from Previous Policy Committee Meeting**
  - Policy and Regulation 5120: Withdrawal from School
  - Policy and Regulation 6195: Title I Parental Involvement
  - Policy and Regulation 4970: Private Coaching or Training of Students by District Athletic Coaches
- 6. Policies and Regulations for Review and Discussion**
  - Regulation 8120: Food and Nutrition Services
- 7. Future Meetings**

Additional meetings are scheduled for Thursday, November 17, 2016 and Thursday, December 15, 2016.

All meetings are held at the Tredyffrin/Easttown Administration Offices, 940 West Valley Road, Suite 1700, in Room 200 at 7:00 p.m.

**2016 Policy Committee Goals:**

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 To continue with a cyclical review of Board policies in determining if policies should be revised, updated or repealed.

**Draft Pending Committee Approval  
Policy Committee Meeting  
Thursday, September 22, 2016  
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:** Doug Carlson, Virginia Lastner, Roberta Hotinski  
**T/E School District Representatives:** Rich Gusick, Ken Roos, Andrea Chipego, Mark Cataldi

**Community Members:** Theodore Horvath, Jerry Henige, Doug Anestad, Peg Layden

**Approval of Minutes:** The minutes of the June 9, 2016 meeting were approved.

**Public Comment**

Doug Anestad commented on self-carry medication; Regulation 5115 School Attendance Areas and a map of the District; Policy and Regulation 5401 Student Discipline and athletic code of conduct; Policy 5415 Dress and Appearance; Regulation 5227 Graduation Requirements; Policy and Regulation 6141 Nondiscrimination of Students in School and Classroom Practices; Policy and Regulation 8060 Security of District Facilities and the proposed pathway at Valley Forge Middle School.

**Review of Policies for 2<sup>nd</sup> Reading**

After review and discussion, it was recommended that the following Policies be sent to the Board of School Directors for a second reading at their meeting on September 26, 2016.

**Policy and Regulation 5421: Hazing**

The original District Policy and Regulation on the prohibition of hazing was adopted on November 27, 2000. Revisions to the existing District Policy and Regulation were made due to the Antihazing Law that was recently amended by the Commonwealth of Pennsylvania. Pennsylvania secondary schools are now included in the law, which previously only applied to institutions of higher education. Hazing is defined as any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a person for the purpose of initiation, admission into, affiliation with, or continued membership in any school organization, club, team, group or activity. Students, administrators, coaches, sponsors, volunteers, District employees, representatives, agents, and contractors shall be aware of and promptly report any incidents of hazing activity.

**Policy and Regulation 5420: Harassment of Students By Non-Students**

**Policy and Regulation 4330: Harassment by and of District Employees**

The District prohibits any form of harassment. Revisions to these Policies and Regulations include a change in the title and expanded definition of harassment. Harassment may include inappropriate verbal, written, electronic, graphic, or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, gender identity, gender expression or religion. Harassment, by definition, includes sexual harassment. Complaints of harassment by a student against another student will be addressed in the same manner as other student disciplinary investigations. Each staff member will maintain an educational and work environment free from all forms of harassment. Incidents of harassment shall be reported promptly, and investigations will be conducted in an impartial and as confidential a manner as possible.

**Information**

None

## **Follow Up from Previous Policy Committee Meeting**

None

### **Policies and Regulations for Review and Discussion**

#### **Regulation 6194: District Issued Laptops**

This Regulation was revised in preparation for laptop distribution to students. Tracking of the serial number was removed from the agreement form in order to increase efficiency with laptop distribution. Serial numbers are being recorded on a separate form that students sign indicating acknowledgement of receipt of a District-issued laptop. This Regulation was approved for adoption.

#### **Regulation 5115: School Attendance Areas**

Revisions to the Regulation were made to replace the description of the location formerly known as the Chesterbrook Shopping Center with the name of the new development, Parkview at Chesterbrook. This Regulation was approved for adoption.

#### **Policy and Regulation 5401: Student Discipline**

Revisions to this Policy include clarification that students may be disciplined for offenses committed on school grounds, in school vehicles or while participating in school-sponsored activities on or off school premises or that have some other legally-recognized nexus to the school. Athletic coaches' code of conduct was discussed and will be brought back to the committee for further dialogue. The Regulation was revised to provide clarity to the Protocol for Risk Assessment of Threatening Behaviors. The revised Policy will be sent to the Office of Safe Schools for cyclical compliance. The Policy will be sent to the Board of School Directors for a first reading at their meeting on September 26, 2016.

#### **Regulation 4497: Team Facilitator Job Description**

This Regulation was introduced to specify the job goal, standard qualifications, essential functions and responsibilities of the Team Facilitator. The elementary and middle school Team Facilitator position is similar to the high school Department Chair, which has a separate job description in the Regulations. This Regulation was approved for adoption.

#### **Policy 4970: Athletic Team Coaches**

This draft Policy was deferred until next month's meeting.

#### **Policy and Regulation 6141: Nondiscrimination of Students in School and Classroom Practices**

The District prohibits any form of discrimination. Revisions to the Policy and Regulation include an expanded definition of nondiscrimination. Students will not be discriminated against based on race, color, age, creed, religion, gender, sexual orientation, gender identity, gender expression, ancestry, national origin or handicap/disability. The Policy will be sent to the Board of School Directors for a first reading at their meeting on September 26, 2016. A new section in the Regulation on Gender Expansive and Transgender (GET) students was presented in draft form. The committee began discussion about access to restrooms and locker rooms for GET students and will continue the discussion at the next committee meeting.

The following three policies and one regulation were drafted to comply with recent changes in the Public School Code.

**Policy 5120: Withdrawal from School**

This new Policy was introduced to include various circumstances in which students may withdrawal from school. This Policy will be brought back to the committee at the next meeting after drafting further revisions.

**Policy 5415: Dress and Appearance**

This new Policy conveys that students have the right to determine their dress and appearance as long as it conforms to norms of decency. The norms of decency will be established in a corresponding regulation, which will be drafted and placed on the agenda of the next committee meeting. Students may be required to wear certain types of clothing while participating in physical education classes or in activities such as music performances and athletics. This Policy will be sent to the Board of School Directors for a first reading at their meeting on September 26, 2016.

**Policy 6195: Title I Parental Involvement**

Title I is a federal program that provides funding to local school districts to improve the academic achievement of disadvantaged students. Individual schools are given the designation of Title I by the US Department of Education. The District has been in compliance with the federal law regarding Title I. This new Policy was introduced in response to the new mandate in the Public School Code that requires posting a policy regarding Title I. The Policy outlines the process in which the District and parents/guardians will jointly develop a written parental involvement plan. This Policy will be brought back to the committee at the next meeting after drafting further revisions.

**Regulation 5227: Graduation Requirements**

Revisions to this Regulation articulate that up to one credit of coursework in computer science may be applied to the mathematics credit requirement for graduation. Computer science courses that qualify for mathematics credit will be published annually in the Program of Studies. This Regulation was approved for adoption.

**Future Meetings**

Additional meetings are scheduled for Thursday, October 20, 2016, Thursday, November 17, 2016 and Thursday, December 15, 2016.

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 10:07 PM.

**2016 Policy Committee Goals:**

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

### *Student Discipline*

The principal or assistant principal of each school in the District shall have the authority to discipline students for sufficient reason in accordance with the specific building Code of Conduct, Pennsylvania Public School Code of 1949, as amended, and other applicable Federal and State laws and/or regulations. Discipline measures may include warning, detention, suspension, expulsion or other appropriate responses to the circumstances as determined by the principal. School personnel shall promptly notify the disciplined student's parent or guardian of such disciplinary action.

The Board shall receive an annual summary of disciplinary incidents.

Offenses committed on school grounds, in school vehicles or while participating in school-sponsored activities on or off school premises or that have some other legally-recognized nexus to the school, -that are considered to be of an extremely serious nature and may result in either suspension or expulsion, include but are not limited to the following:

1. Inappropriate physical contact, verbal threats or attacks, bullying or fighting ~~on school grounds, in school vehicles and/or while participating in school-sponsored activities on or off school premises.~~
2. The use of, distribution of, or possession of, any substance subject to Policy 5405. Aiding or abetting any of the above actions regarding substances subject to Policy 5405 shall be treated in the same way.
3. Carrying of any item which could be considered a weapon or which is dangerous in nature in accordance with State law.
4. Consistent lateness to or cutting of class or detentions.
5. Willful destruction or defacing of school property.
6. Chronic infraction of building rules.
7. Conduct adversely affecting the school routine or otherwise endangering the safety, morals, health or welfare of others.
8. Physical or verbal threats or attacks or other retaliatory conduct directed at school staff members, their property, or their families.
9. Chronic insubordination.

### *Bullying*

The Superintendent shall develop and promulgate an administrative regulation pertaining to bullying that includes the following:

1. -delineates disciplinary consequences for bullying in addition to what is set forth elsewhere in this Policy;
2. identifies a staff person to receive reports of alleged bullying;
3. sets forth posting requirements for this Policy and the Regulation;
4. otherwise complies with the law; and
5. identifies bullying prevention strategies.

### *Detentions*

Minor disciplinary infractions may result in assignment to detention.

### *Suspension*

When a suspendable offense occurs, the principal or assistant principal shall meet with the student at which time the student shall have the opportunity to offer an explanation of the infraction. After that meeting the principal or assistant principal may suspend a student from school for a period of up to three school days. Parents/guardians-will be notified immediately in writing. As a general rule, parents/guardians will be notified of and, where circumstances permit, given the opportunity to be present for a suspension meeting.

When a suspension exceeding three (~~3~~) school days is under consideration, the principal or assistant principal shall offer the student and student's parents/guardians a hearing as required by law. After such hearing the principal or assistant principal may extend the suspension for a period of up to ten (~~10~~)-school days. The Superintendent must approve suspensions in excess of five (~~5~~)-days. Parents/guardians will be notified immediately in writing.

The principal shall promptly report all suspension actions to the Superintendent.

### *Extended Suspension or Expulsion*

In case a suspension in excess of ten (~~10~~)-days or an expulsion is recommended, the Superintendent shall request that the Board conduct a hearing under Section 1318 of the Pennsylvania Public School Code of 1949, as amended, in order to determine the course of action it deems necessary regarding the recommendation.

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Revised: February 26, 1990

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Revised: October 25, 1999

Revised: October 24, 2005

Revised: November 21, 2011

First Reading: September 26, 2016

*Student Discipline*

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## *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 Risk Assessment of Threatening Behaviors

~~Building administrator or designee conducts initial investigation to verify incident and probability of student involvement; Office of Individualized Student Services is notified.~~

~~Building administrator or designee contacts parent/guardian to review these steps in the protocol.~~

~~Student will be suspended out of school pending further investigation and results of mental health assessment conducted by a District selected or District approved certified child and adolescent psychiatrist or other District selected or District approved qualified mental health professional to determine if student poses a threat to self or others and what supports and services may be required to assist student.~~

~~Office of Individualized Student Services or designee will contact family to discuss arrangements for assessment. Signed parent/guardian permission will be required.~~

~~If suspension exceeds three days, family has the right to an informal hearing.~~

~~Police must be notified in the event of a weapons or drug offense.~~

~~Police will be notified by the building administration in situations involving assault resulting in bodily injury.~~

~~Office of Individualized Student Services or designee prepares permission for building administrator to secure parent signature.~~

~~Office of Individualized Student Services arranges assessment and contacts parent/guardian and building administrator.~~

~~Building administrator prepares summary of incident for Superintendent.~~

~~Upon receipt of parental permission, building administrator or designee contacts mental health professional to provide information about the incident and records containing pertinent background information. The administrator or designee makes arrangements with the mental health professional to contact the building administrator or designee immediately following the assessment as to whether the student is safe to return to school.~~

~~Following the risk assessment, the mental health professional contacts the building administrator or designee as per previous agreement. The administrator or designee contacts the family.~~

~~The mental health professional sends a written report to the Office of Individualized Student Services, which, in turn, disseminates this to the building administrator and to the parent/guardian.~~

Disciplinary action is determined within the context of the mental health assessment. If student is not considered a threat to self or others, then student returns to school following a term of suspension determined by building administration. Supports and services are determined by appropriate building based team (Student Assistance, IEP, IST).

Building and District personnel work with family to discuss and implement recommendations.

## Protocol for ~~Risk Assessment~~ **Mental Health Risk Assessment** of Threatening Behaviors

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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:
  - 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 student may return to school pending the outcome of any disciplinary action.
  - e. The building administrator will determine if a mental health risk assessment (“the mental health risk assessment”) is required.
  - f. If ~~at~~ the mental health risk assessment (~~“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 ~~assessment~~ **mental health risk assessment**, and the school administrator or designee will contact the parent/guardian to discuss arrangements for the ~~assessment~~ **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 ~~risk assessment~~ mental health risk assessment.
- i. If there is a delay in the completion of the ~~risk~~ 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 ~~risk assessment~~ mental health risk assessment.
  - j. If suspension exceeds three days, the family has the right to an informal hearing. If suspension exceeds ten 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 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 ~~risk assessment~~ mental health risk assessment as to whether the student is safe to return to school and to make recommendations for support. Following the ~~risk assessment~~ 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 ~~risk assessment~~ 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 ~~(10)~~ consecutive school days and fifteen ~~(15)~~ 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 ~~(45)~~ 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 ~~on page 6~~ 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 ~~10 school days, or longer than 15 school days when added to prior suspensions in the school year~~, 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 ~~(10)~~ 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~~10 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 10 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 ~~if~~ 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 ~~on page 6~~ 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 ~~(45)~~ 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 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~~45 calendar days (the IEP team determines the setting and the student returns to regular education on the 46th 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~~45 calendar days (the IEP team determines the setting and the student returns to regular education on the 46th 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~~45 calendar days (the IEP team determines the setting and the student returns to regular education on the 46th 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 45 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 45 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 1 to 3 school days and 4 to 10 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~~10 consecutive school days or more than 15 cumulative school days (i.e., student 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~~ten consecutive or fifteen cumulative school days~~, 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 ~~t~~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 tTeam 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 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. ~~Risk assessment~~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 Treduffrin/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.

{01313796 }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

### **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:

- d) occur during the school day, on school property, on a school bus, or at a school-sponsored activity or event
- e) are severe, persistent or pervasive; and
- f) 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. ~~Risk assessment~~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 Attachment C

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.



Bullying Attachment D

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.

*Dress and Appearance*

Students have the right to determine their dress and appearance as long as it conforms to ~~community~~ norms of decency as set forth in the accompanying regulation and does not substantially and directly endanger physical health or safety, damage property or substantially disrupt activities. Students may be required to wear certain types of clothing while participating in physical education classes or in activities such as music performances and athletics.

A student may not be disciplined or excluded from regular instruction because of his or her appearance if style, fashion, or taste is the sole criterion for such action.

*Dress and Appearance*

Students are expected to dress appropriately for weather conditions and in accordance with Board Policy and the guidelines established in the applicable Student Handbook.

Student attire or appearance that materially and substantially interferes with the educational process, threatens the school or community, depicts or encourages unlawful or otherwise prohibited activity, or interferes with another student's rights is not permitted.

Clothing bearing or depicting messages, images, or advertisements relating to drugs, alcohol tobacco is not permitted. Clothing depicting violent or sexually explicit messages or images is also prohibited.

Absent an administrative exception to the contrary, students are expected to dress in accordance with Board Policy and the guidelines established in the applicable Student Handbook during school hours and at school-sponsored events.

Students whose attire does not conform to the applicable standards will be asked to put on more appropriate clothing. Students may be asked to change into appropriate clothing, if available at school, or the student's parent/guardian will be called and asked to bring more appropriate clothing to school.

Students with questions about the applicable dress code or the appropriateness of particular attire/appearance shall direct such questions to the building principal or assistant principal.

Serious or repeated violations of the dress code will be subject to disciplinary action.

Cross Reference: Board Policy and Administrative Regulation 5400 (Students' Freedom of Expression)

*Nondiscrimination of Students in School and Classroom Practices*

It is the policy of this District to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, age, creed, religion, gender, sexual orientation, gender identity, gender expression, ancestry, national origin or handicap/disability.

As used in this policy, “non-discrimination” refers to nondiscrimination with respect to students on the basis of race, color, age, creed, religion, gender, sexual orientation, gender identity, gender expression, ancestry, national origin or handicap/disability. This includes review of curriculum materials for illegal discriminatory bias. Discrimination against students which takes the form of harassment as defined in other policies shall be covered by the applicable Policy.

The District shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities. The District shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.

The Board encourages students who have been subject to discrimination and third parties who become aware of discrimination against a student or students to promptly report such alleged incidents to designated employees.

The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Director of Individualized Student Services as the District’s Compliance Officer.

The Superintendent shall ensure that procedures for resolving complaints involving discrimination against students are developed and made part of the Administrative Regulations. The procedures shall be distributed periodically to all employees and students as applicable and posted in a prominent location in each school building.

*Nondiscrimination of Students in School and Classroom Practices*

The District shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities. The District shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.

As used in this regulation, “non-discrimination” refers to nondiscrimination with respect to students on the basis of race, color, age, creed, religion, gender, sexual orientation, gender identity, gender expression, ancestry, national origin or handicap/disability.

In order to maintain a program of nondiscrimination practices with respect to students that is in compliance with applicable laws and regulations, the following procedures shall be followed:

The Compliance Officer shall publish and disseminate Policy 6141 and a complaint procedure based on this regulation at least annually to students, parents, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for illegal discriminatory bias.
2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.
3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. Student Evaluation - Review of tests, procedures and guidance and counseling materials for stereotyping and discrimination.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the student or third party of the right to file a complaint involving discrimination against a student and the complaint procedure.
2. Inform a student complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.

3. Notify the complainant, the alleged victim (if the alleged victim is not the complainant), and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

Discrimination against students which takes the form of harassment as defined in Policy No. 5420 "Harassment of Students by Non-Students" shall be covered by these procedures.

Complaints by students, parents, residents or community groups regarding implementation of equivalence between schools shall be processed in accordance with Policy 1122 "Complaints Regarding the District."

#### Complaint Procedure—Student/Third Party

##### **Step 1—Reporting**

~~A student who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the alleged incident to the building principal.~~

~~A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the alleged incident to the building principal.~~

~~Non-school employee third parties who suspect or are notified that a student has been subject to conduct that constitutes a violation of this policy are encouraged to immediately report the alleged incident to the building principal.~~

~~If the building principal is the subject of a complaint, the student, third party or employee shall report the alleged incident directly to the Compliance Officer.~~

~~The complainant or reporting employee or other third party is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.~~

##### **Step 2—Investigation**

~~Upon receiving a complaint of discrimination, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.~~

~~The investigation may consist of individual interviews with the complainant, the alleged victim (if the alleged victim is not the complainant), the accused, and others with knowledge relative to the alleged incident. The investigator may also evaluate any other information and materials relevant to the investigation.~~

~~The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the alleged incident is pending or has been concluded.~~

### **~~Step 3 – Investigative Report~~**

~~The building principal shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.~~

~~Copies of the report shall be provided to the complainant, the alleged victim (if the alleged victim is not the complainant), the accused, and the Compliance Officer where permitted by law and the applicable collective bargaining agreement.~~

### **~~Step 4 – District Action~~**

~~If the investigation results in a finding that the conduct which is the subject of the complaint constitutes a violation of Policy 6141, the district shall take prompt, corrective action to prevent such conduct from recurring.~~

~~Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.~~

### **~~Appeal Procedure~~**

- ~~1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.~~
- ~~2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.~~
- ~~3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation to the extent permitted by federal and state law, and any applicable collective bargaining agreements.~~

## Gender Expansive and Transgender (GET) Students – Ensuring Equity and Nondiscrimination

This administrative regulation is consistent with the goals of reducing stigmatization and maximizing GET students' social integration in District programs, services, and activities. However, these guidelines do not anticipate every situation that might occur with respect to GET individuals. As set forth in greater detail herein, the needs of each GET individual are unique and should be considered accordingly.

### Definitions

Understanding the terminology associated with gender identity and expression is important to providing a safe and supportive school environment for individuals in our District. The following terms are defined to assist in understanding the guidance presented. These are the most commonly used terms, though individuals may prefer other terms. Terminology and language describing transgender and gender expansive individuals can differ based on region, language, race, ethnicity, age, culture and many other factors. Members of the District's community should inquire which terms individuals prefer. Many of the following definitions are intended as functional descriptors.

“Assigned Sex at Birth” is the sex designation, usually “male” or “female,” assigned to a person at birth.

“Gender” is socially determined characteristics, roles, behaviors, and attributes a society expects from and considers appropriate for males and females; these characteristics are often referred to as “feminine” and “masculine.”

“Gender Expansive” is a term that conveys a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. Gender expansive is not synonymous with transgender; not all gender expansive individuals identify as transgender.

“Gender Expression” is the manner in which a person's gender identity is communicated to others through appearance, behavior, or physical characteristics that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or sex at birth, and shall include, but is not limited to, persons who are undergoing or have completed sex change.

“Gender Identity” is a person's innermost concept of self as male, female, a blend of both or neither - how individuals perceive themselves and what they call themselves. One's gender identity may change over one's lifetime, or it may remain the same throughout one's life. It may be the same as the gender one was assigned at birth, or it may be a different gender. The responsibility for determining an individual's gender identity rests with the individual.

“GET” is an acronym that stands for “gender expansive and transgender.”

“Sexual Orientation” is a person's emotional, romantic and/or sexual attraction to people of the other and/or same gender. Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, bisexual and queer. Sexual orientation and gender identity



are different. Transgender students may identify as gay, lesbian, bisexual, or heterosexual. Sexual orientation is different from gender identity or gender expression.

“Transgender” is an adjective used to describe a person whose sex assigned at birth does not correspond with their gender identity. A transgender person’s gender identity differs from their gender assigned at birth, and their gender expression consistently varies from stereotypical expectations and norms. A transgender person desires to live persistently by a gender that differs from that which was assigned at birth.

### Guidelines

In general, the prerogative to assert the rights of the gender expansive and transgender students belong to the student and do not require additional parental/guardian consent unless the assertion of a right delineated in these guidelines implicate parental/guardian rights under the Family Educational Rights and Privacy Act or other applicable law.

#### A. Privacy and Confidentiality

1. All, persons, including students, have a right to privacy. This includes keeping a student’s actual or perceived gender identity and expression private. Therefore, school personnel should not disclose information about a GET student’s gender identity and expression to others, including the student’s parents/guardians and/or other school personnel, unless legally required to do so or unless the student has authorized such disclosure or explicitly disclosed their gender identity in the school setting.
2. Students have the right to openly discuss and express their gender identity and expression, and to decide when, with whom, and how much information to share.
3. District and school personnel may encounter situations where transgender students have not disclosed their transgender status. School personnel must be mindful of the confidentiality and privacy rights of students when communicating with others, so as to not to violate those rights by, for example, revealing, implying, or referring to a student’s gender identity or expression.
4. To ensure confidentiality when discussing a particular concern such as conduct, discipline, grades, attendance, or health, school personnel’s focus should be specifically school-related and not on the student’s gender identity or expression.

#### B. Official Records

1. The District is required to maintain in perpetuity mandatory permanent pupil records (“official records”) which include the legal name of the student and the student’s gender as indicated on official government issued documents such as birth certificates, passports and identification cards/permits. The official records may include but are not limited to progress and grade reports, transcripts, assessment data, health records, discipline records,

Individualized Education Programs (IEP), Section 504 Plans and the student's cumulative folder.

2. The District will change a student's name and gender on official records when the name of the student is changed by the appropriate court action, such as by a change of name proceedings or through amendment of state or federally-issued identification. The new name is the official legal name of the student for all purposes, including school registration. Upon the submission of paper evidence of the court order, the student's official name in all school records shall be changed to reflect the legal name change.

#### C. Unofficial Records

1. The District shall permit a student to use a preferred name on unofficial records. The unofficial records may include but are not limited to ID cards, classroom rosters, certificates, programs, announcements, office communications, team and academic rosters, diplomas, newspapers, newsletters, school directories, yearbooks and other site-generated unofficial records. The preferred name shall also appear on the student's cumulative folder (official record) as "Also Known As" (AKA).
2. The District shall input the student's preferred name in the appropriate field of the District's electronic data system to indicate how the student's name will appear on unofficial records.

#### D. Names/Pronouns

1. Students shall be addressed by the name and pronouns that correspond to their gender identity asserted at school without obtaining a court order, changing their official records or obtaining parent/legal guardian permission.
2. Students shall be known by the name and the gender by which the person identifies. However, there may be situations (e.g., communications with family, official state or federal records, and assessment data) where it may be necessary and recommended for staff to be informed of the student's legal name and gender. In these situations, staff should prioritize the safety, confidentiality, and respect of the student in a manner that affirms the law.
3. If school personnel are unsure how a student wants to be addressed in communications to the home or in conferences with parents/legal guardians, they may privately ask the student. For communications with a student's parent/legal guardian, school personnel should refer to this policy's prior section on "Privacy and Confidentiality."
4. Every effort should be made to use the preferred names and pronouns consistent with a student's gender identity. While inadvertent slips or honest mistakes may occur, the intentional and persistent refusal to respect a student's gender identity is a violation of District Policy.

#### E. Restroom Accessibility

1. Schools may maintain separate restroom facilities for male and female students. Where schools maintain separate restroom facilities for male and female students, GET students shall have access to the restroom that corresponds to their gender identity asserted at school.
2. Where available, a single stall restroom should be available to any student, GET or not, who desires increased privacy, regardless of the underlying reason.
3. If a student desires increased privacy, regardless of the underlying reason, the administrator or designee shall make every effort to provide the student with reasonable access to an alternative restroom such as a single-stall restroom. The use of such a single stall restroom should be a matter of choice for a student, and no student shall be compelled to use such restroom.
4. Administrators or designee may take steps to designate single stall “gender neutral” restrooms in the District.

#### F. Locker Room Accessibility

1. Schools may maintain separate locker room facilities for male and female students. Students shall have access to the locker room facility that corresponds to their gender identity asserted at school.
2. If there is a request for increased privacy, any student shall be provided access to a reasonable accommodation such as but not limited to:
  - a. Assignment of a student locker in near proximity to the coaches’ office or a supportive peer group.
  - b. Use of a private area within the public area of the locker room facility (e.g., nearby restroom stall with a door or an area separated by a curtain).
  - c. Use of a nearby private area (e.g., nearby restroom).

#### G. Sports, Athletics, and Physical Education

1. Physical education classes and events are typically co-gender. In the event that the classes or activities are sex-segregated, GET students shall participate in physical education by their gender identity asserted at school.
2. Participation in competitive athletics, intramural sports, athletic teams, competitions, and contact sports shall be facilitated in a manner consistent with the student’s gender identity asserted at school (Griffin & Carroll, 2010) and in accordance with the Pennsylvania Interscholastic Athletic Association bylaws.

#### H. School Activities and Programs

1. Students have the right to equitable access to activities and programs in their school. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of gender identity in any program or activity. These activities and programs may include but are not limited to school day/after school activities/ programs and all extra- curricular activities.
2. Whenever students are separated by gender in school activities or are subject to and otherwise lawful gender specific rule, policy, or practice, students must be permitted to participate in such activities or conform to such rule policy or practice consistent with their gender identity (U.S. Department of Education Office of Civil Rights, 2014).
3. For overnight field trips, GET students can communicate their preferred sleeping arrangement to their teacher and/or a school administrator at least a month prior to the date of the field trip. As with other students, the school should try to pair the GET student with peers with whom the student feels comfortable. The District should make adjustments to prevent the student from being marginalized because of any alternative arrangements. Regardless of whether those roommates know about the student's gender identity, the District has an obligation to maintain the student's privacy and cannot disclose or require disclosure of the student to the other students or their parents.

#### I. Course Accessibility and Instruction

1. Students have the right to equitable learning opportunities in their school. Students shall not be required to take and/or be denied enrollment in a course on the basis of their gender identity in any educational and academic program.
2. The District incorporates positive information about GET issues into curricula.
3. The District makes an effort wherever possible to ensure school computers are free of filtering software that blocks information about GET people, history, rights and organizations.

#### J. Dress Codes/School Uniform Policies

1. A school's dress code policy shall be gender-neutral. Schools cannot enforce specific attire based on gender.
2. Students have the right to dress in accordance with their gender identity within the constraints of the dress codes adopted by the school. Gender-neutral dress code guidelines apply to regular school days as well as any school sponsored activities.

#### K. Student Safety

1. School staff must ensure that students are provided with a safe school environment that is free of discrimination, harassment, bullying and/or intimidation.
2. School staff and families should work together to resolve complaints alleging discrimination, harassment, bullying and/or intimidation based on a student's actual or perceived gender identity or expression. Complaints of this nature are to be handled in the same manner as other complaints. Consideration should be given as to whether a Sexual Harassment investigation is warranted. For more information, see the District's policy prohibiting harassment by and of students and employees referenced below.

L. Education and Training

1. When possible, the District will conduct staff training and ongoing professional development in an effort to build the skills of all staff members to prevent, identify and respond to harassment and discrimination. In order to further a safe and supportive school environment for all students, the District will incorporate education and training about gender expansive and transgender students into their anti-bullying curriculum, student leadership trainings and staff professional development. The content of such professional development/training should include, but not be limited to:
  - a. Terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents;
  - b. Appropriate strategies for communicating with students and parents about issues related to gender identity and gender expression, while protecting student privacy;
  - c. Strategies for preventing and intervening in incidents of harassment and discrimination, including cyber-bullying;
  - d. District and staff responsibilities under applicable laws and District policies regarding harassment, discrimination, and gender identity and expression issues.

**Cross reference:**

Policy No. 6141. *Nondiscrimination of Students in School and Classroom Practices*

Policy No. 4330, ~~Unlawful~~ *Harassment by and of TESD Employees*

Policy No. 5420, ~~Prohibited~~ *Harassment of Students by Non-Students*

Policy No. 5225, *Student Records*

Policy No. 5400, *Students' Freedom of Expression*

*Withdrawal from School*

~~Students are encouraged to complete an educational program that will provide them with skills, increase their chances for success, and enable them to have a fulfilling adult life.~~

“Withdrawal from school” for the purpose of this policy is the cessation of formal education prior to graduation for a student who meets any of the following criteria:

- A student who has attained the age of 16, is engaged in lawful employment, has a valid employment certificate, and has written consent of parent/guardian.
- A student who is seventeen years of age and who has written consent of parent/guardian.
- A student who ~~has been remanded to~~ is incarcerated in a correctional institution.
- A student who is mentally incapacitated as determined by an approved mental clinic certificated psychological examiner or certificated school psychologist and is excused by the ~~school b~~Board.
- A student who is entering the armed services.
- A student who has reached the age of 18 subject to the conditions above if the student is also mentally incapacitated.

A special effort shall be made whenever a student is withdrawing from school for other than involuntary reasons to determine both the reasons for such action and resources accessible to the ~~school d~~District which can ~~and should~~ be used to assist the student in reaching attainable career goals.

The withdrawal of a student attending college full-time shall be approved by the Superintendent.

The Superintendent shall prepare procedures for a student’s withdrawal from school which shall include:

- ~~Make~~Making guidance counseling services available to students who wish to withdraw from school and to students who wish to re-enroll.
- Informing the student of the tests for General Education Development and other alternative educational opportunities.
- ~~Assure~~Seeking the timely return of all ~~school d~~District owned supplies and equipment in the possession of the withdrawing student.
- Informing ~~the~~ students of their right to a public school education until graduation or the age of 21.

*Withdrawal from School*

Should a student seek to withdraw from school, the following procedures must be followed:

1. An Official Withdrawal Request form must be completed and returned to the Attendance Office. (See Attachment 1).
2. Permission to withdraw shall only be granted upon written consent from a minor student's parent/guardian and supporting justification.
3. The student and his/her parent/guardian may receive counseling, upon request, from the school regarding the possible ramifications of withdrawal from school. Such counseling shall include the following:
  - a. Information aimed at helping the student identify and achieve educational and life goals;
  - b. Information regarding the student's e right to a public school education until graduation or the age of 21; and
  - c. Information about the tests for General Educational Development examinations and other alternative educational opportunities.
4. All District-owned supplies and equipment in the possession of the student shall be returned to the school prior to withdrawal. Failure to return school property may delay the withdrawal process.

ATTACHMENT 1

**TREDYFFRIN/EASTTOWN SCHOOL DISTRICT WITHDRAWAL FORM**

*An Official Withdrawal Request form must be completed for a student to withdraw in accordance with Policy 5120. Upon request, the student shall return all textbooks, library books, athletic uniforms and any other school-provided supplies or equipment. Failure to return school property may delay the withdrawal.*

Date of Request: \_\_\_\_\_ Last Date of Attendance: \_\_\_\_\_

Student Name: \_\_\_\_\_

Grade: \_\_\_\_\_ School: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Reason for Withdrawal: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Parent/Guardian (or Student, if 18 year of age or older)

**School Use Only:**

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

\_\_\_\_ **Approved**  
\_\_\_\_ **Rejected; Reason:** \_\_\_\_\_



*Title I Parental Involvement*

~~The Board recognizes that parental involvement contributes to the achievement of academic standards by students participating in Title I programs. The Board views the education of students as a cooperative effort among the school, parents/guardians and community.~~

*Authority*

In compliance with federal law at 20 U.S.C. Sec. 6318, the District and parents/guardians of students participating in the Title I programs shall jointly develop and agree upon a written parental involvement plan. ~~When developing and implementing this plan, the District shall ensure the plan describes how the District will:~~

~~Involve parents/guardians in the joint development of the District's overall Title I plan and the process of school review and improvement.~~

~~Provide the coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance.~~

~~Develop activities that promote the schools' and parents'/guardians' capacity for strong parental involvement.~~

~~Coordinate and integrate parental involvement strategies with appropriate programs, as provided by law.~~

~~Involve parents/guardians in an annual evaluation of the content and effectiveness of the plan in improving the academic quality of schools served under Title I.~~

~~Identify barriers to participation by parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority.~~

~~Use findings of annual evaluations to design strategies for more effective parental involvement.~~

~~Involve parents/guardians in the activities of schools served under Title I.~~

*Distribution*

The Board shall adopt and distribute the parental involvement plan, which shall be incorporated into the District's Title I plan and shall be evaluated annually, with parental involvement.

*Delegation of Responsibility*

The Superintendent or designee shall ensure that the District's Title I parental involvement plan and programs comply with the requirements of federal law. When developing and implementing this plan, the Superintendent or designee shall ensure the plan describes how the District will:

1. Involve parents/guardians in the joint development of the District's overall Title I plan and the process of school review and improvement.
2. Provide the coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance.
3. Develop activities that promote the schools' and parents'/guardians' capacity for strong parental involvement.
4. Coordinate and integrate parental involvement strategies with appropriate programs, as provided by law.
5. Involve parents/guardians in an annual evaluation of the content and effectiveness of the plan in improving the academic quality of schools served under Title I.
6. Identify barriers to participation by parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority.
7. Use findings of annual evaluations to design strategies for more effective parental involvement.
8. Involve parents/guardians in the activities of schools served under Title I.

~~The building principal and/or Title I staff shall provide to parents/guardians of students participating in Title I programs:~~

- ~~1. Timely information about programs under Title I.~~
- ~~2. Explanation of the reasons supporting their child's selection for the program.~~
- ~~3. A description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet.~~
- ~~4. If requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible.~~

~~The Superintendent or designee shall ensure that information and reports provided to parents/guardians regarding Title I are in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand.~~

*Guidelines*

~~An annual meeting of parents/guardians of participating Title I students shall be held to explain the goals and purposes of the Title I program. Parents/Guardians shall be given the opportunity to participate in the design, development, operation and evaluation of the program. Parents/Guardians shall be encouraged to participate in planning activities, to offer suggestions, and to ask questions regarding policies and programs.~~

~~In addition to the required annual meeting, additional parent/guardian meetings shall be held at various times of the day and evening. If sufficient, Title I funding may be used to facilitate parent/guardian attendance at meetings through payment of transportation and child care costs. Parents shall also be involved in an organized, ongoing and timely way, in the planning, review, and improvement of programs under Title I, including the planning, review, and improvement of the school parental involvement plan and the joint development of the schoolwide program plan under 20 U.S.C. Section 6314(b)(2), unless the District schools have in place a process for involving parents in the joint planning and design of the District schools' programs, the District schools may use that process as long as such process includes an adequate representation of parents of participating children.~~

~~If the District's Title I plan is not satisfactory to the parents of participating children, the District shall submit any parent comments with such plan when the District submits the plan to the State.~~

*Title I Parental Involvement*

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1. Timely information about programs under Title I.
2. Explanation of the reasons supporting their child's selection for the program.
3. A description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet.
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If the District's Title I plan is not satisfactory to the parents of participating children, the District shall submit any parent comments with such plan when the District submits the plan to the State.

*Private Coaching or Training of Students by District Athletic Coaches*

District-employed athletic coaches are not permitted to receive financial remuneration for the private coaching or private training of District student-athletes who play in the same school and sport for which the coach is employed.

For purposes of this Policy and its accompanying regulation, the following definitions apply:

“Private Coaching” means administering, directing, or coaching a camp or clinic, league, or tournament that is attended by players from the school sports team for which the coach is employed to coach, in-season and out-of-season.

“Private Training” means providing instruction in the techniques and skills of a particular sport outside of the coaching done on behalf of the District, in-season and out-of-season.

*Private Coaching or Training of Students by District Athletic Coaches*

District-employed athletic team coaches (“District coaches”) shall refrain from the following:

1. Promoting or requiring student participation in any private training, practice, camp, clinic, or sports contest
2. Making team roster selections and/or playing time decisions based on factors other than those related to school requirements or factors related to participation in the District’s athletic program

Student participation in any sports or training activity that occurs outside of the District’s athletic program must be voluntary.

District coaches, on their own time, are permitted to work at camps, clinics, or sports contests wherein students who are not in the same school to which they are assigned to coach by the District are participants. However, a student’s participation or non-participation in such activities may in no way influence future roster selections, future playing time decisions, or other aspects of the student’s participation in the District’s athletic or academic program.

District coaches are not permitted to receive financial remuneration for the private coaching or private training of District student-athletes who play in the same school and sport for which the coach is employed, in-season or out-of-season.

District coaches who privately train students as set forth in this Regulation or coach non-District teams must do so on their own time and not on the premises of the District unless authorized as a private user pursuant to Board policy.

District coaches shall notify the Athletic Director immediately if they discover that they are inadvertently working at camps, clinics, or sports contests wherein a student in the same school to which they are assigned to coach by the District is a participant.

Violations of this regulation will subject the District coach to discipline up to and including termination from employment as a District coach.

*Food and Nutrition Services*

Elementary

~~Students who continually have a zero or negative balance in their account will not be permitted to purchase a la carte items until the balance has been paid in full. Each Friday, parents whose child's balance is \$5.00 or less will receive a current balance letter distributed in student envelopes. If the account exceeds a negative balance of \$10.00, a letter will be mailed to the parent(s) stating the current balance and this Regulation. If the account reaches a negative balance of \$20.00 or greater, the student will receive the cold lunch choice along with fruit and milk until the entire balance has been paid in full.~~

Middle School

~~Students will only be permitted to charge to a maximum of \$10.00. If the student's account exceeds a negative balance of \$10.00, the student will receive the cold entrée choice of the day (typically ham and cheese or turkey sandwich) along with fruit and milk. No a la carte purchases can be made if the account exceeds a negative balance of \$10.00. Each Friday, parents whose child's balance is \$5.00 or less will receive a current balance letter distributed to students in homeroom. If the account exceeds a negative balance of \$10.00, a letter will be mailed to the parent(s) stating the current balance and this Regulation. If the account exceeds a negative balance of \$25.00, the student will be denied service until the entire balance is paid in full.~~

High School

~~Students will only be permitted to charge to a maximum of \$10.00. If the student's account exceeds a negative balance of \$5.00, a letter will be mailed to the student's home stating the Regulation. If the account exceeds a negative balance of \$10.00, the student will be denied service until the entire balance is paid in full.~~

Free and Reduced Eligible

~~Students eligible for free or reduced meals will not be denied a reimbursable meal, regardless of their account balance.~~

Parents/guardians are responsible for their student's cafeteria food purchases and are expected to maintain payments on any outstanding account balance for cafeteria food purchases.

If students have an account balance of \$5.00 or less, they will be notified weekly via a notice distributed in homeroom or in student folders. If the student's outstanding account balance due exceeds \$20.00, a request for payment letter will be mailed to the student's home address. In addition, a school official will contact the parent/guardian to resolve the outstanding account balance due by one or more of the following methods: telephone,

electronic communication, certified letter. These contacts will continue until the outstanding account balance due is satisfied.

If the student's outstanding account balance due is in excess of \$50.00 and remains unpaid for more than 30 days the parent/guardian may incur additional collection charges on the outstanding balance up to 10% of the amount due. If a good faith effort is not made towards payment of the outstanding balance due, other services may be denied and the outstanding account balance due may be referred to an outside credit agency.

Parent/guardians experiencing economic hardships may request payment arrangements from the District. Students will not be denied food service purchases unless requested by the parent.