

**Policy Committee Agenda
October 6, 2020 – 7:00 p.m.
Virtual Meeting**

1. Public Comment

Public comment on the proposed revisions of the agenda items will be read during the discussion of the applicable Policy/Regulation. Public comment for non-agenda Policy/Regulation items will be read after all agenda items are closed.

2. Approval of Minutes of the September 1, 2020 Policy Committee Meeting

3. Review of Policies for 2nd Reading

- Policy and Regulation 6141: Equal Opportunity and Nondiscrimination of Students in School and Classroom Practices

4. Information

- None

5. Follow Up from Previous Policy Committee Meeting

- Policy and Regulation 5401: Student Discipline
- Regulation 5461: Maintaining Appropriate Boundaries with Students

6. Policies and Regulations for Review and Discussion

- Policy and Regulation 3370: Capital Assets
- Policy and Regulation 4330: Harassment by and of District Employees
- Policy and Regulation 4001: Equal Opportunity and Nondiscrimination in Employment Practices
- Policy and Regulation 5420: Harassment of Students by Non-Students
- Policy and Regulation 1131: Parent Organizations

7. Public Comment for Non-Agenda Policy/Regulation items

8. Future Meetings

Policy meetings for the 2020-2021 school year will be November 10, January 5, February 2, March 2, April 6 and May 4. Unless advertised otherwise, all meetings are held at the Tredyffrin/Easttown Administration Offices, 940 West Valley Road, Suite 1700, in Room 200 at 7:00 p.m.

2020 Policy Committee Goals:

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continue with a cyclical review of Board Policies and Regulations in determining if they should be revised, updated or repealed.

Draft Pending Committee Approval
Policy Committee Meeting
Tuesday, September 1, 2020
Virtual Meeting
7:00 p.m.

Due to social distancing protocol, the meeting was held virtually.

Board Committee Members: Kyle Boyer, Chair; Todd Kantorczyk, Sue Tiede, Tina Whitlow
Other Board Members: Michele Burger, Scott Dorsey, Roberta Hotinski

T/E School District Representatives: Rich Gusick, Ken Roos, Mark Cataldi, Oscar Torres, Mike Szymendera

Attendees:

Since the meeting was held virtually, a link to join the meeting was made available on the District website.

Approval of Minutes

The minutes of the May 5, 2020 meeting were approved.

Public Comment

Since the meeting was held virtually, the manner in which the public could share comments was advertised during the beginning of the meeting and received via email at Virtualpolicycomment@tesd.net.

No public comments were received during the comment period.

Review of Policies for 2nd Reading

None

Information

None

Follow Up from Previous Policy Committee Meeting

None

Policies and Regulations for Review and Discussion

The following Policies and Regulations were revised to align with the federal Title IX guidance and the recently released regulations from the U.S. Department of Education regarding sexual harassment and assault.

Policy and Regulation 5401: Student Discipline

The definitions of harassment and sexual harassment were revised, and new definitions of sexual assault, dating violence, and domestic violence were added to the Policy. In the event a report of sexual harassment is received, the Title IX Coordinator must be notified so that a proper investigation may begin in accordance with the procedures set forth on the District's website. The Committee agreed to send the Policy for a first reading at the Board of School Directors meeting on September 29, 2020 with the additional revision of specifying that the Director of State and Federal Programs is designated

as the Title IX Coordinator*. The Regulation will be further revised to include the contact information for the Title IX Coordinator and will go into effect upon the adoption of the Policy.

*Post Committee Meeting Note: While preparing this revision for the Board meeting, additional changes were identified. As such, the Policy will be brought back to the next Policy Committee meeting and will not be sent for a first reading yet.

Policy and Regulation 5461: Maintaining Appropriate Boundaries with Students

No revisions were made to the Policy so it will be marked as reviewed and posted. The revisions to the Regulation were made to the section on Reporting Inappropriate or Suspicious Conduct, including the requirement that the Superintendent and Title IX Coordinator be notified promptly. The Regulation will be further revised to include the contact information for the Title IX Coordinator and will be brought back to the committee for further review.

Policy and Regulation 6141: Equal Opportunity and Nondiscrimination of Students in School and Classroom Practices

The District will provide an equal opportunity for all students to achieve their maximum potential through the programs and activities offered by the District without discrimination on the basis of actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status or handicap/disability, as required by Title VI, Title IX and Section 504. The District shall comply with federal law and regulations under Title IX prohibiting sexual harassment. The Director of State and Federal Programs is designated as the District's Title IX Coordinator. The contact information and procedures for contacting the Title IX Coordinator are included in the Regulation. The Policy will be sent to the Board of School Directors for a first reading at their meeting on September 29, 2020. The Regulation was approved and will go into effect upon the adoption of the Policy.

Additional Information:

The Committee asked that all Policies and Regulations be reviewed for gender pronouns and be revised to reflect gender neutral wording. Revisions of this nature are considered non-substantive and will be completed in accordance with Policy 9330.

Future Meetings

Policy meetings for the 2020-2021 school year will be October 6, November 10, January 5, February 2, March 2, April 6 and May 4. Unless advertised otherwise, all meetings are held at the Tredyffrin/Easttown Administration Offices, 940 West Valley Road, Suite 1700, in Room 200 at 7:00 PM.

Adjournment

The meeting adjourned at 7:49 PM.

Equal Opportunity and Nondiscrimination of Students in School and Classroom Practices

The District will provide an equal opportunity, ~~free from discrimination~~, for all students to achieve their maximum potential through the programs and activities offered by the District ~~regardless of~~without discrimination on the basis of actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status or handicap/disability, as required by Title VI, Title IX and Section 504. Furthermore, the District provides equal access to the Boy Scouts and other designated youth groups, as required by law.

As used in this Policy and the accompanying Administrative Regulation, “nondiscrimination” refers to non-discrimination with respect to students on the basis of actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status, or handicap/disability. This Policy and the accompanying Administrative Regulation is intended to govern the investigation of complaints of discrimination related to the topics listed in the accompanying Administrative Regulation. To the extent that a complaint of discrimination is received pursuant to this Policy, but should instead properly be handled in accordance with an investigation procedure outlined in another Board Policy, the ~~Compliance Officer~~Title IX Coordinator, in consultation with the Superintendent, as needed, may redirect such complaint so as to be handled in accordance with the appropriate Board Policy.

The District shall provide to all students, without discrimination, course offerings, counseling, assistance, services, employment, athletics and extracurricular activities. The equitable distribution of District resources is one means the District shall use to ensure all students receive a quality education. The District shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.

The District shall comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this Policy and the accompanying Administrative Regulation as Title IX sexual harassment and which is more fully defined in the accompanying regulation. Inquiries regarding the application of Title IX to the District may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

Students and third parties who believe they or others have been subject to discrimination are encouraged to promptly report such alleged incidents to the Title IX Coordinator, a building administrator, teacher, or school counselor, even if some elements of the related incident took place or originated away from school grounds, school activities or school conveyances. If the Title IX Coordinator is the subject of the report, then the incident

shall be reported to the Superintendent. In the event a report of Title IX sexual harassment, other discrimination, or retaliation is received by a school employee other than the Title IX Coordinator (or, the Superintendent in the event that the Title IX Coordinator is the subject of the report), such report shall promptly be forwarded to the Title IX Coordinator (or, the Superintendent in the event that the Title IX Coordinator is the subject of the report) for response and investigation in accordance with applicable legal obligations.~~All employees should be trained to promptly refer complaints of alleged discrimination to the designated Compliance Officer.~~

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Director of State and Federal Programs as the District's Title IX Coordinator. The contact information and procedures for contracting the Title IX Coordinator are included in the accompanying Administrative Regulation.~~For purposes of this Policy and the accompanying Administrative Regulation, the Compliance Officer shall be the Director of Curriculum, Instruction, Staff Development and Planning.~~ Depending on the specific allegations raised in a complaint received pursuant to this Policy, the Superintendent may designate additional individuals to assist the ~~Compliance Officer~~Title IX Coordinator in carrying out their responsibilities outlined herein.

~~Third parties who become aware of discrimination against a student or students are similarly encouraged to promptly report such alleged incidents in accordance with the above procedures.~~

Verbal or written complaints of discrimination shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be maintained, consistent with the District's legal and investigative obligations.

No reprisals or retaliation by the District or any other person shall occur as a result of:

- Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment;
- Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing; or
- Acting in opposition to practices the person reasonably believes to be discriminatory.

The District, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator (or the Superintendent, in the event the allegations involve the Title IX Coordinator) immediately if retaliation is believed to _____ have _____ occurred.

~~Retaliation against any person for making a report of discrimination or participating in a related investigation or hearing, or opposing practices the person reasonably believes to be discriminatory is prohibited. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.~~

The Superintendent or designee shall ensure that procedures for resolving complaints involving discrimination against students are developed and made part of the accompanying Administrative Regulation. The procedures shall be distributed periodically to all students and posted in prominent locations for students and third parties to access.

The ~~Compliance Officer~~Title IX Coordinator is responsible for ensuring that adequate nondiscrimination procedures are in place, and for recommending new procedures or modification to existing procedures, to ensure the effectiveness of this Policy and the accompanying Administrative Regulation.

Equal Opportunity and Nondiscrimination of Students in School and Classroom Practices

Definitions

See glossary at end of this regulation.

In order to maintain an environment where students are provided an equal opportunity, free from discrimination, that is in compliance with applicable laws and regulations, the following procedures shall be followed:

The ~~Compliance Officer~~Title IX Coordinator is responsible to monitor the implementation of equal opportunity and 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. Resources - Maintain and provide information to staff on resources available to alleged victims in addition to the school complaint procedure.
4. 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.
5. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related areas.
6. Student Evaluation - Review of tests, procedures and guidance and counseling materials for stereotyping and discrimination.
7. Complaints - Monitor and provide assistance to building principals or designees in processing complaints.

If a complaint received pursuant to this Administrative Regulation and the accompanying Board Policy is received by an individual other than the ~~Compliance Officer~~Title IX Coordinator, that individual shall promptly notify the ~~Compliance Officer~~Title IX Coordinator. The ~~Compliance Officer~~Title IX Coordinator, in consultation with the Superintendent, shall assess who should complete the subsequent investigation and then promptly assign the investigation to that individual.

The District's Title IX Coordinator is the Director of State and Federal Programs. Contact information for the Director of State and Federal Programs is outlined below.

Position: Director of State and Federal Programs

Address: Tredyffrin/Easttown School District Administration Offices, 940 West Valley Road, Suite 1700, Wayne, PA 19087

Email: torreso@tesd.net

Phone: 610-240-1909

Reports of violations of this Administrative Regulation and the accompanying Board Policy (except for allegation of Title IX sexual harassment) will be handled in accordance with the procedures indicated below.

Claims of Title IX sexual harassment shall be handled in accordance with the process and procedures available at <https://www.tesd.net/domain/1894>, specifically the document titled “Grievance Process with Exhibits.”

General Complaint Resolution Procedures

The individual assigned to investigate the complaint shall perform the following tasks:

1. Inform the complainant about this Administrative Regulation and the accompanying Board Policy, including the right to an investigation of both oral and written complaints of discrimination.

~~2.~~

- ~~3.~~2. Obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18). Inform parents/guardians and students that they may be accompanied by a parent/guardian during all steps of the complaint procedure.

- ~~4.~~3. Provide relevant information on resources available in addition to the school complaint procedure.

- ~~5.~~4. After consideration of the allegations, and in consultation with the ~~Compliance Officer~~ **Title IX Coordinator** and/or other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and others, as necessary, from violation of this Administrative Regulation and the accompanying Board Policy during the course of the investigation.

Complaint Procedure – Student/Third Party

Step 1 – Reporting

A student or third party who believes they have been subject to conduct that constitutes a violation of this Administrative Regulation or the accompanying Board Policy is encouraged to immediately report the incident as outlined in the accompanying Board Policy. Any person with knowledge of conduct that may violate this Administrative Regulation or the accompanying Board Policy is similarly encouraged to immediately report the matter as outlined in the accompanying Board Policy.

A school employee who is notified that a student has been subject to conduct that constitutes a violation of this Administrative Regulation or the accompanying Board Policy shall immediately report the incident pursuant to the procedures outlined in the accompanying Board Policy.

Step 2 – Investigation

Where an attorney is not used to conduct an investigation into a discrimination complaint, only individuals who have received basic training or informed guidance on the applicable law, this Administrative Regulation and the accompanying Board Policy, and how to conduct a proper investigation shall be authorized to conduct the investigation.

The investigator shall work with the ~~Compliance Officer~~Title IX Coordinator or Superintendent's designee to assess the anticipated scope of the investigation, who might need to be interviewed, and what records may be relevant.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused shall be provided the opportunity to present witnesses and other evidence during the course of the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the ~~Compliance Officer~~Title IX Coordinator or Superintendent's designee, who shall promptly inform law enforcement authorities about the allegations.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling the District's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

Step 3 – Investigative Report

The investigator shall prepare and submit a written report to the ~~Compliance Officer~~Title IX Coordinator or Superintendent's designee within twenty (20) business days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the ~~Compliance Officer~~Title IX Coordinator or Superintendent's designee to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this Administrative Regulation or the accompanying Board Policy, and of any other violations of law or Board Policy which may warrant further District action, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition within a reasonable time of the submission of the written report. The accused shall not be notified of the individual remedies offered or provided to the complainant.

Step 4 – District Action

If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of this Administrative Regulation or the accompanying Board Policy, the District shall take prompt and appropriate corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The District shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The ~~Compliance Officer~~Title IX Coordinator or Superintendent's designee shall follow up as necessary to assess the effectiveness of the corrective action.

If an investigation results in a finding that a different Board Policy was violated separately from or in addition to violations of this Administrative Regulation and the accompanying Board Policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board Policy, Administrative Regulations, and state and federal laws.

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding or the corrective action recommended in the investigative report, they may submit a written appeal to the ~~Compliance Officer~~ Title IX Coordinator or Superintendent's designee within fifteen (15) business days. If the ~~Compliance Officer~~ Title IX Coordinator or Superintendent's designee investigated the complaint, such appeal shall be made to the Superintendent.
2. The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.
3. The person handling the appeal shall prepare a written response to the appeal within twenty (20) business days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

Additional Guidelines/Procedures

Students have the right to equitable access to facilities, activities, programs, and instruction in their school. Schools may maintain separate restroom and locker room facilities for male and female students. The District will handle requests regarding facilities access on a case-by-case basis in accordance with applicable law. Participation in club sports or interscholastic athletics shall be handled in a manner consistent with Policy 6146(Student Athletics). Whenever students are separated by gender in school activities or are subject to an 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 asserted at 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.

Cross References:

Policy & Regulation 5420, *Harassment of Students by Non-Students*

Policy & Regulation 5401, *Student Discipline*

~~Regulation~~ Policy & Regulation 5225, *Student Records*

Policy & Regulation 5400, *Students' Freedom of Expression*

Policy & Regulation 5415, *Dress and Appearance*

Policy & Regulation 6146, *Student Athletics*

Policy & Regulation 6145, *Student Activities*

Glossary of terms

Discriminatory harassment means 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 when such conduct:

1. Is sufficiently severe, persistent or pervasive that it affects a student's educational performance or creates an intimidating, threatening or abusive educational environment; and/or
2. Has the purpose or effect of unreasonably interfering with a student's educational performance; and/or
3. Adversely affects a student's educational opportunities.

Discriminatory harassment includes, but is not limited to, slurs, jokes, bullying, hazing or other 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. Discriminatory harassment also includes sexual harassment, as defined below.

Sexual harassment is a specific form of discriminatory harassment which means unwelcome sexual advances, requests for sexual favors, inappropriate verbal or physical conduct of a sexual nature, gestures of a sexual nature, or display of materials which evoke responses not in keeping with the atmosphere intended for the classroom or the school environment.

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- A. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- C. Sexual assault, dating violence, domestic violence, or stalking.

Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Dating violence means violence committed by a person:

- A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- ~~A.~~B. Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- i. The length of the relationship.
- ii. The type of relationship.
- iii. The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. Fear for their safety or the safety of others; or
- B. Suffer substantial emotional distress.

Student Discipline

~~***Note:** Notwithstanding anything to the contrary in this Policy or the accompanying Administrative Regulation, All all sexual harassment complaints must be handled in accordance with the procedures set forth in Appendix GP, which is available on the District's website at <https://www.tesd.net/domain/1894> in the document titled "Grievance Process with Exhibits."* Any questions regarding this matter should be directed to the Title IX Coordinator.~~

Definitions

For purposes of this Policy and the accompanying Administrative Regulation, the following definitions shall apply:

Bullying shall mean an intentional electronic, written, verbal or physical act, or a series of acts which meet the following criteria:

1. directed at another student or students;
2. occurs in a school setting;
3. is severe, persistent or pervasive; and
4. has the effect of doing any of the following:
 - a. substantially interfering with a student's education;
 - b. creating a threatening environment; or
 - c. substantially disrupting the orderly operation of the school.

School setting shall mean in school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the District.

Hazing occurs any time a person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a student into or with an organization, or for the purpose of continuing or enhancing a student's membership or status in an organization, causes, coerces or forces a student to do any of the following:

1. Violate Federal or State criminal law.
2. Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the student to a risk of emotional or physical harm.
3. Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
4. Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.
5. Endure brutality of a sexual nature.
6. Endure any other activity that creates a reasonable likelihood of bodily injury to the student.

Aggravated hazing occurs when a person commits an act of hazing that results in serious bodily injury or death to the student and:

1. The person acts with reckless indifference to the health and safety of the student;
- or

2. The person causes, coerces or forces the consumption of an alcoholic liquid or drug by the student.

Organizational hazing occurs when an organization intentionally, knowingly or recklessly promotes or facilitates hazing.

Any activity, as described above, shall be deemed a violation of this Policy and the accompanying Administrative Regulation, regardless of whether the consent of the student was sought or obtained or whether the conduct was sanctioned or approved by the student organization.

Student activity or organization means any activity, society, corps, team, club or service, social or similar group, operating under the sanction of or recognized as an organization by the District, whose members are primarily students or alumni of the District.

Bodily injury shall mean impairment of physical condition or substantial pain.

Serious bodily injury shall mean bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Discriminatory hHarassment means verbal, written, electronic, graphic or physical conduct relating to an individual's actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status or handicap/disability ~~race, color, national origin/ethnicity, gender, age, disability, sexual orientation, gender identity, gender expression or religion~~ when such conduct:

1. Is sufficiently severe, persistent or pervasive that it affects a student's educational performance or creates an intimidating, threatening or abusive educational environment; and/or
2. Has the purpose or effect of unreasonably interfering with a student's educational performance; and/or
3. Adversely affects a student's educational opportunities.

Discriminatory hHarassment includes, but is not limited to, slurs, jokes, bullying, hazing or other verbal, written, electronic, graphic or physical conduct relating to an individual's actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status or handicap/disability ~~race, color, national origin/ethnicity, gender, age, disability, sexual orientation, gender identity, gender expression or religion~~. ~~Harassment~~ Discriminatory harassment also includes sexual harassment, as defined below.

Sexual harassment is a specific form of discriminatory harassment which means unwelcome sexual advances, requests for sexual favors, inappropriate verbal or physical

conduct of a sexual nature, gestures of a sexual nature, or display of materials which evoke responses not in keeping with the atmosphere intended for the classroom or the school environment.

Title IX s**Sexual harassment** is a specific form of sexual harassment which means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.~~is a specific form of harassment which means unwelcome sexual advances, requests for sexual favors, inappropriate verbal or physical conduct of a sexual nature, gestures of a sexual nature, or display of materials which evoke responses not in keeping with the atmosphere intended for the classroom or the school environment.~~

Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Dating violence means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for their safety or the safety of others; or
2. Suffer substantial emotional distress.

Threat means a communication of intent to harm another individual or property or behavior suggesting intent to harm an individual or property.

Threatening behavior shall mean a physical, verbal or written threat to (1) commit violence with intent to terrorize, injure or damage another or others, (2) cause evacuation of a building, place of assembly or facility of transportation, or (3) otherwise cause serious public inconvenience with reckless disregard of the risk of causing such terror or inconvenience.

Title IX Coordinator means the District's Director of State and Federal Programs as identified in the accompanying Administrative Regulation.

Transient threat means there is no sustained intent to harm.

Substantive threat means the intent of the threat is present (or not clear) and therefore requires protective action.

Behaviors targeting others means bullying, hazing, ~~harassment~~discriminatory harassment, threatening behaviors, and threats collectively.

General Discipline Guidelines

The principal or designee 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 or designee. The severity of any consequence should be proportional to the severity of the offense and take into account, among other considerations, the age of the student, the student's prior disciplinary record, special circumstances about the incident, as well as any applicable laws or regulations. Violations of this Policy and the accompanying Administrative Regulation shall be reported to local law enforcement in accordance with the Memorandum of Understanding in effect between the District and the local law enforcement agency.

School personnel shall promptly notify the disciplined student's parent or guardian of such disciplinary action.

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:

Policy 5401

1. Inappropriate physical contact, attack, fighting, bullying, hazing, harassment threatening behavior or threats.
2. The use of, distribution of, or possession of, any substance subject to Policy 5405 (Student Substance Abuse) or 5411 (Tobacco Products: Possession and Use (Students)). Aiding or abetting any of the above actions regarding substances subject to Policy 5405 or 5411 shall be treated in the same way.
3. The use, possession, or transfer of any item which could be considered a weapon or which is dangerous in nature, as outlined in Policy 5410 or in accordance with applicable law.
4. Destruction or defacing of school property.
5. Infraction of school rules that carries the consequence of suspension or expulsion, as outlined in the applicable Student Handbook, Code of Conduct or otherwise in Board Policy or an accompanying Administrative Regulation.
6. Conduct adversely affecting the school routine or otherwise endangering the safety, morals, health or welfare of others.
7. Inappropriate physical contact, attack, threatening behavior, threat or other retaliatory conduct directed at school staff members, their property, or their families.

School personnel shall also promptly notify the parent or guardian of any student determined to be a target or recipient of behaviors targeting others in violation of this Policy. The Superintendent or designee will establish guidelines in the accompanying Regulation for further communication of situations involving threatening behaviors and threats.

Suspension

When a suspendable offense occurs, the principal or designee 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 designee may suspend a student, either in-school or out-of-school. Parents/guardians will be notified.

When a suspension exceeding three school days is under consideration, the principal or designee shall offer the student and student's parents/guardians an informal hearing, as required by law. After such hearing the principal or designee may extend the suspension for a period of up to ten total school days. Parents/guardians will be notified.

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

Expulsion

The Board may either expel for a period exceeding ten (10) consecutive school days or may permanently expel any student whose misconduct and disobedience is such as to warrant this sanction. Expulsion proceedings shall be in accordance with applicable state law and regulations.

Supports

The Superintendent or designee will coordinate with the schools to promote reasonable uniformity of available supports among the schools with consideration for elementary, middle school and high school levels.

Special Considerations - Discipline of Students with Disabilities

The discipline of students with disabilities shall be in accordance with federal and state law, their Individualized Education Program, a behavioral intervention plan and Board Policy.

Special Considerations – Bullying, Hazing, ~~Harassment~~Discriminatory Harassment, Threatening Behavior and Threats

It is the Policy of the Board to maintain a safe, positive and respectful environment for students and staff that is free from bullying, hazing, ~~harassment~~discriminatory harassment, threatening behavior and threats. Any form of bullying, hazing, ~~harassment~~discriminatory harassment, threatening behavior or threats that is a part of a school sponsored or student activity or organization is prohibited. No student, coach, activity sponsor, volunteer, District employee, administrator, representative, agent, or contractor shall plan, direct, encourage, assist, engage in, tolerate, condone, ignore or fail to properly report any known instances of bullying, hazing, ~~harassment~~discriminatory harassment, threatening behavior or threats.

Students who believe they or others have been subjected to bullying, hazing, ~~harassment~~discriminatory harassment, threatening behavior or threats are encouraged to promptly report such incidents to a building administrator, teacher and/or school counselor. In the event a report is received by an individual other than the building administrator, the building administrator shall be notified so that a proper investigation may begin. Students are also encouraged to report allegations of sexual harassment to the District's Title IX Coordinator. In the event a report of sexual harassment is received by an individual other than the Title IX Coordinator, the Title IX Coordinator shall be notified so that a proper investigation may begin.

Students, administrators, coaches, activity sponsors, volunteers, District employees, representatives, agents, and contractors shall be alert to incidents of bullying, hazing, ~~harassment~~discriminatory harassment, threatening behavior and threats and shall promptly report such conduct to their supervisor or the building principal. In the event a report is received by an individual other than the building administrator, the building administrator shall be notified so that a proper investigation may begin. Individuals are also encouraged to report allegations of sexual harassment to the District's Title IX Coordinator. In the event a report of sexual harassment is received by an individual other than the Title IX Coordinator, the Title IX Coordinator shall be notified so that a proper

investigation may begin.

The Board directs that the District promptly investigate all complaints of bullying, hazing, ~~harassment~~discriminatory harassment, threatening behavior and threats, and administer appropriate discipline to any individual who violates this Policy or the accompanying Administrative Regulation, in accordance with applicable Board Policies, Administrative Regulations, and any applicable Code of Conduct. Appropriate corrective and preventative action shall be taken when allegations are substantiated.

Reports of alleged bullying or hazing that could be interpreted to also constitute discrimination and/or ~~unlawful harassment~~discriminatory harassment shall be handled in coordination with the ~~appropriate~~-Title IX ~~coordinator~~Coordinator. Reports of alleged sexual harassment must be handled in accordance with the procedures set forth on the District's website at <https://www.tesd.net/domain/1894> in the document titled "Grievance Process with Exhibits." Complaints of bullying, hazing, ~~harassment~~discriminatory harassment, threatening behavior and threats may also be referred to the appropriate law enforcement agency for investigation, as required by law or in accordance with Board Policies and Administrative Regulations.

No reprisals nor retaliation shall occur as a result of good faith charges of bullying, hazing, ~~harassment~~discriminatory harassment, threatening behavior or threats. Confidentiality of all parties shall be maintained, consistent with the District's legal and investigative obligations.

The District shall inform students, staff, parents, independent contractors and volunteers that bullying, hazing, ~~harassment~~discriminatory harassment, threatening behavior and threats of students will not be tolerated, by a variety of methods which may include publication in handbooks, on the District's website, and presentations to students and staff when appropriate.

Threat Assessment Team

Each District school will establish a Threat Assessment Team comprised of school and District personnel to oversee the threat assessment process. The Superintendent or designee will issue regulations to implement and train the Threat Assessment Team in accordance with applicable law.

Reporting Disciplinary Incidents to the Board

The Board shall receive an annual summary of disciplinary incidents, consistent with state and federal reporting.

Delegation of Responsibility

The Superintendent or designee shall develop and promulgate an Administrative Regulation implementing this Policy.

The Superintendent or designee, in cooperation with other appropriate administrators, shall ensure the review of this Policy and the accompanying Administrative Regulation no less than every two (2) years, and recommend any necessary revisions.

Legal Reference:

18 Pa. C.S.A. 2801 et seq (Timothy J. Piazza Antihazing Law)

{02163608 } Adopted: April 12, 1976

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Student Discipline

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~~*Note: Notwithstanding anything to the contrary in this Policy or the accompanying Administrative Regulation, all sexual harassment complaints must be handled in accordance with the procedures available on the District's website at <https://www.tesd.net/domain/1894> in the document titled "Grievance Process with Exhibits." Any questions regarding this matter should be directed to the Title IX Coordinator.*~~

~~*Note: All sexual harassment complaints must be handled in accordance with the procedures set forth in Appendix GP, which is available on the District's website at <https://www.tesd.net/domain/1894>. Any questions regarding this matter should be directed to the Title IX Coordinator.*~~

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 in the school setting, as defined in the Policy.

Disciplinary Action

Building Level

1. Under these District-wide 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 in the school setting. Punishment or consequences will be proportional to the severity and frequency of the infraction with consideration of academic consequences associated with discipline.
3. Building administrators and their designees shall be responsible for implementing and maintaining consistent building-wide standards.
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 parent(s) or guardian(s) by telephone or face-to-face prior to re-admittance of the student.

District Level: Expulsion

1. When a building principal or designee is recommending that a student be considered for potential expulsion, they shall submit to the Superintendent the following information:
 - a. A chronology of the incident(s).
 - b. Statement(s) by those involved in the incident(s).

- c. Statement(s) from educators currently familiar with the student's situation.
- d. A review and recommendation by the principal.

2. The Superintendent or designee may review the student's file in determining the appropriate action. In the event that the Superintendent recommends that expulsion proceedings be brought against a student, a formal hearing shall be offered to the student and their parent(s)/guardian(s) in accordance with Board Policy and applicable law.

Protocol for Assessment of Threatening Behaviors and Threats

See Attachment A for the decision tree that guides the following protocol:

1. Building administrator or designee conducts initial investigation to verify the incident and the probability of student involvement.
2. If the building administrator or designee cannot verify the incident, then the parent/guardian of all known students associated with the reported incident should be contacted. No further action is required.
3. If it is determined that a threat has been made, then the building administrator or designee convenes the Threat Assessment Team and serves as the designated leader. The Threat Assessment Team shall include, whenever practical, the District Safety and Security Coordinator, building administrators, a District mental health specialist, school counselor, school psychologist and, on an ad hoc basis, other District staff with relevant knowledge of the student involved with the threatening behavior or threat. If the student who made the threatening behavior or threat has an Individualized Education Program (IEP), then at least one school staff member of the student's IEP team, who is not an administrator, will serve on the Threat Assessment Team and the pertinent portions of the student's IEP will be shared and reviewed.
4. The Threat Assessment Team will take into consideration the developmental age and disability of the students involved when determining discipline measures and supports.
5. Building administrator or designee contacts parent(s)/guardian(s) of the student who engaged in threatening behaviors or threats to review these steps in the protocol, which do not necessarily need to be taken in the order listed below:
 - a. The student will be removed from class to a safe location and/or additional supervision will be assigned.
 - b. Parent(s)/guardian(s) is/are notified by the building administrator and an initial investigation is conducted by the building administrator or designee.
 - 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 Threat Assessment Team and parent(s)/guardian(s).
 - d. Based upon the available information, the Threat Assessment Team will categorize the threat as transient or substantive. If the Threat Assessment Team cannot resolve the threat as transient, then they may consult with the police. In this context, "consult with" serves two purposes. Consultation allows law enforcement to participate in the threat assessment process, as contemplated by the Public School Code, to assist with the determination as to whether a threat constitutes a transient or a substantive threat. Consultation also provides the

opportunity for communication between school officials and law enforcement to share information known by one agency with the other in order to best plan protective supports as appropriate. If a threat is considered a serious substantive threat, then the Threat Assessment Team will consult with the police. If the threat is a very serious substantive threat, then the building administrator or designee will contact the police to request further investigation.

- e. The building administrator, with input from the Threat Assessment Team, will determine any disciplinary action on a case-by-case basis while considering the severity of the threatening behavior or threat and prior relevant disciplinary history of the student.
- f. A designated member of the Threat Assessment Team will maintain contact with the family of the suspended student during the suspension.
- g. Whether determined to be a transient or substantive threat, the student may be required to attend school-based counseling session(s).
- h. If the Threat Assessment Team determines the threat is transient, the student may return to school pending the outcome of any disciplinary action.
- i. If the Threat Assessment Team determines the threat is substantive, a mental health risk assessment (“the mental health risk assessment”) shall be required.
- j. If the mental health risk assessment is required, it will be completed by a District-selected or District-approved certified child and adolescent psychiatrist or other District-selected or District-approved qualified mental health professional.
- k. The Office of Individualized Student Services will schedule the mental health risk assessment, and the school administrator or designee will contact the parent(s)/guardian(s) to discuss arrangements for the mental health risk assessment.
- l. 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.
- m. If there is a delay in the completion of the mental health risk assessment beyond the length of the assigned suspension, then a District-approved written safety plan will be developed to ensure the safety of the student and others before the student is scheduled to return to school.

- n. If suspension exceeds three (3) school days, the family has the right to an informal hearing. If suspension exceeds ten (10) school days, the student has the right to a formal hearing.
 - o. The building administrator or designee will hold a conference with a suspended student and their parent/guardian prior to readmission to school.
 - p. A student who is suspended or expelled for threatening behavior or making a threat is subject to random searches in accordance with Policy 5412 and applicable law.
 - q. Police must be notified by the building administrator in the event of a weapons offense, as defined in Policy 5410.
 - r. During non-school hours, such as through the state's required anonymous reporting system (Safe2Say Something), police may be notified by a building or District administrator in situations where the health, safety or welfare of students, staff or District property are thought to be in jeopardy as determined by the building or District administrator.
- 6. Office of Individualized Student Services or designee prepares appropriate parent/guardian permissions for assessment and release of information for building administrator to secure parent/guardian signature.
 - 7. Upon receipt of permission and information release from the parent(s)/guardian(s), building administrator or designee contacts the District-approved mental health professional to provide student records and information about the incident.
 - 8. The administrator or designee makes arrangements with the mental health professional to contact the building administrator or designee immediately following the mental health risk assessment as to whether the student is safe to return to school and to make recommendations for support. Following the mental health risk assessment, the mental health professional contacts the building administrator or designee as per previous agreement. The administrator or designee contacts the parent(s)/guardian(s).
 - 9. If the mental health risk assessment determines that the student is not considered a threat to self or others, then the student may return to school as determined by the building administrator pursuant to District disciplinary procedures.
 - 10. Supports and services are guided by assessment data and determined by the appropriate building-based team. Building and District personnel work with the parent(s)/guardian(s) and student to discuss and implement recommendations.

11. A report from the mental health risk assessment is sent to the Office of Individualized Student Services which, in turn, will disseminate it to the building administrator and the parent(s)/guardian(s).

Communication of Situations Involving Bullying, Hazing, Harassment, Threatening Behaviors and Threats ("Behaviors Targeting Others")

School personnel shall promptly notify the parent or guardian of any student determined to be a target or recipient of behaviors targeting others. School personnel shall also promptly notify the parent or guardian of the student who displays threatening behavior or makes a threat. The Superintendent or designee shall, in their discretion, authorize school or community-wide communications in accordance with Board Policy, the Family Educational Rights and Privacy Act (FERPA) and other applicable law based on relevant conditions, which may include but is not limited to the following:

- (1) the nature or severity of the threat;
- (2) the number of individuals targeted by a threat;
- (3) the degree to which there has been an expression of schoolwide or community concern or potential schoolwide or community exposure;
- (4) recommendation of law enforcement; and
- (5) consultation with District Solicitor or other legal counsel

Not all five conditions need to exist in order for notification to be given.

Supports

The principal or designee will review the supports available at school for any student determined to be a target or recipient of behaviors targeting others, as well as for their family. The principal or designee will review supports available at school for the student in violation of the Policy, as well as for their family.

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 parent(s)/guardian(s) 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 Administrative Regulation apply.

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

If proposed discipline would result in a change in placement, then in addition to other applicable procedures, within ten (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 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 parent(s)/guardian(s) 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) school days or less. A school district proposing to exclude a student with intellectual disability must first notify the student's parent(s)/guardian(s) in writing requesting approval. If the approval is not given, the parent(s)/guardian(s) and/or the District has/have the right to a due process hearing to determine whether a change in placement is appropriate.

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

IEP/Multidisciplinary Team Consideration

Within ten (10) school days after the decision to change the placement, the relevant members of the IEP team as determined by the parent(s)/guardian(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 parent(s)/guardian(s) to determine: (a) whether the conduct in question was caused by or had a direct and substantial relationship to the student's disability; and (b) whether the conduct in question was the direct result of the District's failure to implement the IEP. If the team determines that the answer to either of these questions is "yes", then the conduct shall be deemed a manifestation of the student's disability.

Conduct Deemed a Manifestation of Disability

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

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

Additionally, if the conduct is deemed a manifestation of the student's disability, then the student must be returned to the placement from which the student was removed unless (a) the parent(s)/guardian(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 Administrative Regulation apply. If the conduct in question involved any of these special circumstances, then the District may assign the student to an alternative educational setting for not more than forty-five (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 twenty (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)/guardian(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 Board is necessary, then the Board must receive the complete special education and disciplinary record of the child.

If the parent(s)/guardian(s) disagree(s) with determination that the behavior was not a manifestation of the student's disability, then the parent(s)/guardian(s) has/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(s)/guardian(s) 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 (45) school days regardless of whether the conduct in question was a manifestation of the student's disability under the following circumstances:

Weapons

A student with a disability who carries or possesses a dangerous weapon to or at school, on school premises, on a school vehicle, or to or at a school function can be placed in an interim alternative educational setting for a maximum of forty-five (45) school days (the IEP team determines the setting and the student returns to regular education on the 46th school day unless a mutually agreed upon new placement has been identified).

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, on a school vehicle, or at a school function can be placed in an interim alternative educational setting for a maximum of forty-five (45) school days (the IEP team determines the setting and the student returns to regular education on the 46th school day unless a mutually agreed upon new placement has been identified). 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, on a school vehicle, or at a school function can be placed in an interim alternative educational setting for a maximum of forty-five (45) school days (the IEP team determines the setting and the student returns to regular education on the 46th school day unless a mutually agreed upon new placement has been identified). Serious bodily injury is defined as “bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.” Procedures described above related to the manifestation determination and development of a functional behavioral assessment and implementation or modification of a behavioral intervention plan still apply.

For any of these special circumstances for emergency placements, if a student’s conduct is deemed not to be a manifestation of the student’s disability, then the District can impose discipline beyond the forty-five (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 forty-five (45) school day alternative placement, then the District must offer a formal hearing as it would for students without disabilities, in accordance with Board Policy and applicable law.

Procedures for Suspensions of Students with Disabilities

For suspensions of one to three school days and four to ten school days for all students with disabilities, except those who have intellectual disability, follow procedures used for regular education students. 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:

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

that maintaining the current placement is substantially likely to result in injury to the student or others, then the District can request an expedited due process hearing.

3. If the IEP team determines the conduct was not a manifestation of the student's disability, then the student may be suspended in excess of the 10/15 school day limits. The decision of the IEP team need not be unanimous and can be made over a parent/guardian objection, subject to the parent(s)/guardian(s) having a right to contest the determination.
4. If the conduct is deemed not a manifestation, then the District issues a Notice of Recommended Educational Placement (NOREP) with a copy of the Parents' Rights letter indicating the alternative educational placement as the placement and (under "Reasons for the Recommendations") indicating that the IEP team determined that the conduct was not a manifestation of the student's disability.
5. If the student's parent(s)/guardian(s) do/does not reject the NOREP or otherwise request a hearing, the suspension or expulsion and alternative placement may be implemented as if the student were a regular education student. If the suspension is in excess of ten (10) consecutive school days, the District must offer a formal hearing 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 formal hearing would only be necessary if and to the extent that the alternative placement would exceed forty-five (45) school days.
6. If the parent(s)/guardian(s) reject(s) 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 twenty (20) school days of the date of the request and must result in a determination within ten (10) school days after the hearing. If the removal exceeds ten (10) school days, and the conduct involved does not involve the special circumstances for emergency placements, then a formal hearing must be offered as it would be for students without disabilities. If the conduct involved the special circumstances for emergency placement, then a formal hearing would only be necessary if and to the extent that the alternative placement would exceed forty-five (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 formal hearing requirement, if applicable).

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

1. The District may expel the child for more than ten (10) school days to the same extent that it would expel a nondisabled child for the same offense, provided, however, that
 - a. the District 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 District conducts the evaluation in an “expedited manner.”
2. The District will be deemed to have knowledge of a disability if, prior to the violation,
 - a. the parent(s)/guardian(s) 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 Individualized Student Services or other supervisory personnel; or
 - c. the parent(s)/guardian(s) has/have requested an evaluation.
3. The District will not be deemed to have knowledge of a disability if:
 - a. the parent(s)/guardian(s) of the child has/have not allowed an evaluation; or
 - b. the parent(s)/guardian(s) of the child has/have 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.

Reporting & Investigation Procedures – Bullying, Hazing, Harassment

The District’s Title IX Coordinator is the Director of State and Federal Programs. Contact information for the Director of State and Federal Programs is outlined below.

Position: Director of State and Federal Programs

Address: Tredyffrin/Easttown School District Administration Offices, 940 West Valley Road, Suite 1700, Wayne, PA 19087

Email: torreso@tesd.net

Phone: 610-240-1909

1. Students who believe they or others have been subjected to bullying, hazing or harassment are encouraged to promptly report such incidents to a building administrator, teacher and/or school counselor. In the event a report is received by an individual other than the building administrator, the building administrator shall be notified so that a proper investigation may begin. Students are also encouraged to report allegations of sexual harassment to the District’s Title IX Coordinator. In the event a report of sexual harassment is received by an individual other than the Title IX Coordinator, the Title IX Coordinator shall be notified so that a proper investigation may begin.
2. Each building administrator or designee shall be responsible for reviewing and investigating any reports received alleging bullying, hazing or harassment. Reports of alleged bullying or hazing that could be interpreted to also constitute discrimination and/or unlawful harassment shall be handled in coordination with the ~~Director of~~

~~State and Federal Programs as the District's Title IX Coordinator under this Policy and Administrative Regulation.~~ Reports of alleged sexual harassment must be handled in accordance with the procedures set forth on the District's website at <https://www.tesd.net/domain/1894> in the document titled "Grievance Process with Exhibits," and not the general procedures outlined immediately below.

3. The building administrator or designee responsible for reviewing and investigating such reports shall conduct a prompt and thorough investigation. The building administrator or designee shall determine what, if any, interim measures should be put in place to protect students from further hazing, bullying, harassing or discriminatory conduct related to the alleged incident and report. Such interim measures may include, but need not be limited to, the separation of alleged victims and perpetrators. Records shall be maintained documenting the investigation performed, the outcome, any discipline imposed, and any preventative or corrective action taken and notification to parents/guardians of the alleged victims and perpetrators of such corrective action to the extent permitted by student privacy considerations as judged by the Superintendent or designee.
4. Violations of this Administrative Regulation and the accompanying Board Policy shall be reported to local law enforcement in accordance with the Memorandum of Understanding in effect between the District and the local law enforcement agency.

Annually, the building administrator or designee shall assist the Superintendent or designee with the compilation of all incidents required to be incorporated into the District's annual report to the Pennsylvania Department of Education, Office for Safe Schools.

Special Provisions – Hazing

If a student organization is found to have engaged in organizational hazing, it shall be subject to appropriate penalties, which could include rescission of permission for that organization to operate on school property.

Any person or organization that causes or participates in hazing may be subject to criminal prosecution. An individual needing medical attention or seeking medical attention for another shall not be subject to criminal prosecution if they comply with the requirements of law relating to Safe Harbor.

Special Provisions – Student Bullying Policy

As required by Pennsylvania law, the District shall make its bullying policy available on its publicly accessible website.

Building administrators or designees will also ensure that notification of the bullying policy 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. (See Attachments Band C).

Once each school year, each building administrator or designee will review the District's bullying policy with its students.

Revised: August 1995
Revised; November 2003
Revised: April 15, 2004
Revised: October 2005
Revised: January 2007
Revised: October 27, 2008
Revised: January 15, 2015
Revised: January 21, 2016
Revised: October 20, 2016
Revised: October 18, 2017
Revised: May 3, 2018
Revised: October 4, 2018
Revised: June 10, 2019
Revised: April 1, 2020
Revised: August 17, 2020

THREAT ASSESSMENT AND RESPONSE PROTOCOL®**Comprehensive School Threat Assessment Guidelines with modifications for the Tredyffrin/Easttown School District****OVERVIEW**

A threat is defined as a communication of intent to harm another person or persons or behavior suggesting intent to harm another person or persons. A threat may be spoken, written, gestured, or expressed in some other form, such as via text messaging, email, or other digital means. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to the intended target(s) and regardless of whether the intended target is aware of the threat. Threats may be implied by behavior that an observer would reasonably regard as threatening, planning, or preparing to commit a violent act. When in doubt, treat the communication or behavior as a threat and conduct a threat assessment. Threats that are not easily recognized as harmless (e.g., an obvious joke that worries no one) should be reported to the school administrator or other team members. The administrator or another team member makes a preliminary determination of the seriousness of the threat. The student, targets of the threat, and other witnesses should be interviewed to obtain information using this protocol. A *transient* threat means there is no sustained intent to harm. A *substantive* threat means the intent of the threat is present (or not clear) and therefore requires protective action. This form is a guide for conducting a threat assessment, but each case may have unique features that require some modification.

A threat assessment is not a crisis response. If there is indication that violence is imminent (e.g., person has a firearm at school or is on the way to school to attack someone), a crisis response is appropriate. Take immediate action such as calling 911 and follow the school crisis response plan.

School Threat Assessment Decision Tree***Step 1. Investigate and evaluate the situation. (Reg. 5401, p.3, Steps 1-2)**

Obtain a detailed account of the situation, usually by interviewing the person who made the statement and/or gesture, the intended victim, and other witnesses. Write the exact content of the statement and/or gesture and key observations by each party. Consider the circumstances in which the statement and/or gesture was made and the student's intentions. Is there communication of intent to harm someone or behavior suggesting intent to harm?

Note: During non-school hours, such as through the state's required anonymous reporting system (Safe2Say Something), police may be notified by a building or District administrator in situations where the health, safety or welfare of students, staff or District property are thought to be in jeopardy as determined by the building or District administrator.

Not a threat; Might be an expression of anger that merits attention

No

Yes

Step 2. Attempt to resolve the threat as transient. (Reg. 5401, p.3-4, Steps 3-5h)

Is the threat an expression of humor, rhetoric, anger, or frustration that can be easily resolved so that there is no intent to harm? Does the person retract the threat or offer an explanation and/or apology that indicates no future intent to harm anyone?

Reg. 5401 Step 5c- Complete Clinical Interview with Mental Health Specialist

Reg. 5401 Step 5d- May consult with police if threat assessment team is not able to resolve threat as transient. (All Grades)

Yes

Case resolved as transient; add services as needed

No

Step 3. Respond to a substantive threat. (Reg. 5401, p.4, Step 5i-m)

For all substantive threats:

- Take precautions to protect potential victims.
- Warn intended victim and parents.
- Look for ways to resolve conflict.
- Mental Health Risk Assessment

Serious means a threat to hit, fight, or beat up and with the will and capacity to act upon causing significant bodily injury whereas very serious means a threat to kill, rape, or cause very serious injury with a weapon and with the will and capacity to act upon.

Serious

Police Consultation (All Grades); Case resolved as serious substantive threat; add services as needed

Very Serious

Step 4. Conduct a safety evaluation for a very serious substantive threat. (Reg. 5401, p.4-5, Steps 5i-9)

In addition to a-d above, consider the following:

- Assess the need for additional mental health services and counseling; refer as needed.
- Develop safety plan that reduces risk and addresses student needs. Plan should include review of Individual Educational Plan if already receiving special education services and further assessment of possible disability.

Very Serious

Police Contact to request further investigation

Very Serious

Step 5. Implement and monitor the safety plan. (Reg. 5401, p.5-6, Steps 10-11)

Document the plan.

Maintain contact with the student.

Monitor whether plan is working and revise as needed.

*This 5-step decision tree is an adaption of the original 7-step decision tree for the Virginia Student Threat Assessment Guidelines customized by the District for its own circumstances. The original can be found at:

<https://curry.virginia.edu/sites/default/files/images/YVP/Comprehensive%20School%20Threat%20Assessment%20Guidelines%20overview%20paper%206-7-19.pdf>.

BULLYING

What is Bullying?

Bullying is when a student or a group of students exposes another student, repeatedly and over time, to negative actions making it difficult to defend.

Specific forms of bullying behaviors may include:

- 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 parents of the student who is bullying.
- Sometimes the school will take privileges away from the student who is bullying, including school activities.
- Sometimes the student who is bullying will be suspended from school.
- Sometimes the police will need to talk to the student who is bullying, especially if someone was threatened or hurt.
- The school will provide supports to the student who is bullying, as well as the student who received the bullying behaviors.

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

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 they do 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 with malicious intent.

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 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 an Instance of Bullying?

The school will investigate the situation.

The school may decide to have a conference with the parents of the student who is bullying.

The school may take privileges away from the student who is bullying, including participation in extracurricular activities.

The student who is bullying may be suspended from school.

The police and law enforcement may need to be contacted, especially if someone was threatened or hurt by the student who is bullying.

The school will provide supports to the student who is bullying, as well as the student who received the bullying behaviors.

Maintaining Appropriate Boundaries with Students

Definitions

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

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

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

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

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

“Student” means a student enrolled in or attending Tredyffrin/Eastown School District schools.

Prohibited Conduct

Romantic or Sexual Interactions

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

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

1. Dating,
2. Seeking the romantic affections of, or entering into or attempting to form a romantic or sexual relationship,
3. Sexual physical contact,

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

Social Interactions

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

This section of the Regulation includes examples of conduct that could or may violate professional boundaries.

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

1. Disclosing inappropriate personal, sexual, employment concerns or other private matters to one or more students;
2. Exchanging notes, emails, text messages, phone calls, photographs or other communications of a personal nature with a student without a legitimate educational reason;
3. Giving personal gifts, cards or letters to a student without a legitimate educational reason;
4. Singling out a particular student or students for personal attention or friendship beyond the ordinary professional District Adult-student relationship;
5. Taking a student out of class without a legitimate educational reason;
6. Being alone with a student behind closed doors without a legitimate educational reason;
7. Being alone with a student in a motor vehicle without a legitimate educational reason;
8. Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason;
9. Inviting a student to a District Employee's home without express authorization from the District Employee's supervisor and the student's parent/guardian;
10. Going to a student's home without express authorization from the District Employee's supervisor, unless invited by the parent/guardian;
11. Taking a student on outings without prior notification to and approval from both the

parent/guardian and the student's building principal;

12. Giving a student a ride alone in a vehicle in a nonemergency situation without prior notification to and approval from both the parent/guardian and the student's building principal or supervisor. If circumstances are such that the parent/guardian is not available to request approval and a student has no other option to be transported, then the District Employee may provide a student a ride after notifying and receiving approval from the building principal or supervisor and notifying the parent/guardian after the fact;
13. Furnishing alcohol, illegal drugs or tobacco to a student or being present where any student is consuming these substances;
14. Leaving school premises with a student without a legitimate educational reason and approval from the parent/guardian and the student's building principal;
15. Eating a meal with and/or purchasing food or drink for a student, unless directly related to a pre-approved curricular activity or in connection with a legitimate educational activity approved in advance by the student's building principal; and
16. Engaging in harassing or discriminatory conduct prohibited by other District policies or by state or federal law and regulations.

Electronic Communications

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

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

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

District Employees are prohibited from using personal email, text messaging, instant messaging, and social-networking accounts, websites, and any other applications for communicating with parents and students that are not specifically authorized. District Employees shall not follow or accept requests for current students to be friends or connections on personal social networking sites and shall not create any networking site for communication with students other than those

provided by the District for this purpose, without the prior written approval of the building principal. An example of allowable communications in this context includes where the adult is a family relative of the student.

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

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

Group Messaging for Sports and Other Activities

The use of electronic or digital messages, including text messages, may be a form of electronic communication that is especially valuable in certain contexts when the possibility of immediate and/or urgent contact with students by District Employees is desirable. Such contexts include but are not limited to the following:

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

If a District Employee plans to communicate with students through the use of electronic or digital messages, including text messages, the District Employee must obtain permission to do so from the student's parent/guardian and the building principal using the form attached as Attachment A.

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

direction of the Athletic Director, such medical or academic communications shall also be copied to the Athletic Director.

Exceptions

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

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

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

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

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

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

Reporting Inappropriate or Suspicious Conduct

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

The District's Title IX Coordinator is the Director of State and Federal Programs. Contact information for the Director of State and Federal Programs is outlined below.

Position: Director of State and Federal Programs

Address: Tredyffrin/Easttown School District Administration Offices, 940 West Valley Road, Suite 1700, Wayne, PA 19087

Email: torreso@tesd.net

Phone: 610-240-1909

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

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

Any mandated reporter who has reasonable cause to suspect that a child is the victim of child abuse shall immediately report the suspected abuse, in accordance with Board Policy and Administrative Regulation 5436.

Any certified employee who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct in accordance with Board Policy and Administrative Regulation 5436. The employee must also promptly notify the Superintendent and the Title IX Coordinator.

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

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

Investigation

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

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

Disciplinary Action

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

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

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

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

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

References:

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

Administrative Regulation No. 5420 "Harassment of Students by Nonstudents"

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

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

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

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

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

Tredyffrin/Easttown School District
Attachment A

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

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

Student Name: _____

School: _____

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

Expected Dates of Communication: _____

Check as many as are applicable

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

District Employees:

1. _____
2. _____
3. _____

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

Name of Parent or Guardian: _____
(please print)

Signature of Parent or Guardian: _____

Student's Cell Phone Number: _____

Date: _____

Approval of Building Principal: _____

Tredyffrin/Easttown School District
Attachment B

TREDYFFRIN/EASTTOWN SCHOOL DISTRICT
District Employee/Student Electronic Communication Reporting Form

Reporting District Employee: _____
School: _____
Date of Report: _____

INCIDENT:

Who initiated the electronic communication? _____ Employee _____ Student

Date of Communication: _____ Time of Communication: _____

Method of Communication:

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

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

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

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

Content/Details of Electronic Communication:

Capital Assets

Purpose

The District's accounting for capital assets is governed by Governmental Accounting Standards Board ("GASB") Statements which sets forth requirements as they pertain to capital asset reporting. GASB requires the District to implement full accrual, liability and asset financial statement reporting requirements and establish capital asset tracking and accounting. The primary objectives are to assure compliance with state requirements and properly account for both the financial and economic resources of the District.

This policy and the accompanying regulation will document the District's capital asset guidelines.

Definition

The policy and the accompanying regulation apply to the District's acquisition and depreciation of capital assets.

Capital assets are tangible assets used in operations and have initial estimated useful lives extending beyond a single reporting period and exceed the dollar thresholds as described in the accompanying Administrative Regulation. Equipment will not change its original shape, appearance, or character with use, and it can be expected to last more than one (1) year with reasonable care and maintenance. Capital assets include land, improvements to land, easements, buildings, building improvements, vehicles, machinery, furniture, fixtures and equipment, works of art and historical treasures, construction-in-progress, infrastructure, and group purchases of textbooks, library books, and technology devices.

Delegation of Responsibility

The responsibility to comply with all applicable requirements and to coordinate the compilation and preparation of all information necessary to implement this policy and the accompanying regulation is delegated to the Business Manager or designee.

The Business Manager shall be responsible for implementing the necessary procedures to establish and maintain a capital asset inventory, including depreciation schedules. Depreciation shall be computed on a straight-line basis over the estimated useful lives of the assets, using an averaging convention.

The Business Manager shall be responsible for preparing the required Management Discussion and Analysis ("MD&A") in the form required by GAAP to be reviewed by the District's independent auditors.

Capital Assets

Capital Asset Additions

Purchased capital assets greater than \$5,000 should be recorded at historical/original cost. The cost of a capital asset should include capitalized interest and ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary charges include costs that are directly attributable to asset acquisition – such as freight and transportation charges, site preparations cost, and professional fees.

Purchases less than \$5,000 that are consumed within the fiscal year are treated as supplies and coded to the supply objects prescribed by the Pennsylvania Public School Accounting Manual.

Individual items less than \$5,000 but purchased in the aggregate totaling \$10,000 shall be capitalized and depreciated as a unit over the estimated useful life for that asset class.

Capital assets should be depreciated over their estimated useful lives as determined for each asset class. Land, and some land improvements are considered inexhaustible, and are therefore not subject to depreciation.

If determining historical cost is not practical due to inadequate records, reporting should be based on estimates of the original cost at the date of construction or purchase.

Capital assets records must include the acquisition date, cost, estimated useful life and method of depreciation for each capital asset classification and group.

Due to change in technology, computer software is considered a supply and is expensed at the time of purchase. Components such as monitors, and keyboard shall be capitalized as a unit upon purchase if they meet or exceed the aggregate threshold noted above.

Donated capital assets must be reported as fair market value plus ancillary charges, if any, at the time of donation. Donated assets are recorded as contributed capital and depreciated over their estimated useful lives, as determined for each asset class. If determining historical costs is not practical due to inadequate records, reporting should be based on estimates of fair market value at the date of donation.

Infrastructure assets are long-lived capital assets that normally are stationary in nature and can normally be preserved for a significantly greater number of years than most capital assets. Infrastructure includes parking lots and sidewalks. Infrastructure assets should be depreciated over their estimated useful lives.

Infrastructure asset routine repairs and maintenance cost are charged to operations as incurred. Expenditures that extend the estimated useful life of the infrastructure are capitalized as part of the asset and depreciated over the newly established estimated useful life.

Works of art, historical treasures and similar assets should be capitalized at their historical cost or fair value at date of donation (estimated if necessary) whether they are held as individual items or in a collection. Capitalized collections or individual items that are exhaustible should be depreciated over their estimated useful lives. Depreciation is not required for collections or individual items that are inexhaustible.

Capital Asset Disposal

When capital assets are sold, a calculation of gain or loss on disposal is required. The calculation is based upon the amount of proceeds received less the net book value (cost of the capital asset less accumulated depreciation taken).

When capital assets are traded-in, the value of the trade is part of the cost of the newly acquired asset. The costs and accumulated depreciation of the trade-in asset must be removed from the capital asset accounts. Any gain or loss resulting from the disposition of the asset will be recognized as a gain or loss on disposal in the entity-wide operating statement.

Asset Acquired by Capital Lease

Assets acquired by capital lease are recorded at the net present value of the future minimum lease payments. A corresponding liability is established at this time. Assets acquired under the terms of capital leases are depreciated using the straight-line method over the estimated useful lives designated for the asset class.

Repairs and Maintenance

Extraordinary repairs greater than \$5,000 extending the estimated useful life of an asset beyond one (1) year should be capitalized, and the estimated useful life of the entire asset for depreciation purposes should be revised. Routine repairs, maintenance and parts purchased to keep the asset in working condition are charged to expense as incurred whether they are greater than or equal to \$5,000

Depreciation Useful Life Table:

Capital Assets are to be depreciated per the following Depreciation Useful Life Table:

Asset Class	Years	Examples
Outdoor Equipment & Signs	20	Stationary Playground/Athletic Equipment & Fixtures
Machinery & Tools	10	Pottery, Kitchen & Health Room Equipment
Furniture, Equipment & Accessories	5-10	Custodial Equipment/Vacuums, Science/Engineering Equipment, Chalkboard, Markerboard
Business Machines	5	Calculators, Facsimile Machines, Copiers
Communication Systems	5	Telephone System, Two-Way Radios
Computer Hardware	3-5	Palm Pilots, Printers, Image Scanners, PC, File Server, Network
Audiovisual Equipment & Accessories	7	Televisions, DVD, Cameras, Camcorders, Amplifier, White Boards
Licensed Vehicles	8	Automobiles, Trucks
Contractor Equipment	10	Front-End Loaders, Large Tractors
Ground & Maintenance Equipment	7	Ground & Maintenance Equipment, Mowers, Small Tractors
School Buildings	40	School Buildings
Land/Site Improvements	20	Sidewalks, Walk-Ways, Parking Lots, Athletic Fields, Grading
Portable Structures	20	Portable Gymnasium Stands, Modular Classrooms
Interior/Exterior Construction	20	Completed Construction
Electrical/Plumbing	20	Electrical/Plumbing Installations
HVAC Systems	20	HVAC Installations
Sprinkler/Fire/Alarm Systems	20	Sprinkler/Fire/Alarm Installations
Roofing	20	Roofing
Stage & Auditorium	20	Stage & Auditorium/Stage Curtain
Carpeting & Vinyl Flooring (New/Replacement)	5	Carpeting & Flooring Installations
Classroom Desks	10	Classroom Desks
Classroom Chairs	10	Classroom Chairs
Classroom Textbooks & Multi-Media Materials	5	Classroom Textbooks & Multi-Media Materials
Library Books & Multi-Media Materials	5	Library Books & Multi-Media Materials
Athletic Equipment (Portable)	7	Gym/Football Equipment, Weight Machines
Uniforms	5	Athletic, Musical Uniforms
Musical Instruments	10	Piano, Wind, Brass, Percussion Instruments
Land	N/A	Land Acquisition

Discriminatory Harassment by and of District Employees

The District prohibits ~~any all forms of discriminatory harassment based on actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status or handicap/disability, or membership in any other protected classes defined below~~ race, color, national origin/ethnicity, gender, age, disability, sexual orientation, gender expression, gender identity or religion. This ~~policy~~ Policy covers discriminatory harassment by and of District employees.

It is the policy of the District to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of discriminatory harassment on the basis of sex. Inquiries regarding the application of Title IX to the District may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

Definitions

Discriminatory harassment means verbal, written, electronic, graphic or physical conduct relating to an individual's actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status, handicap/disability, or membership in any other protected class, when such conduct meets any of the following criteria:

1. Is sufficiently severe, persistent or pervasive that it affects a student's educational performance or an individual's ability to perform job functions or creates an intimidating, threatening or abusive educational or work environment.
2. Has the purpose or effect of substantially or unreasonably interfering with a student's educational performance or an individual's work performance.
3. Otherwise adversely affects a student's educational opportunities or an individual's employment opportunities.

Discriminatory harassment could include, but is not limited to, slurs, jokes, bullying, hazing or other verbal, written, electronic, graphic or physical conduct relating to an individual's actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status, handicap/disability, or membership in any other protected class.

Sexual harassment is a specific form of discriminatory harassment which means unwelcome sexual advances, requests for sexual favors, inappropriate verbal or physical conduct of a sexual nature, gestures of a sexual nature, or display of materials which evoke responses not in keeping with the atmosphere intended for the workplace environment.

Title IX sexual harassment is a specific form of sexual harassment which means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking as defined below.

Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Dating violence means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship.
 - b. The type of relationship.
 - c. The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is co-habiting with or has co-habited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for their safety or the safety of others; or
2. Suffer substantial emotional distress.

Guidelines

The Board encourages employees or others who believe they or others have been subject to discriminatory harassment, including Title IX sexual harassment, to promptly report such alleged incidents to the Title IX Coordinator, even if some elements of the related incident took place or originated away from school ground, school activities, or school conveyances. If the Title IX Coordinator is the subject of the report, then the incident shall be reported to the Superintendent. A person who is not an intended victim or target but is adversely affected by the harassing conduct may file a report in accordance with this Policy.

In the event a report of discriminatory harassment, including Title IX sexual harassment, is received by a school employee other than the Title IX Coordinator (or, the Superintendent in the event that the Title IX Coordinator is the subject of the report), such report shall promptly be forwarded to the Title IX Coordinator (or, the Superintendent in the event that the Title IX Coordinator is the subject of the report) for response and investigation in accordance with applicable legal obligations.

The Board designates the Director of State and Federal Programs as the District's Title IX Coordinator. The contact information and procedures for contracting the Title IX Coordinator are included in the accompanying Administrative Regulation. Depending on the specific allegations raised in a complaint received pursuant to this Policy, the Superintendent may designate additional individuals to assist the Title IX Coordinator in carrying out their responsibilities outlined herein.

The Board directs that reports of discriminatory harassment, including Title IX sexual harassment, falling within the scope of this Policy shall be investigated promptly and in accordance with applicable legal obligations. The Board directs that corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be handled in accordance with applicable law, regulations, Board Policy, and District's legal and investigative obligations.

There shall be no retaliation against any person who, in good faith:

1. Reports or makes a formal complaint of any form of discriminatory harassment, including Title IX sexual harassment;
2. Testifies assists, participates or refuses to participate in a related investigation, process or other proceeding or hearing; or
3. Otherwise took any reasonable action to stop discriminatory harassment, including Title IX sexual harassment

The prohibition against retaliation includes a prohibition against intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator (or the Superintendent, in the event the allegations involve the Title IX Coordinator) immediately if any such conduct is believed to have occurred.

Delegation of Responsibility

The Superintendent or designee shall notify law enforcement officials of reports and/or incidents of discriminatory harassment, including Title IX sexual harassment, in accordance with applicable legal requirements.

The Superintendent or designee shall ensure that procedures for resolving reports involving discriminatory harassment, including Title IX sexual harassment, of employees are developed and made part of the accompanying Administrative Regulation.

~~“Harassment” shall consist of verbal, written, electronic, graphic or physical conduct~~

~~relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, gender expression, gender identity or religion when such conduct:~~

- ~~1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to perform job functions or creates an intimidating, threatening or abusive work environment; or,~~
- ~~2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or,~~
- ~~3. Otherwise adversely affects an individual's employment opportunities.~~

~~"Sexual harassment" shall consist of unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, gestures of a sexual nature, or display of materials which evoke responses not in keeping with the atmosphere intended for the classroom or the workplace when:~~

- ~~1. Acceptance of such conduct is made, explicitly or implicitly a term or condition of an individual's continued employment; and/or,~~
- ~~2. Submission to or rejection of such conduct is the basis for employment decisions affecting the individual; and/or,~~
- ~~3. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.~~

~~Harassment includes sexual harassment.~~

Purpose

~~The following forms of sexual and/or other harassment on District property and/or in connection with any District/school-sponsored event are strictly prohibited and shall constitute a violation of this policy:~~

- ~~1. Sexual or other harassment by District employees of other District employees, District student(s), contracted individual(s), vendor(s), volunteer(s), and other third party(s) in the schools, and~~
- ~~2. Sexual or other harassment of District employees by other District employees, District student(s), contracted individual(s), vendor(s), volunteer(s), and other third party(s) in the schools.~~

~~Employee Responsibility~~

~~Employees who believe they have been harassed or are aware that harassment of or by another employee has occurred should promptly report such incidents to their immediate supervisor or, if the complaint involves their supervisor, to either the Superintendent of Schools or the Director of Personnel (Title IX Coordinator for Employees).~~

~~Administrative Responsibility~~

~~Any supervisor or administrator who receives a complaint of harassment shall immediately report such complaint to the Superintendent of Schools. Complaints of harassment shall be investigated promptly by the Superintendent or designee. Confidentiality of all parties shall be maintained, to the extent possible, consistent with the District's legal and investigative obligations. When warranted, appropriate corrective action shall be taken including discipline.~~

~~The Superintendent or designee, whichever applicable, shall also report complaints and/or incidents of harassment to law enforcement officials and the district attorney's office as required by law.~~

~~The Superintendent shall ensure that procedures for resolving complaints involving sexual and/or other harassment of and by employees are developed and made part of an Administrative Regulation. This policy and the procedures shall be distributed periodically to all employees as applicable and a summary of this policy and accompanying procedures posted in a prominent location in each school building.~~

~~There shall be no retaliation against any person who has, in good faith, complained of sexual or other harassment, reported a grievance, assisted in the reporting of such a grievance, served as a witness or representative of the grievant, rejected sexual advances or harassment by others, or who has otherwise taken any reasonable action to stop sexual harassment or other harassment. Individuals who believe they have been subject to retaliation must report the matter immediately to the Superintendent of Schools and/or the Director of Personnel (Title IX Coordinator for Employees).~~

Training

~~The Superintendent shall ensure that procedures are in place to provide mandatory training on prohibitions against harassment to all new employees and, on a periodic basis, to current employees. Training shall address, but shall not be limited to, this Policy and the accompanying Administrative Regulation and include reporting of suspected harassment by targets and third parties.~~

Cross ~~reference~~Reference:

Policy ~~and Regulation~~ No. ~~54204001~~, *Harassment of Students by Non-Students Equal Opportunity and Nondiscrimination in Employment Practices*

{02184864 } Adopted: December 7, 1992

Revised: May 23, 1994

Revised: January 22, 1996

Revised: January 24, 2000

Revised: October 23, 2006

Revised: September 26, 2016

Revised: January 28, 2019

Discriminatory Harassment by and of District Employees

The District's Title IX Coordinator is the Director of State and Federal Programs. Contact information for the Director of State and Federal Programs is outlined below.

Position: Director of State and Federal Programs

Address: Tredyffrin/Easttown School District Administration Offices, 940 West Valley Road, Suite 1700, Wayne, PA 19087

Email: torreso@tesd.net

Phone: 610-240-1909

Procedures for Resolving Reports of Sexual Harassment

Any reports of discriminatory harassment deemed by the Title IX Coordinator to meet the definition of Title IX sexual harassment, as defined in the accompanying Policy, shall be investigated and handled in accordance with the specific procedures outlined on the District's website at: <https://www.tesd.net/domain/1894>, particularly the procedures outlined in the document titled "Grievance Process with Exhibits."

Procedures for Resolving Reports of Discriminatory Harassment Other than Title IX Sexual Harassment

Step 1 – Reporting

An employee or other individual who believes they or others have been subject to conduct that constitutes discriminatory harassment is encouraged to immediately report the incident in accordance with the procedures outlined in the accompanying Board Policy. Any person with knowledge of conduct that may violate this Administrative Regulation or the accompanying Board Policy is similarly encouraged to immediately report the matter as outlined in the accompanying Board Policy.

A school employee who is notified that a student has been subject to conduct that constitutes a violation of this Administrative Regulation or the accompanying Board Policy shall immediately report the incident pursuant to the procedures outlined in the accompanying Board Policy.

Step 2 – Investigation

Where an attorney is not used to conduct the investigation, only individuals who have received basic training or informed guidance on the applicable law, this Administrative Regulation and the accompanying Board Policy, and how to conduct a proper investigation shall be authorized to conduct the investigation.

The investigator shall work with the Title IX Coordinator or Superintendent's designee to assess the anticipated scope of the investigation, who might need to be interviewed, and what records may be relevant.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused shall be provided the opportunity to present witnesses and other evidence during the course of the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator or Superintendent's designee, who shall promptly inform law enforcement authorities about the allegations.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling the District's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

Step 3 – Investigative Report

The investigator shall prepare and submit a written report to the Title IX Coordinator or Superintendent's designee within twenty (20) business days of the initial report of alleged discriminatory harassment, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Title IX Coordinator or Superintendent's designee to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this Administrative Regulation or the accompanying Board Policy, and of any other violations of law or Board Policy which may warrant further District action, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation,

including the recommended disposition within a reasonable time of the submission of the written report. The accused shall not be notified of the individual remedies offered or provided to the complainant.

Step 4 – District Action

If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of this Administrative Regulation or the accompanying Board Policy, the District shall take prompt and appropriate corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The District shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Title IX Coordinator or Superintendent’s designee shall follow up as necessary to assess the effectiveness of the corrective action.

If an investigation results in a finding that a different Board Policy was violated separately from or in addition to violations of this Administrative Regulation and the accompanying Board Policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board Policy, Administrative Regulations, any applicable Employee Handbook or Collective Bargaining Agreement, and state and federal laws.

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding or the corrective action recommended in the investigative report, they may submit a written appeal to the Title IX Coordinator or Superintendent’s designee within fifteen (15) business days. If the Title IX Coordinator or Superintendent’s designee investigated the complaint, such appeal shall be made to the Superintendent.

2. The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

3. The person handling the appeal shall prepare a written response to the appeal within twenty (20) business days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.
Procedure for Resolving Complaints Involving Harassment by and of District Employees

~~Any employee who believes that the actions or words of a supervisor or other District employee constitute harassment has a responsibility to report in writing such conduct to the immediate supervisor, or to the Superintendent, if the complaint involves that supervisor. A written statement or report will be requested following an initial oral report to the supervisor.~~

~~Any District employee who observes or becomes aware of harassment of or by a District employee by or of a District student(s), contracted individual(s), vendor(s), volunteer(s), or other third party(s) in the schools, on District property and/or in connection with any District/school sponsored event must report such conduct to the immediate supervisor, or to the Superintendent, if the complaint involves that supervisor.~~

~~Any complaints of harassment shall be made to the employee's supervisor, any member of the administrative staff, or the Superintendent when the complaint involves the supervisor, as soon as possible but in no event more than 30 days after the alleged incident. The supervisor shall confer with the Director of Personnel, who shall normally be designated by the Superintendent to investigate such complaints. Such complaints shall be investigated promptly and in an impartial and as confidential a manner as possible. If an employee is not satisfied with the handling of a complaint or the action taken by the investigator, then the employee may bring the complaint to the attention of the Superintendent. In all cases, the employee will be advised of relevant findings and conclusions in a timely fashion.~~

~~There shall be no reprisals in cases where an employee has complained about harassment.~~

~~Any employee who is found, after appropriate investigation, to have engaged in the harassment of another employee shall be subject to disciplinary action, depending on the circumstances, up to and including termination, consistent with the Pennsylvania School Code of 1949, as amended and the applicable provisions of the collective bargaining agreement.~~

Equal Opportunity and Nondiscrimination in Employment Practices

The District will provide to all persons equal access to all categories of employment in the District, free from discrimination, regardless of actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status, or handicap/disability, or membership in any other protected class, as required by Title VI, Title IX, ~~and~~ Section 504, or other applicable law.

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 employees and third parties who have been subject to discrimination or are made aware of discrimination prohibited by this Policy to report such discrimination to designated employees.

The Board directs that complaints of discrimination 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 or 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 State and Federal Programs as the District's Title IX Coordinator. The contact information and procedures for contracting the Title IX Coordinator are included in the accompanying Administrative Regulations. Depending on the specific allegations raised in a complaint received pursuant to this Policy, the Superintendent may designate additional individuals to assist the Title IX Coordinator in carrying out their responsibilities outlined herein.~~Director of Human Resources is designated as the District's Compliance Officer.~~

The Superintendent or designee shall ensure that procedures for resolving complaints involving discrimination prohibited by this Policy are developed and made part of the accompanying Administrative Regulations. The procedures shall be distributed periodically to all employees and posted in prominent locations for employees and other third parties to access.

{02186257 } Adopted: April 13, 1981

Revised: May 23, 1994

Revised: January 24, 2000

Revised: April 24, 2000

Revised: January 22, 2001

Revised: September 25, 2006

Revised: February 2, 2010

Revised: June 8, 2020

Equal Opportunity and Nondiscrimination in Employment Practices

The District's Title IX Coordinator is the Director of State and Federal Programs. Contact information for the Director of State and Federal Programs is outlined below.

Position: Director of State and Federal Programs

Address: Tredyffrin/Easttown School District Administration Offices, 940 West Valley Road, Suite 1700, Wayne, PA 19087

Email: torreso@tesd.net

Phone: 610-240-1909

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

The ~~Compliance Officer~~ Title IX Coordinator, with the assistance of other individuals designated by the Superintendent as necessary, is responsible to monitor the implementation of equal opportunity and nondiscrimination procedures in the following areas:

1. Development of position qualifications, job descriptions and essential job functions.
2. Recruitment materials and practices.
3. Procedures for screening, interviewing and hiring.
4. Evaluation and promotion.
5. Disciplinary actions, up to and including terminations.

Applicable Complaint Procedures

Complaints of discrimination pursuant to this Administrative Regulation and the accompanying Board Policy which take the form of discriminatory harassment as defined in Board Policy and Administrative Regulation 4330 (Discriminatory Harassment by and of District Employees) shall be handled in accordance with the procedures outlined in that Policy and Administrative Regulation.

All other complaints covered by this Administrative Regulation and the accompanying Board Policy by employees or third parties shall be directed to the ~~Director of Human Resources~~ Title IX Coordinator; such complaints will be handled in accordance with the general procedures outlined in Board Policy and Administrative Regulation 1122 (Complaints Regarding the District).

If for any reason a complaint pursuant to this Administrative Regulation and the accompanying Board Policy is received by an individual other than the ~~Compliance~~

~~Officer~~ Title IX Coordinator, that individual shall promptly notify the ~~Compliance~~
~~Officer~~ Title IX Coordinator.

Cross References:

Policy & Regulation 4330, Discriminatory *Harassment by and of District Employees*
Policy & Regulation 1122, *Complaints Regarding the District*
Policy & Regulation 4035, *Dress and Appearance*
Policy & Regulation 4022, *Addressing Employee Concerns and Criticism*

Harassment of Students by Non-Students

~~Note: All sexual harassment complaints must be handled in accordance with the procedures set forth in Appendix GP, which is available on the District's website at <https://www.tesd.net/domain/1894> Any questions regarding this matter should be directed to the Title IX Coordinator.~~

~~It is the policy of the District to prohibit any form of harassment of students.~~

~~Definitions~~

~~For purposes of this policy "harassment" means 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 when such conduct:~~

- ~~1. Is sufficiently severe, persistent or pervasive that it affects a student's performance or creates an intimidating, threatening or abusive environment; and/or,~~
- ~~2. Has the purpose or effect of unreasonably interfering with a student's performance; and/or,~~
- ~~3. Adversely affects a student's opportunities.~~

~~The term harassment includes but is not limited to slurs, jokes, bullying, hazing or other 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.~~

~~"Sexual harassment" is a specific form of harassment which means unwelcome sexual advances, requests for sexual favors, inappropriate verbal or physical conduct of a sexual nature, gestures of a sexual nature, or display of materials which evoke responses not in keeping with the atmosphere intended for the classroom or the school environment.~~

~~Harassment includes sexual harassment.~~

~~Procedures for Reporting and Investigating Harassment~~

~~The administration shall report the circumstances of harassment to law enforcement officials and the district attorney's office as required by law. The Superintendent will conduct an independent investigation and recommend disciplinary action as appropriate.~~

~~The Board directs that complaints of harassment shall be investigated promptly pursuant to the accompanying regulation. Complaints of harassment by a student against another student shall be handled in the same manner as other student disciplinary investigations and the procedures set forth in the accompanying regulation shall not apply.~~

~~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 harassment.~~

~~The District shall inform students, staff, parents, independent contractors and volunteers that harassment of students will not be tolerated, by a variety of methods including publication in handbooks and presentations to students and staff when appropriate.~~

~~Each staff member shall maintain an educational environment free from all forms of harassment.~~

~~Students may report harassment complaints to building principals, teachers, counselors, nurses, administrators or other trusted adult employee. All employees should be trained to refer complaints of harassment to the principal or other designated employees.~~

Adopted: December 7, 1992
Revised: May 23, 1994
Revised: January 22, 1996
Revised: January 24, 2000
Reviewed: September 13, 2011
Revised: September 26, 2016
Revised: August 14, 2020

Harassment of Students by Non-Students

Procedure for Resolving Complaints Involving Harassment of Students

A. General Procedures

1. ~~Students who believe that they have been subjected to harassment by an employee or any other adult member of the school community have the right and are encouraged to file a complaint in accordance with the formal and informal complaint procedures in Sections B and C below and to receive prompt and appropriate handling. A student complaint form is attached as Attachment A to this regulation. Complaints of harassment by a student against another student shall be handled in the same manner as other student disciplinary investigations and the procedures set forth below shall not apply.~~

2. ~~The complainant should contact any Designated School or District Resource (DSR). If the complainant is a student, the contact may be initiated by the student's parent or guardian. A DSR shall prepare and provide to the principal a complaint form in the form attached as Attachment B to this regulation.~~

3. ~~The Superintendent will appoint Designated School Resources (e.g., guidance counselor, nurse, school administrator) at each school to whom students may direct their complaints. The Superintendent will appoint as many Designated District Resources as appropriate to whom employees, job applicants, persons utilizing school transportation and visitors may direct their complaints. There will be at least one male and at least one female School Resource person at each school and the District Resource persons will also include male and female designees. The names of these Designated Resources will be made public.~~

4. ~~Designated School or District Resources who receive complaints must treat them as confidential and release information only when appropriate and after consultation with complainant.~~

5. ~~Designated School or District Resources will be trained to conduct investigations and to serve as mediators.~~

B. Informal Procedures

1. ~~If the complainant wishes to try to resolve the problem informally, the Designated Resource will attempt to resolve the complaint in that manner.~~

2. ~~Any meetings between the complainant and the accused must be mutually agreed upon in advance. The accused will be informed of the disciplinary consequences of retaliation against the complainant.~~

3. ~~Counseling and information about harassment may be provided to the accused, if appropriate.~~

~~4. If the complaint cannot be resolved informally within two weeks, formal complaint procedures may be initiated.~~

~~C. Formal Procedures—Student Complaints~~

~~1. A student who alleges harassment by an employee, or other person covered by this policy may direct the complaint to a Designated School Resource.~~

~~2. The person receiving the complaint shall report it to the building principal within 24 hours.~~

~~3. The principal or principal's designee shall promptly investigate the allegation. The investigator shall:~~

- ~~• Interview the complainant; complainant may have representation present at all discussions and meetings involving the case.~~
- ~~• Inform the accused of the allegations and advise of the right to representation at all discussions and meetings; the accused will also be informed of the disciplinary consequences of retaliation against the complainant~~
- ~~• Interview the accused~~
- ~~• Interview third parties~~
- ~~• Document all interviews~~
- ~~• Compile a written report of the investigation will be compiled and kept by the building principal~~
- ~~• Immediately report any alleged or actual incident of unwanted touching or body contact to local law enforcement officials to complete the investigation~~

~~4. The Superintendent shall present a written decision to the student complainant within five working days after receiving the investigator's report. A conference will be held with the student to discuss the investigation of the complaint and disposition to the extent appropriate.~~

~~5. The Superintendent shall be responsible for responding to the employee who is determined to be guilty of harassment of a student. Such response could include referral to the Employee Assistance Program for appropriate counseling and/or discipline up to and including the recommendation to the Board of School Directors for suspension and/or termination from employment.~~

Adopted: December 10, 1992

Revised: January 1996

Revised: June 9, 2016

Revised: September 22, 2016

Student Harassment Complaint Form
SAMPLE FOR REFERENCE ONLY

COMPLAINANT INFORMATION
Name:
Status: <input type="checkbox"/> Student <input type="checkbox"/> Teacher <input type="checkbox"/> Support Staff <input type="checkbox"/> Other (specify):
Building:
ALLEGED HARASSMENT/DISCRIMINATION
Check all the protected categories that apply to the complaint: <div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> Age</div><div style="width: 33%;"><input type="checkbox"/> Color</div><div style="width: 33%;"><input type="checkbox"/> Disability</div><div style="width: 33%;"><input type="checkbox"/> Gender Expression</div><div style="width: 33%;"><input type="checkbox"/> Gender Identity</div><div style="width: 33%;"><input type="checkbox"/> Gender/Sexual Harassment</div><div style="width: 33%;"><input type="checkbox"/> National Origin</div><div style="width: 33%;"><input type="checkbox"/> Race/Ethnicity</div><div style="width: 33%;"><input type="checkbox"/> Religion</div><div style="width: 33%;"><input type="checkbox"/> Retaliation</div><div style="width: 33%;"><input type="checkbox"/> Sexual Orientation</div></div>
1. Who is the complaint against? List name(s) of individual(s) engaging in the alleged harassment:
2. Describe the alleged harassment including time, day, and location as well as the form of harassment (physical, verbal, written, pictures, etc.).
3. Were there any witnesses to the incident(s) described above? If so, identify:
REPORT DATA
Signature of Student Making Complaint
Date:

Harassment Complaint Form
~~SAMPLE FOR REFERENCE ONLY~~

COMPLAINANT INFORMATION												
Name: _____												
Status: <input type="checkbox"/> Student <input type="checkbox"/> Teacher <input type="checkbox"/> Support Staff <input type="checkbox"/> Other (specify): _____												
Building: _____												
ALLEGED HARASSMENT/DISCRIMINATION												
<p>Check all the protected categories that apply to the complaint:</p> <table style="width: 100%;"><tr><td><input type="checkbox"/> Age</td><td><input type="checkbox"/> Color</td><td><input type="checkbox"/> Disability</td></tr><tr><td><input type="checkbox"/> Gender Expression</td><td><input type="checkbox"/> Gender Identity</td><td><input type="checkbox"/> Gender/Sexual Harassment</td></tr><tr><td><input type="checkbox"/> National Origin</td><td><input type="checkbox"/> Race/Ethnicity</td><td><input type="checkbox"/> Religion</td></tr><tr><td><input type="checkbox"/> Retaliation</td><td><input type="checkbox"/> Sexual Orientation</td><td></td></tr></table>	<input type="checkbox"/> Age	<input type="checkbox"/> Color	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender Expression	<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Gender/Sexual Harassment	<input type="checkbox"/> National Origin	<input type="checkbox"/> Race/Ethnicity	<input type="checkbox"/> Religion	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Sexual Orientation	
<input type="checkbox"/> Age	<input type="checkbox"/> Color	<input type="checkbox"/> Disability										
<input type="checkbox"/> Gender Expression	<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Gender/Sexual Harassment										
<input type="checkbox"/> National Origin	<input type="checkbox"/> Race/Ethnicity	<input type="checkbox"/> Religion										
<input type="checkbox"/> Retaliation	<input type="checkbox"/> Sexual Orientation											
<p>1. Who is the complaint against? List name(s) of individual(s) engaging in the alleged harassment.</p> <div style="height: 80px; border: 1px solid black;"></div>												
<p>2. Describe the alleged harassment including time, day, and location as well as the form of harassment (physical, verbal, written, pictures, etc.).</p> <div style="height: 150px; border: 1px solid black;"></div>												
<p>3. Were there any witnesses to the incident(s) described above? If so, identify.</p> <div style="height: 100px; border: 1px solid black;"></div>												
<p>4. How does the complainant know the alleged harasser? What is the relationship between the complainant and the accused? (Teacher/student; student/student).</p> <div style="height: 40px; border: 1px solid black;"></div>												

~~5. Did the complainant take any action to attempt to stop the harassment? Describe.~~

~~6. Did the complainant tell anyone about any of the incidents? If so, identify who and when.~~

~~7. Has the complainant witnessed the alleged harasser harassing anyone else? If so, identify who and when.~~

~~8. Did the complainant report this incident? If so, identify to whom and when.~~

~~9. Does the complainant have any other information related to this complaint, (i.e., memos, e-mails/text messages, recorded conversations, etc.)? If so, identify and explain.~~

~~Parent~~ Partner Organizations

For purposes of this Policy and the accompanying Administrative Regulation, **partner organizations** are officially recognized groups of parents/guardians of District students and other community members organized to support and benefit District students in connection with District-related activities.

Partner organizations could include, but are not necessarily limited to, officially recognized parent/teacher organizations, home and school associations, booster clubs, and educational and cultural groups.

In the event that a partner organization is granted official recognition status, the recognition shall apply only to that specific organization. Any subsidiary, ancillary, or third party groups of the partner organization that wish to seek official recognition status shall be required to independently seek official recognition status by following all requirements outlined in this Board Policy and the accompanying Regulation.

Partner organizations are independent organizations of the District, and as such, the District assumes no liability for their operations or finances. The District may, however, from time to time elect to designate pre-approved activities of partner organizations as "District-sponsored."

Failure to comply with the provisions of this or any other applicable Board Policy, Regulation, or applicable law on the part of the partner organization may result in termination of the partner organization's official recognition as such.

The Superintendent or designee shall be responsible for maintaining an up-to-date list of organizations that have been granted official recognition as a partner organization of the District.

The Superintendent or designee shall further be responsible for developing regulations to implement this Policy. Those regulations shall include, but need not be limited to:

1. Standards for recognition and continued recognition as a partner organization.
2. Criteria for determining whether and to what extent information from partner organizations may be linked to the District website.
3. Provisions for orientation of the leaders of partner organizations to this Policy and its accompanying Administrative Regulation to ensure compliance and to ensure that these groups do not exceed the scope of their authorization.
4. Other requirements of partner organizations deemed appropriate by the Superintendent or designee.

Cross References:

Policy and Regulation 7040 (Use of Facilities)

Policy and Regulation 1350 (Campaigning for Public Office on District Property by Non-Students)

Policy and Regulation 1124 (Distribution of Promotional Information)

General

~~Parent Organizations are groups of parents or guardians of District students organized to support and benefit District students in connection with District-related activities. This category includes, but is not limited to, parent/teacher organizations, home and school associations, booster clubs, and educational and cultural groups.~~

~~Parent Organizations shall be recognized as independent organizations and, as such, the District assumes no liability for their operations or finances. The District may, however, elect to designate pre-approved activities of Parent Organizations as "School District-sponsored," as referenced in Board policies applicable to activities held on or off school premises. Parent Organizations are required to enact by-laws to be available upon request to the District.~~

~~Parent Organizations must adhere to all Board and District policies, regulations, procedures, and rules as well as any applicable state or federal laws and regulations. Failure to do so may result in the change of the Parent Organization's status and right to utilize or access school facilities as a Parent Organization.~~

Restrictions on Imposition of Fees and Limiting Access to the Activity:

- ~~1. Parent organizations shall not charge fees for services which are already available for free to District students.~~
- ~~2. Parent Organizations are prohibited from imposing conditions of membership which may exclude students from participation in District or school events, Student Organizations, School-Sponsored Activities, or any other opportunities offered to students by the District or its schools. Such conditions include, but are not limited to, the following:~~
 - ~~a. requiring students and/or their parents/guardians to remit payments, fees, dues or monies of any kind as a prerequisite to student membership and/or participation in District or school events, Student Organizations, School-Sponsored Activities, or any other opportunities offered to students by the District or its schools; and~~

~~b. requiring parents/guardians to join a particular Parent Organization and/or any other group before their children may become entitled to membership and/or participation in District or school events, Student Organizations, School-Sponsored Activities, or any other opportunities offered to students by the District or its schools.~~

~~3. Parent Organizations also may not request financial contributions from parents and/or students prior to the members of the team/activity being determined.~~

Use of Logos

~~1. Parent Organizations are not permitted to use the District's name or logo without a license or express permission granted in writing by the Superintendent.~~

~~If an organization desires to use a logo other than the designated District logo for use by the club or organization on merchandise or for any other reason, such use must be approved in writing by the Superintendent. Designated District logos shall be established in the Administrative Regulation accompanying this Policy.~~

Delegation of Responsibility

~~The Superintendent is authorized to impose any requirements necessary to ensure compliance with applicable law and Board policy.~~

~~Furthermore, the Board of School Directors, the Superintendent, and/or the Building Principal shall have the authority to void or cancel any and all fund raising activities or purchases that are not necessary, appropriate, or in the best interest of the District and its students. The Superintendent is authorized to establish criteria for recognition and other compliance requirements for Parent Organizations.~~

{02186350 } Adopted: February 26, 1973

Revised: November 25, 1996

Revised: November 23, 1998

Revised: January 22, 2001

Revised: May 22, 2006

Revised: October 26, 2009

Draft: March 20, 2012

*Parent-Partner Organizations**Guidelines for Recognition and Continued Recognition*

A partner organization must demonstrate compliance with the guidelines listed below as a condition of being considered for recognition as a partner organization of the District, and must maintain compliance with such guidelines at all times thereafter in order to maintain such recognition. Failure to follow these guidelines, as determined by the Superintendent or designee, may result in the official recognition of the organization as a partner organization of the District being revoked.

1. Partner organizations are required to enact bylaws and submit them to the Superintendent or designee prior to being recognized as a partner organization of the District. Updated bylaws shall be provided to the Superintendent or designee any time the existing bylaws are modified in any way. Partner organizations are further required to submit to the Superintendent or designee, as condition of being recognized as a partner organization, on an annual basis thereafter, a listing of all officers, including their address, phone number, and email address.
2. Membership and participation in partner organizations must be open to all parents/guardians of District students who wish to participate, except that parent/teacher organizations and home and school associations may be limited to parents/guardians who have children at the school associated with the organization or association. Officers of parent/teacher organizations and home and school associations must be parents/guardians of a student enrolled at the school associated with the organizations or association.
3. The partner organization must certify that it is in compliance with all applicable Board Policies, Regulations, applicable school rules, and applicable law. In the event the Superintendent or designee determines that a partner organization is not complying with such Board Policies, Regulations, school rules, and/or applicable law, the partner organization shall be required to promptly correct such instances of non-compliance to the satisfaction of the Superintendent or designee. Continued non-compliance on the part of the partner organization shall be grounds for the Superintendent or designee to terminate the partner organization's official status as a partner organization of the District.
4. The partner organization must certify that it does not require mandatory participation by students in any fundraising activity as a condition of participation in the school-sponsored programs.
5. The partner organization must certify that it complies with, and requires its guests and invitees to comply with, all rules and regulations outlined in Board Policy and Regulation 7040 (Use of District Facilities) in connection with any event or activity that takes place on school property.

In order to facilitate cooperation with and orientation of partner organizations, the Superintendent or designee will encourage regularly scheduled meetings with representatives of partner organizations and other administrators or staff designated by the Superintendent or designee. In the case of these meetings, a copy of the draft meeting minutes shall be submitted to the Superintendent or designee prior to their publication or circulation by the partner organization. Meeting minutes of meetings between District representatives and partner organizations may only be published or circulated when mutually agreed to by the Superintendent or designee and the partner organization.

By-Laws

Partner organizations are required to adopt and submit a set of written bylaws to the District. All provisions listed in Attachment A must be included in any partner organization's bylaws.

Use of District's or Any School's Name, Logo, or Mascot

Partner organizations are not permitted to use the District's or any individual school's name, logo, or mascot without a license or express permission granted in writing by the Superintendent or designee.

If a partner organization desires to use a logo or mascot other than the designated District or school logo or mascot for use by the club or organization on merchandise or for any other reason, such use must be approved in writing by the Superintendent or designee.

Restrictions on Imposition of Fees and Limiting Access to the Activity

Partner organizations shall not charge fees for services which are already available for free to District students.

Partner organizations are prohibited from imposing conditions of membership which may exclude students from participation in District or school events, student organizations, school-sponsored activities, or any other opportunities offered to students by the District or its schools. Such conditions include, but are not limited to, the following:

- requiring students and/or their parents/guardians to remit payments, fees, dues or monies of any kind as a prerequisite to student membership and/or participation in District or school events, student organizations, school-sponsored activities, or any other opportunities offered to students by the District or its schools; and
- requiring parents/guardians to join a particular partner organization and/or any other group before their children may become entitled to membership and/or participation in District or school events, student organizations, school-sponsored activities, or any other opportunities offered to students by the District or its schools.

Partner organizations also may not request financial contributions from parents/guardians and/or students prior to the members of the team/activity being determined.

Expenditures for Equipment and Supplies

All uniforms required by the District to be worn by members of a team or activity shall be purchased by the District.

1. The “uniform” shall include any clothing that:
 - a. Displays the school colors or logo (except shoes); and
 - b. Is purchased by the District; and
 - c. Is worn during the athletic contest or other activity; and
 - d. Is intended to be collected by the school at the conclusion of the season or activity.
2. Ancillary gear and apparel such as coaching aid equipment, bags, totes, etc., may be purchased and/or donated by partner organizations, their corporate sponsors, or other non-school sanctioned entities to the District for use by the District team or student club in accordance with Board Policy.

Distribution of Information

To the extent that a partner organization wishes to distribute information through any District communication medium, it must comply with District Policy 1124, “Distribution of Promotional Information” and the requirements outlined below. “District communication medium” includes, but is not limited to, interschool mail, District email, other District-approved platforms that allow for the electronic information of information (i.e. Schoology), bulletin boards, District-produced cable television, the District website, District internet and/or transmission through students to their homes.

To the extent that a partner organization or a member or officer of a partner organization in their capacity as a member or officer of the partner organization wishes to distribute information to or correspond with professional or support staff of the District regarding partner organization-related initiatives, positions, events, activities, or related matters, such information or correspondence must first be approved by the Superintendent or designee. No partner organization may send communications, including email, to District staff without prior approval from the Superintendent or designee.

Partner organizations may not represent that an event, activity, product, or service is affiliated with or has been endorsed by the District without the prior approval of the Superintendent or designee. In order to accomplish this objective, the District may require the partner organization to add disclaimer language to any information distributed in accordance with this Regulation.

Request for Distribution

Any partner organization desiring to distribute literature through any District communication medium, as defined above, must submit a request in writing to the building principal, if the request is limited to one school building, or the District's Director of Assessment and Accountability, if the request is for more than one school building. The request must include:

1. A written draft of the literature that the partner organization would like to distribute;
2. A description of the purpose for the distribution;
3. A requested distribution time period; and
4. The point of contact for the partner organization that may be contacted by the Director of Assessment and Accountability or designee in the event that additional information is needed and to communicate the decision as to whether the distribution request will be honored.

Linking to District Website

All requests for linkage to the District website by partner organizations must be approved by the Superintendent or designee and must comply with the following:

1. No student information protected by the Family Education Rights and Privacy Act (FERPA) may appear on the linked website unless specifically permitted by law and authorized in advance by the Superintendent or designee.
2. No employee information or images may appear on the linked website other than the employee's name, position with the District, and District contact information without the employee's permission obtained in advance.
3. The District may permit photographs or videos of an individual student or group of students to appear on a linked website if permitted by law or if the student's parent/guardian has consented in advance to the public display of such photographs and/or videos.
4. Commercial advertising on the District's website shall be in accordance with Board Policy.
5. No website will be linked to the District's website that contains partisan political content or content that is considered "campaigning" under Board Policy and Administrative Regulation 1350 (Campaigning for Public Office on District Property by Non-Students), as determined by the Superintendent or designee.

6. The District reserves the right, with or without notice, to remove a linked website from the District's website if it is determined by the Superintendent or designee that the linked website is operating in violation of the provisions of this Administrative Regulation, the accompanying Board Policy, other Board Policies or Administrative Regulations, or applicable law.

Other Compliance Requirements / Provisions

Partner organizations are required to operate in accordance with all applicable Board Policies, Administrative Regulations, and applicable law in order to remain eligible for continued recognition as a partner organization of the District. Failure to do so may result in the official recognition of the organization as a partner organization of the District being revoked.

Partner organizations must refrain from endorsing or recommending candidates or political parties for public office. In the event that a member or officer of a partner organization endorses or recommends a candidate or political party for office, it must be made objectively clear that the individual's endorsement or recommendation is made entirely in their individual capacity, and not in their capacity as a member or officer of the partner organization or on behalf of the partner organization. Nothing in this section shall prohibit a partner organization from hosting or sponsoring non-partisan debates, speeches, or similar events conducted in a non-partisan way in accordance with this and other applicable Board Policies and Regulations.

Partner organization must refrain from engaging in partisan political activity or activity that could be considered "campaigning" under Board Policy and Administrative Regulation 1350 (Campaigning for Public Office on District Property by Non-Students), as determined by the Superintendent or designee

In conducting activities, all partner organizations shall comply with the Pennsylvania Solicitation of Funds for Charitable Purposes Act, as amended, the Pennsylvania Small Games of Chance Act, and any other requirements established regarding fundraising.

The use of District facilities by partner organizations shall be governed by Board Policy and Administrative Regulation 7040 (Use of Facilities).

Any money which is to be spent for the purposes of maintaining staff for an instructional program, athletic or music program, or any other extra-curricular activity or program must be approved by the Superintendent or designee.

Partner organizations are not permitted to provide gifts or awards to students without the prior approval of the Superintendent or designee.

Partner organizations are not permitted to make improvements to District buildings or grounds without prior permission from the Superintendent or designee.

Partner organization are strongly encouraged to consult with their building principal prior to making expenditures for equipment, supplies or other items to avoid overlap or duplication of District purchases. Purchases of equipment, supplies, or other materials for donation to the District must be in accordance with Board Policy and applicable law. Additionally, the purchase of equipment, supplies, or other materials for donation to the District's athletic programs must be reviewed and approved in advance by the Athletic Director to ensure compliance with applicable law and regulations governing athletic programs.

Members or officers of a partner organization are not permitted to attend meetings on behalf of children not their own in their capacity as a member or representative of the partner organization. This includes meetings such as parent/teacher conferences, IEP/Section 504 meetings, student attendance improvement conferences, special education due process hearings or related proceedings, student discipline conferences or hearings, mediation sessions, hearings before the Board of School Directors or their designee(s), etc. To the extent that a member or officer of a partner organization has a right to be at a meeting on behalf of a child not their own in their individual capacity, it must be made objectively clear that the individual's presence is entirely in their individual capacity, and not in their capacity as a member or officer of the partner organization or on behalf of the partner organization.

Individual members or officers of a partner organization that wish to provide public comment at or for a Board or Committee meeting of the Board of School Directors must do so individually, and not on behalf of or in the name of the partner organization. Neither partner organizations nor individuals acting on behalf of a partner organization are permitted to hand out literature, information, or related materials to meeting attendees or participants unless such distribution has been approved in advance by the Superintendent or designee.

Sample compliance forms are attached to this Administrative Regulation. Questions regarding this Administrative Regulation or the accompanying Board Policy should be directed to the building principal and/or the Director of Assessment and Accountability.

General

~~In order to facilitate school cooperation with Parent Organizations, the Superintendent of Schools will encourage regularly scheduled liaison committee meetings which will include representatives of all PTOs, HSAs, elementary schools and secondary schools, in the District. Membership on this committee will include every principal of each school with Parent Organization representation.~~

~~A Parent Organization must be specifically identified as an "Approved District and School Related Parent Organization" in order to qualify for status as a Class B organization pursuant to Policy 7040. The District may, however, elect to designate pre-approved activities of parent organizations as "School District sponsored," as referenced in Policy 7040, for activities held on or off school premises.~~

~~Approved District and School Related Parent Organizations include but are not limited to PTOs, HSAs, BUILD and booster clubs.~~

Guidelines for Recognition

- ~~1. A Parent Organization must adhere to the following whenever requested by the District:~~
- ~~2. —~~
1. — Acknowledge that the club or organization is in compliance with all applicable rules and regulations promulgated by the Board of School Directors, the District, the state, and the federal government.
- ~~3. Submit to the Board, on an annual basis, a listing of all officers by name and address or names of contact persons who will represent the interests of the organization.~~
- ~~4. In addition to the restrictions as described below, acknowledge that the organization shall not require mandatory participation by students in any~~

~~fundraising activity as a condition of participation in the school-sponsored programs.~~

- ~~5. Acknowledge that the organization prohibits the sale or consumption of alcoholic beverages at any and all functions on District property or at any club or organization-sponsored function at which students are in attendance.~~
- ~~6. Acknowledge that the organization prohibits the use of any tobacco products at any and all functions on District property or at any club or organization-sponsored function at which students are in attendance.~~
- ~~7. Ensure that all requests for the use of school facilities and equipment comply with District policies.~~
- ~~8. Ensure that all gifts or awards shall not be given to students without the approval of the Superintendent.~~

~~Expenditures for Equipment and Supplies~~

~~All uniforms required by the District to be worn by members of a team or activity shall be purchased by the District.~~

- ~~1. The “uniform” shall include any clothing that:
 - ~~a. Displays the school colors or logo (except shoes); and~~
 - ~~b. Is purchased by the District; and~~
 - ~~c. Is worn during the athletic contest or other activity; and~~
 - ~~d. Is intended to be collected by the school at the conclusion of the season or activity.~~~~
- ~~2. Ancillary gear and apparel such as coaching aid equipment, bags, totes, etc., may be purchased and/or donated by parent organizations, their corporate sponsors, or other nonschool sanctioned entities to the District for use by the District team or student club.~~

~~Distribution of Literature~~

~~Parent Organizations are free to distribute information to their members and other individuals or groups in whatever manner they deem appropriate. However, to the extent that a Parent Organization chooses to distribute information through District communication medium, it must comply with District Policy 1124, “Distribution of Promotional or Other Types of Information by Organizations.”~~

~~“District communication medium” includes but is not limited to interschool mail, bulletin boards; District produced cable television, the District website, District internet and/or transmission through students to their homes.~~

~~Request for Distribution~~

~~Any parent organization desiring to distribute literature through any District communication medium, must submit a request in writing to the building principal, if the request is limited to one school building, or the District’s Director of Assessment, Accountability and Technology, if the request is for more than one school building. The request must include:~~

- ~~1. A written draft of the literature that the individual organization would like to distribute;~~
- ~~2. A description of the purpose for the distribution;~~
- ~~3. A requested distribution time period; and~~
- ~~4. The contact information for the organization.~~

~~Disclaimer Requirement~~

~~Any literature distributed in accordance with this regulation by a Class B, Approved District and School Related Parent Organization, must contain the following language in bold print in the same font as the remainder of the information:~~

~~The (name of Class B organization) is a non-profit organization of parents and/or District personnel formally recognized by the Tredyffrin/Easttown School District. The Tredyffrin/Easttown School District has not released your name, address or e-mail address to us, unless previously authorized by you.~~

~~Any literature distributed in accordance with this regulation by a parent organization not formally recognized by the Tredyffrin/Easttown School District must contain the following language in bold print in the same font as the remainder of the information:~~

~~The (name of parent organization) is an organization of parents not formally recognized by the Tredyffrin/Easttown School District. The Tredyffrin/Easttown School District has not released your name, address or e-mail address to us, unless previously authorized by you.~~

~~Linking to District Website~~

~~All requests for linkage to the District website by parent organizations must be approved by the Superintendent or designee and must comply with the following:~~

1. ~~No student information, i.e., full name, partial name except first name, pen name(s), initials, addresses, phone number(s), or social security number may appear on the linked website.~~
2. ~~Employee's names, District e-mail addresses and phone extensions with the employee's permission may be included in lists of names. No other employee information or images may be used in the linked website unless posted by the person, or prior written permission is given by the individual and provided to the District upon request.~~
3. ~~The District shall permit photographs or videos of an individual student or group of students to appear on a linked website, provided that the District has received proof of consent from the parents/guardians of each student appearing in the photograph or video of its intent to publish such material on the website and the parents/guardians have not objected.~~
4. ~~No commercial advertising of any type, except for school functions, shall be posted on the linked website.~~

~~By-Laws~~

~~Since Parent organizations are required by Board policy to have a written constitution or set of by laws, the administration provides Attachment A as an example of an acceptable by law. All provisions contained under "Required Conditions" of Attachment A must be included in any organization's by laws. A more comprehensive sample of by laws shall be made available upon request to the Superintendent's designee.~~

~~Compliance Requirements~~

~~In conducting activities, all Parent Organizations shall comply with the Pennsylvania Solicitation of Funds for Charitable Purposes Act, as amended, the Pennsylvania Small Games of Chance Act, or any other requirements established regarding fundraising.~~

~~Any money which is to be spent for the purposes of maintaining a support staff of an instructional program for any high school, athletic, music programs or other extra-curricular activities and programs must be approved through the Building Principal or other Superintendent's designee.~~

~~Any and all purchases of equipment, materials or instruction for a program or organization shall have the prior written approval of the Building Principal or other Superintendent's designee.~~

~~All Organizations contributing to or purchasing anything for a grade 7-12 interscholastic athletic team must disclose to the District Administrative Liaison the value of~~

~~contributions and purchases made on behalf of each interscholastic athletic team in the form and by the deadline requested of the Organization by the District Administrative Liaison.~~

~~———— Sample compliance forms are attached to this regulation.~~

{02186444 } Revised: September 1995

Revised: January 23, 2001

Revised: June 22, 2006

Revised: October 26, 2009

Attachment A**By-Laws of Organization****Name:** _____**Purpose:** __________

_____**Required Conditions to be Included in Partner Organization Bylaws:**

Membership and participation in the Organization shall be open to all parents/guardians of District students who wish to participate. [For PTO/HSA Groups, this provision could be replaced with the following: Membership and participation in the Organization shall be open to all parents/guardians who have children at _____]. Officers of the Organization must be parents/guardians of a student enrolled at _____.

The Organization shall at all times operate in compliance with all applicable Tredyffrin/Easttown School District Board Policies, Regulations, applicable school rules, and applicable law.

The Organization does not require mandatory participation by students in any fundraising activity as a condition of participation in the school-sponsored programs

The Organization shall comply with, and shall require its guests and invitees to comply with, all rules and regulations outlined in Tredyffrin/Easttown School District Board Policy and Regulation 7040 (Use of District Facilities) in connection with any event or activity that takes place on school property

The Organization ~~recognizes and accepts that it is prohibited from~~ shall not imposing-impose conditions of membership which ~~serve to may~~ exclude students from participation in District or school events, ~~Student-student Organizationsorganizations, Schoolschool-Sponsored-sponsored Activitiesactivities,~~ or any ~~oth~~ her opportunities offered to students by the District or its schools. Such conditions include, but are not limited to, the following:

- ~~a.~~ a. requiring students and/or their parents/guardians to remit payments, fees, dues or monies of any kind as a prerequisite to student membership and/or participation in District or school events, ~~Student-student Organizationsorganizations, Schoolschool-Sponsored-sponsored Activitiesactivities,~~ or any other opportunities offered to students by the District or its schools; and

- —
- —
- ~~b.~~ requiring parents/guardians to join a particular ~~Parent o~~Organization rganization and/or any other group before their children may become entitled to membership and/or participation in District or school events, ~~Student~~student ~~Organizations~~organizations, ~~School~~school ~~Sponsored~~sponsored ~~Activities~~activities, or any other opportunities offered to students by the District or its schools.

The Organization ~~recognizes that it may~~shall not require at any time parents/guardians and/or students to financially contribute to the ~~group~~Organization for any reason other than reasonable and customary dues.

The Organization ~~recognizes that it may~~shall not request financial contributions from parents/guardians and/or students prior to the ~~roster for the team/activity being selected~~members of the team/activity being determined.

~~The Organization recognizes and accepts that it is prohibited from using the District's name or logo without a license or express permission granted in writing by the Superintendent.~~

Other Provisions: ~~Listed on attached separate page(s).~~

Attachment B

Booster Club or Parent Organization Officer Affirmation

I _____ have read the District's Policy and
_____ (Officer's Name)

~~Administrative Regulation 1131, "Parent Organizations". I agree to abide~~

~~by the terms and conditions of both the Policy and also the Administrative Regulation in
their entirety.~~

Officer's Signature

Date

Attachment CB**TEMPLATE BUDGET**

Sample Budget

BEGINNING BALANCE (A) \$ _____

Add: Revenue

Fund Raisers \$ _____

Parent Fees \$ _____

Interest Earnings \$ _____

Other Revenue \$ _____

TOTAL REVENUE (B) \$ _____

Less: Expenses

Fund Raising Costs \$ _____

Materials for Students \$ _____

Banquets or Celebrations \$ _____

Other Expenses \$ _____

TOTAL EXPENSES (C) \$ _____

ENDING BALANCE (A + B – C) \$ _____

Attachment D

APPROVAL FORM FOR UNBUDGETED* PURCHASES, DONATIONS, AND/OR CONTRIBUTIONS OF ITEMS, EQUIPMENT, MATERIALS, MONEY IN EXCESS OF \$2000.00

Organization Name: _____

Nature of purchase, donation, and/or contributions of items, equipment, materials, money: _____

Purpose of purchase, donation, and/or contributions of items, equipment, materials, money: _____

Source of funds for purchase, donation, and/or contributions: _____

Submitted by: _____ **Date:** _____

Cc: District Administrative Liaison

Approved/Denied (circle one) by Building Principal/Other Superintendent Designee:** _____
Date: _____

(If appealed to Superintendent):
Approved/Denied (circle one) by Superintendent: _____
Date: _____

*** Unbudgeted** means not reflected in the organization budget submitted to the District Administrative Liaison.

****If the building principal or other Superintendent's designee denies the request or fails to respond within three business days of the request, the organization may appeal to the Superintendent.**

Attachment E

Designated District Logos

[Insert Logos Here]

~~MEMORANDUM~~

~~To:~~

~~From:~~

~~Date:~~

~~Re: Checklists to Help Booster Clubs/Organizations Comply with Mandatory
By-Laws and Yearly Requirements~~

~~CC:~~

~~In an effort to respond to Federal and state regulatory requirements, including Title IX, the School Board adopted Policy and Administrative Regulation 1131—Parent Organizations. This policy and administrative regulation detail the requirements and responsibilities for Parent Organizations, including Booster Clubs, within the Tredyffrin/Easttown School District.~~

~~We recognize and appreciate all of the hard work and significant time that you and your fellow organization members devote to enhancing student athletics and regret that we have to impose these additional requirements. Therefore, to help make the compliance process as painless as possible on you and your clubs, we have created the attached checklists. These checklists consolidate the requirements and responsibilities into one document for ease of reference:~~

~~1) Booster Clubs' List of Responsibilities and~~

~~2) Checklist for *Mandatory By-Laws* for Booster Clubs.~~

~~If your club has not already done so, please send a copy of its by-laws to me as soon as possible. Throughout the year, I will send out periodic reminders of upcoming deadlines. Thank you for your cooperation and continued efforts to enhance the students' experiences while at the Tredyffrin/Easttown School District.~~

Regards,

District Administrative Liaison

Attachment CBooster Clubs' and Parent-Partner Organizations' Check List of Responsibilities

1. ☐ Create/send a copy of your club's Organization's by-laws to the Superintendent or designee, if not previously done. Included with the bylaws should be a list of all current officers of the Organization, including their address, phone number, and email address. I will send you a reminder if your club has not done that. A sample by-law is attached to the regulation.
2. ☐ If a club Organization amends its by-laws, a copy must be sent to me the Superintendent or designee as soon as possible within 30 days of the amendment.
3. ☐ Agree in writing with the Policy/Administrative Regulation. I will send you an email about this; you simply need to reply and send.
4. ☐ Send me an updated list (including emails) of club officers and who my contact person should be.
- 5.3. ☐ Hold at least one meeting per year to elect officers.
- 6.4. ☐ Inform your designated Administrative Liaison me and the coach of all club Organization meeting dates and times.
7. ☐ Inform the parents/guardians of student team members, meeting dates and times, meeting locations, and meetings when fundraising will be discussed and/or voted on.
- 8.5. ☐ For meetings between the District and the Organization, Send-send copies of the draft meeting minutes to me your designated Administrative Liaison prior to publishing or circulating them. These minutes will need to be approved by the Superintendent or designee prior to officially publishing or circulating the minutes.
- 9.6. ☐ For booster club activities, Request-request permission from the building principal to conduct a recognition event (or banquet.); the date of the event must be cleared with me and the coach (if you know the date for the following year, that date can be placed on the District's calendar).
- 10.7. ☐ For booster clubs, Seek-seek approval from me the designated Administrative Liaison for all printed game or activity programs.
- 11.8. ☐ The treasurer of each club must do the following:
 - ☐ Send me your proposed budget (Attachment C to Administrative Regulation 1131 is a template budget).

- ☐ Establish accounting procedures (with the assistance of the District's Business Administrator).
- ☐ Establish a procedure for the internal audit process (with the assistance of the District's Business Administrator).
- ☐ Maintain records of money raised and expenditures during fundraising activities.
- ☐ By **June 30**- Present a written financial report of the club's income and expenditures to the club's President and me. A copy of the club's tentative goals for yearly carryover funds must be attached to the financial report.
- ☐ Obtain prior written approval from the building principal for any and all purchases, donations, and/or contributions of items, equipment, materials, money, etc., not already reflected in the club's budget, in excess of \$2,000.00, which the club plans to use for District athletics or related activities (Attachment D to Administrative Regulation 915 is the applicable request form).
- ☐ If the club wants to qualify for tax-free purchases, the treasurer must send the application to the Bureau of Charitable Organizations, Department of State, to register the club as a charitable organization. Before doing so, I must approve the application.

~~12. ☐ Explain to parents/guardians prior to tryouts or auditions what the club's fundraisers and dues are. Also explain to parents/guardians how the money obtained from the dues (if dues are collected) will be utilized.~~

~~13.9. ☐ If the club Organization wishes to use a logo other than the designated the District's logo or any individual school's name, logo or mascot, such use must be approved in writing by the Superintendent (Attachment E to Administrative Regulation 1131 contains the designated District logos).~~

~~14.10. ☐ If the club Organization wants to improve District buildings or grounds, the Superintendent or designee must approve the improvements and any individuals who may be performing such work.~~

~~15. ☐ If a club wishes to hire paid consultants for improvements to District buildings or grounds, the School Board must approve of these consultants before they are engaged; these requests must be made to the School Board Secretary at least two (2) weeks prior to the date of the next regular Business meeting of the School Board.~~

Prohibitions for Clubs

1. No ~~club~~ Organization may require parents'/guardians' or student participation in fundraising for the purpose of their child participating in the sport or activity school-sponsored programs.
2. ~~No club may discriminate against on the basis of his or her parents/guardians lack of financial support for the club. The club cannot treat the student differently in regard to banquets, gifts, awards, and/or participation (this prohibition does not apply to sports that are not funded by the District; also, if the fee is for off-season activities, the student may be excluded).~~
3. ~~No club may use the District's name or logo without license or express permission from the Superintendent.~~
- 4.2. No club Organization may include advertisements for tobacco, ~~or~~ alcoholic beverages, or other types of prohibited content in printed programs.
- 5.3. No club Organization may use the District's Identification Number for exemption from Pennsylvania sales tax under any circumstances ~~(Organizations, however, may be able to make monetary donations to the District earmarked for specific purchases in excess of \$1,000.00).~~

District Responsibilities

1. ~~The District will publicize through its email distribution list the clubs' meeting dates (including the meeting to elect officers) if I receive reasonable notice of these dates.~~
2. ~~The building principal or other designee must respond within three (3) days of a club's request for approval of a purchase, donation, and/or contribution in excess of \$2,000.00. If the District fails to respond, the club may appeal to the Superintendent.~~
3. ~~The District shall approve or deny a club's submission of a request for a printed game/activity program within two (2) days or receipt.~~
4. ~~If any issues should arise with regard to compliance with Policy or Administrative Regulation 915, the following procedure must be followed:~~
 - ~~I must provide a written report to the Superintendent that includes the specific nature of the issue, statement of the relevant facts, and my recommended disposition.~~
 - ~~If the Superintendent does not resolve the issue, the Superintendent shall provide a report to the School Board.~~
 - ~~The School Board will review all the information and provide a written decision to all affected parties.~~

Checklist for Mandatory By-Laws for Booster Clubs and Parent Organizations[†]

Each of the items listed below *must* be included in a booster club's by-laws:

☐ **Name of Club**

☐ **Purpose**

"The _____ Organization does not discriminate on the basis of race, color, religion, national or ethnic origin, age, sex, or disability."

☐ **Membership:** Membership is limited to parents/adults responsible for the child involved in the activity and not the child themselves. Therefore, the following classifications of individuals may not be listed as members in a parent club:

Students eligible to participate in the sport or activity;

District employees, unless they are also parents/guardians of a student who is participating in the sport or activity; and

Head and assistant coaches of the sport in question, whether paid or volunteer

☐ **Officers and Elections:**

Officers: The officer positions shall be a president and treasurer. The president and treasurer shall be different individuals.

President: The president shall preside over meetings of the organization and executive board, serve as the primary contact for the principal, represent the organization at meetings outside the organization, serve as a member of all club committees except the nominating committee, and coordinate the work of all the officers and committees so that the purpose of the organization is served.

Treasurer: The treasurer shall receive all funds of the organization, keep an accurate record of receipts, expenditures, and payout funds in accordance with the approval of the executive board. The treasurer will follow the District's rules as promulgated in the Administrative Regulation 915 for Booster Clubs and Parent Organizations.

Nominations and Elections: Elections will be held at the _____ meeting of the school year.

On a yearly basis, each organization shall submit a listing of its officers to the appropriate District administrative liaison after the annual organizational meeting of the booster club or the parent organization.

☐ **Liaison to the District**

At least once a year, the organization shall designate a liaison for purposes of communications with the administrative liaison designated by the District. This appointed liaison may be, but is not required to be, the organization's President or Treasurer.

☐ **Meetings**

There shall be at least one annual meeting of the organization for the purposes set forth in this section.

☐ **Finances**

Upon the dissolution of the organization, all monies remaining in the organization's account after payment of any outstanding bills must be turned over to the District for use in connection with the team or activity which the organization had supported to the extent permitted by law, with any residual amount going to support District athletics or other student activities generally.

☐ **Dissolution**

[†] The information contained in this checklist is the information that *must* be in each clubs' by-laws.

~~A booster club or parent organization may disband by its own accord by submitting a written request to the designated administrative liaison.~~

~~☐ **Amendments**~~

~~In the event that the by laws are amended, a copy of the new version of the same shall be forwarded to the organization's applicable District administrative liaison within 30 days of amendment.~~

~~☐ **Additional Required Conditions**~~

~~The Organization recognizes and accepts that it is prohibited from imposing conditions of membership which serve to exclude students from participation in District or school events, Student Organizations, School Sponsored Activities, or any other opportunities offered to students by the District or its schools.~~

~~The Organization recognizes and accepts that it is prohibited from using the District's name or logo without a license or express permission granted in writing by the Superintendent. The~~

~~Organization recognizes and accepts that any logos created by booster clubs and parent organizations for use by the club or organization for use on merchandise or for any other reason must be approved by the club or organization's administrative liaison.~~