



New Hope-Solebury School District Policy and Human Resources Committee Meetings

December 13, 2016

7:30PM—Upper Elementary School LGI Room

Per Policy 006.2, all public meetings of the Board of School Directors, including committees, are audio recorded.

Agenda Items

A packet of materials will be available on the policy website by Monday, December 12, 2016 at noon.

Call to Order

Approve Minutes from November 9, 2016.

Old Business

- Second Readings of Policies
 - 336—Professional Necessity Leave
 - 810.2—Transportation-Audio/Video Recording
 - 827—Conflict of Interest

New Business

- First Readings of Policies
 - 220—Expression/Distribution and Posting of Materials
 - 248—Harrassment (language additions to make policy applicable to Board members)
 - 249—Bullying/Cyberbullying (language additions to make policy applicable to Board members)
 - 255—Gender Expansive and Transgender Students

Public Comment

Adjournment

Immediately following the Policy Meeting, the Human Resources Committee will begin. Due to the confidential nature of the Human Resources Committee, public participation is not permitted.



**New Hope-Solebury School District
Policy and Human Resources Committee
Meeting Minutes
November 9, 2016
7:30PM – Upper Elementary School LGI Room**

Attendance

- **School Board** – Doug McDonough(Chair), Mark Cowell, Adrienne Deussing
- **Administration** - Steve Yanni, Suzan Rohn, Andrew Lechman
- **Committee Members** – Drew Giorgi
- **Presenters** - None
- **Public** – None

Mr. McDonough called the meeting to order at 7:45PM.

The minutes from the October 5, 2016 Policy Committee meeting were approved.

Old Business

The committee moved the following Board Operating Guidelines and Policies forward for board approval at the November 14, 2016 meeting:

- 006—Voting Procedures

The committee moved the following policies forward for board approval at the November 14, 2106 meeting:

- 320 - Freedom of Speech in Non-School Settings
- 321 - Political Activities
- 323 Tobacco Use

New Business

The committee reviewed the following policies (proposed changes/revisions can be found in the “Under Consideration” section of the online policy manual on the District’s website):

- 336—Professional Necessity Leave
- 810.2—Transportation-Audio/Video Recording
- 827—Conflict of Interest

Mr. McDonough and Dr. Yanni will bring stylistic changes back to the committee as they are made

Public Comment - none

Mr. McDonough adjourned the meeting at 8:25PM.

Respectfully submitted,

Suzan M. Rohn
Director of Human Resources



Book	Policy Manual
Section	300 Employees
Title	Copy of Personal Necessity Leave
Number	336
Status	
Adopted	November 17, 2014

I. Authority

A. This policy shall provide for absences for defined personal necessity leave by administrative, professional and support employees.

B. The Board has the authority to specify reasonable conditions under which personal necessity leave may be granted, the type of situations in which such leave will be permitted, and the total number of days that may be used by an employee in any school year for such leave.[1][2]

II. Guidelines

A. Personal Leave

1. The total number of days used for personal necessity leave in any school year by administrative, professional and support employees may not exceed three (3) days.
2. Personal leave days may also be granted to district employees in accordance with applicable provisions of the administrative compensation plan, individual contract, collective bargaining agreement or Board resolution.
3. Compensation for personal leave shall be in full for approved time off.

B. Bereavement Leave

1. Administrative, professional and support employees who are absent due to a death in the immediate family shall receive paid bereavement leave for absence not to exceed five (5) school days. The Board may extend the period of absence, at its discretion. Members of the immediate family shall be defined as father, mother, brother, sister, son, daughter, husband, wife, parent-in-law, near relative who resides in the same household, or any person with whom the employee has made his/her home.[2]
2. Administrative, professional and support employees who are absent due to a death of a near relative shall receive paid bereavement leave for absence of one

(1) school day (day of the funeral). The Board may extend the period of absence, at its discretion. A near relative shall be defined as first cousin, grandfather, grandmother, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, brother-in-law or sister-in-law.[2]

Legal

1. 24 P.S. 510

2. 24 P.S. 1154



Book Policy Manual
Section 800 Operations
Title Transportation - Video/Audio Recording
Number 810.2
Status Policy Committee Review
Last Reviewed November 9, 2016

I. Purpose

- A. The use of video and audio recording equipment supports efforts to maintain discipline and to ensure the safety and security of all students, staff, contractors and others being transported on district-owned, operated, or contracted school buses or school vehicles.

II. Definitions

- A. **School bus** means a motor vehicle that is designed to carry eleven (11) passengers or more, including the driver, and is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.
- B. **School vehicle** means a motor vehicle, except a motorcycle, designed for carrying no more than ten (10) passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to the school district. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children.

III. Authority

- A. The Board authorizes the use of video and audio recording on school buses and school vehicles **for disciplinary and security purposes.**
- B. The Board prohibits the use of audio recording on any school bus or school vehicle that is not being used for a school-related purpose.

IV. Delegation of Responsibility

- A. The Board directs the Superintendent or designee to ensure that:

1. Each school bus and school vehicle that is equipped with video and audio recording equipment contains a clearly posted notice informing drivers and passengers of the potential for video and audio recording.
2. **This policy is posted on the district's publicly accessible website.**
3. **Each school year, this policy is included in the student handbook and in any other district publication that sets forth the comprehensive rules, procedures and standards of conduct.**

V. Guidelines

1. The district shall comply with the provisions of federal and state law and regulations regarding student record requirements as applicable to the district's use and disclosure of recordings. Recordings considered part of a student's educational record shall be maintained in accordance with established student record procedures governing access, review and disclosure of student records.



Book	Policy Manual
Section	800 Operations
Title	Copy of Conflict of Interest
Number	827
Status	
Adopted	June 20, 2016
Last Revised	August 22, 2016

I. Purpose

- A. This policy shall affirm standards of conduct established to ensure that Board members and employees avoid potential and actual conflicts of interest, as well as the perception of a conflict of interest.

II. Definitions

- A. **Confidential information** shall mean information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.
- B. **Conflict** or **Conflict of interest** shall mean use by a Board member or district employee of the authority of his/her office or employment, or any confidential information received through his/her holding public office or employment, for the private pecuniary benefit of him/herself, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated. The term does not include an action having a de minimis economic impact, or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the Board member or district employee, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated.
- C. **De minimis economic impact** shall mean an economic consequence which has an insignificant effect.
- D. **Financial interest** shall mean any financial interest in a legal entity engaged in business for profit which comprises more than five percent (5%) of the equity of the business or more than five percent (5%) of the assets of the economic interest in indebtedness.
- E. **Honorarium** shall mean payment made in recognition of published works, appearances, speeches and presentations, and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in

nature. The term does not include tokens presented or provided which are of de minimis economic impact.

- F. **Immediate family** shall mean a parent, parent-in-law, spouse, child, spouse of a child, brother, brother-in-law, sister, sister-in-law, or the domestic partner of a parent, child, brother or sister.
- G. **Business partner** shall mean a person who, along with another person, plays a significant role in owning, managing, or creating a company in which both individuals have a financial interest in the company.

III. Delegation of Responsibility

- A. Each employee and Board member shall be responsible to maintain standards of conduct that avoid conflicts of interest. The Board prohibits members of the Board and district employees from engaging in conduct that constitutes a conflict of interest as outlined in this policy.

IV. Guidelines

- A. All Board members and employees shall be provided with a copy of this policy and acknowledge in writing that they have been made aware of it. Additional training shall be provided to designated individuals.

- B. Disclosure of Financial Interests

1. No Board member shall be allowed to take the oath of office or enter or continue upon his/her duties, nor shall s/he receive compensation from public funds, unless s/he has filed a statement of financial interests as required by law.
2. The district solicitor and designated district employees shall file a statement of financial interests as required by law and regulations.

- C. Standards of Conduct

1. The district maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees and Board members engaged in the selection, award and administration of contracts.
2. No employee or Board member may participate in the selection, award or administration of a contract supported by a federal award if s/he has a real or apparent conflict of interest as defined above, as well as any other circumstance in which the employee, Board member, any member of his/her immediate family, his/her business partner, or an organization which employs or is about to employ any of them, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
3. The district shall not enter into any contract with a Board member or employee, or his/her spouse or child, or any business in which the person or his/her spouse or child is associated valued at \$500 or more, nor in which the person or spouse

or child or business with which associated is a subcontractor unless the Board has determined it is in the best interests of the district to do so, and the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the Board member or employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract.

4. When advertised formal bidding is not required or used, an open and public process shall include at a minimum:
 - a. Public notice of the intent to contract for goods or services;
 - b. A reasonable amount of time for potential contractors to consider whether to offer quotes; and
 - c. Post-award public disclosure of who made bids or quotes and who was chosen.
5. Any Board member or employee who in the discharge of his/her official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his/her interest as a public record **in a written statement to be attached to the Board minutes.**
6. No public official or public employee shall accept an honorarium.
7. Board members and employees may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value. Gifts of a nominal value may be accepted in accordance with Board policy.

D. Improper Influence

1. No person shall offer or give to a Board member, employee or nominee or candidate for the Board, or a member of his/her immediate family or a business with which s/he is associated, anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment based on the offeror's or donor's understanding that the vote, official action or judgment of the Board member, employee or nominee or candidate for the Board would be influenced thereby.
2. No Board member, employee or nominee or candidate for the Board shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding of that Board member, employee or nominee or candidate that the vote, official action or judgment of the Board member, employee or nominee or candidate for the Board would be influenced thereby.

E. Organizational Conflicts

1. Organizational conflicts of interest may exist when due to the district's relationship with a subsidiary, affiliated or parent organization that is a candidate for award of a contract in connection with federally funded activities, the district may be unable or appear to be unable to be impartial in conducting a procurement action involving a related organization.
2. In the event of a potential organizational conflict, the potential conflict shall be reviewed by the Superintendent or designee to determine whether it is likely that the district would be unable or appear to be unable to be impartial in making the award. If such a likelihood exists, this shall not disqualify the related organization; however, the following measures shall be applied:
 - a. The organizational relationship shall be disclosed as part of any notices to potential contractors;
 - b. Any district employees or officials directly involved in the activities of the related organization are excluded from the selection and award process;
 - c. A competitive bid, quote or other basis of valuation is considered; and
 - d. The Board has determined that contracting with the related organization is in the best interests of the program involved.

F. Reporting Conflicts of Interest

1. Any perceived conflict of interest that is detected or suspected by any employee or third party shall be reported to the Superintendent. If the Superintendent is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Board President.
2. Any perceived conflict of interest of a Board member that is detected or suspected by any employee or third party shall be reported to the Board President. If the Board President is the subject of the perceived conflict of interest, the employee or thirdparty shall report the incident to the Superintendent, who shall report the incident to the solicitor.
3. No reprisals or retaliation shall occur as a result of good faith reports of conflicts of interest.
4. **The Superintendent or designee shall report in writing to the federal awarding agency or pass-through entity any potential conflict of interest related to a federal award, in accordance with federal awarding agency policy.**

G. Investigation

1. Investigations based on reports of perceived violations of this policy shall comply with state and federal laws and regulations. No person sharing in the potential conflict of interest being investigated shall be involved in conducting the investigation or reviewing its results.
2. In the event an investigation determines that a violation of this policy has occurred, the violation shall be reported to the federal awarding agency in accordance with that agency's policies.

H. Disciplinary Actions

1. If an investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, when not prohibited by law, inform the complainant.
2. Violations of this policy may result in disciplinary action up to and including discharge, fines and possible imprisonment. Disciplinary actions shall be consistent with Board policies, procedures, applicable collective bargaining agreements and state and federal laws.

Legal

1. 2 CFR 200.318

2. 65 Pa. C.S.A. 1101 et seq

51 PA Code 15.2

Pol. 004

Pol. 011

Pol. 317

Pol. 319

Pol. 322

Pol. 609

Pol. 702



Book	Policy Manual
Section	200 Pupils
Title	Copy of Expression/Distribution and Posting of Materials
Number	220
Status	draft
Adopted	March 29, 1993
Last Revised	July 16, 2007

I. Purpose

A. The right of public school students to freedom of speech is guaranteed by the Constitution of the United States and the constitution of the Commonwealth. The Board respects the right of students to express themselves in word or symbol and to distribute and post materials in areas designated for posting as a part of that expression. The Board also recognizes that exercise of that right must be limited by the district's responsibility to maintain an orderly school environment and to protect the rights of all members of the school community.^[1]

B. This policy addresses student expression in general and distribution and posting of materials that are not part of district-sponsored activities. Materials sought to be distributed or posted as part of the curricular or extracurricular programs of the district shall be regulated as part of the school district's educational program.

II. Definitions

A. **Distribution** - students handing nonschool materials to others on school property or during school-sponsored events; placing upon desks, on or in lockers; or engaging in any other manner of delivery of nonschool materials to others while on school property or during school functions. When e-mail, text messaging or other technological delivery is used as a means of distributing or accessing nonschool materials via use of school equipment or while on school property or at school functions, it shall be governed by this policy. Off-campus or after hours distribution, including technological distribution, that does or is likely to materially or substantially interfere with the educational process, including school activities, school work, or discipline and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights is also covered by this policy.

B. **Expression** - verbal, written or symbolic representation or communication.

C. **Nonschool materials** - any printed or written materials meant for posting or general distribution to others that are not prepared as part of the curricular or

extracurricular program of the district, including but not limited to fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal web sites and the like.

D. **Posting** - publicly displaying nonschool materials on school property or at school-sponsored events, including but not limited to affixing such materials to walls, doors, bulletin boards, easels, the outside of lockers; on district-sponsored or student web sites; through other district-owned technology and the like.

III. Authority

A. Students have the right to express themselves unless such expression is likely to or does materially or substantially interfere with the educational process, including school activities, school work, or discipline and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights.[1]

B. Student expression that occurs on school property or at school-sponsored events is fully governed by this policy. In addition, off-campus or after hours expression is governed by this policy if the student expression involved constitutes unprotected expression as stated in this policy and provided the off-campus or after hours expression does or is likely to materially or substantially interfere with the educational process, including school activities, school work, or discipline and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights.[2][3][1]

C. The Board shall require that distribution and posting of nonschool materials occur only at the places and during the times set forth in written administrative regulations. Such regulations or procedures shall be written to permit the orderly operation of schools, while recognizing the rights of students to engage in protected expression.[4][1]

D. Unprotected Student Expression

1. The Board reserves the right to designate and prohibit manifestations of student expression that are not protected by the right of free expression because they violate the rights of others or where such expression is likely to or does materially or substantially interfere with school activities, school work, or discipline and order on school property or at school functions including but not limited to:

- a. Libel of any specific person or persons.
- b. Advocating the use or advertising the availability of any substance or material that may reasonably be believed to constitute a direct and serious danger to the health or welfare of students.
- c. Using obscene, lewd, vulgar or profane language – whether verbal, written or symbolic.[3]
- d. Inciting violence; advocating use of force; or encouraging violation of federal, state or municipal law, Board policy or district rules or regulations.

- e. Are likely to or do materially or substantially interfere with the educational process, including school activities, school work, or discipline and order on school property or at school functions; threaten serious harm to the school or community; encourage unlawful activity; or interfere with another's rights.
- f. Violating written school district administrative regulations or procedures on time, place and manner for posting and distribution of otherwise protected expression.

2. Spontaneous student expression which is otherwise protected speech is not prohibited by this section.

E. Discipline for Engaging in Unprotected Expression

1. The Board reserves the right to prohibit the posting or distribution of nonschool materials containing unprotected expression and to prohibit students from engaging in other unprotected student expression, as well as to stop unprotected student expression when it occurs. The Board reserves the right to discipline students for engaging in unprotected expression. Where such expression occurs off campus and away from school functions, a nexus between the unprotected expression and a substantial and material disruption of the school program must be established.

F. Distribution of Nonschool Materials

- 1. The Board requires that students who wish to distribute or post nonschool materials on school property shall submit them one (1) school day in advance of planned distribution or posting to the building principal or designee, who shall forward a copy to the Superintendent.^[1]
- 2. If the nonschool materials contain unprotected expression as stated in this policy, the building principal or designee shall notify the students that they may not post or distribute the materials because the materials constitute a violation of Board policy.
- 3. If notice is not given during the period between submission and the time for the planned distribution or posting, students may proceed with the planned distribution or posting, provided they comply with written administrative regulations or procedures on time, place and manner of posting or distribution of nonschool materials.
- 4. Students who post or distribute nonschool materials in compliance with this provision may still be ordered to desist such distribution if the materials are later found to be unprotected expression under this policy.
- 5. Students who distribute printed materials shall be responsible for clearing any litter that results from their activity and shall schedule the event so that they do not miss instructional time themselves.

G. Posting of Nonschool Materials

1. If a school building has an area where individuals are allowed to post nonschool materials, students may post such items as well, if the materials do not constitute unprotected expression and the items are submitted for prior review in the same manner as if the students were going to distribute them.
2. Such materials shall be officially dated, and the district may remove the materials within ten (10) days of the posting or other reasonable time as stated in the administrative regulations or procedures relating to posting.

H. Review of Student Expression

1. School officials shall not censor or restrict nonschool materials or other student expression for the sole reason that it is critical of the school or its administration, or because the views espoused are unpopular or may make people uncomfortable.
2. Student-initiated religious expression is permissible and shall not be prohibited except as to time, place and manner of distribution, or if the expression involved violates some other part of this policy, e.g., because it is independently determined to be unprotected expression under the standards and definitions of this policy.
3. The review for unprotected expression shall be reasonable and not calculated to delay distribution.
4. Appeal of the reviewer's decision may be made to the Superintendent and then to the Board, in accordance with Board policy and district regulations or procedures.[5]

IV. Delegation of Responsibility

- A. The Superintendent shall assist the building principal in determining the designation of the places and times nonschool materials may be distributed in each school building. Such designations may take into account maintenance of the flow of student traffic throughout the school and shall limit distribution of nonschool materials to noninstructional times.
- B. Disciplinary action may be determined by the administrators for students who distribute or post nonschool materials in violation of this policy and district regulations or procedures, or who continue the manifestation of unprotected expression after a person in authority orders that they desist. Disciplinary actions shall be included in the disciplinary Code of Student Conduct.[6]
- C. This Board policy and any administrative regulations or procedures written to implement this policy shall be referenced in student handbooks so that students can access them for further information.

- Legal
1. 22 PA Code 12.9
 2. 24 P.S. 511
 3. 22 PA Code 12.2
 4. 24 P.S. 510
 5. Pol. 219
 6. Pol. 218

Last Modified by Steven Yanni on July 21, 2016



Book	Policy Manual
Section	200 Pupils
Title	Copy of Harassment
Number	248
Status	draft
Adopted	March 29, 1993
Last Revised	July 15, 2013

I. Purpose

- A. The Board strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the district to maintain an educational environment in which harassment in any form is not tolerated.

II. Authority

- A. The Board prohibits all forms of unlawful harassment of students and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages students and third parties who have been harassed to promptly report such incidents to the designated employees.[1][5][6]
- B. The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.
- C. No reprisals nor retaliation shall occur as a result of good faith charges of harassment.

III. Definitions

- A. For purposes of this policy, **harassment** can consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, sex, age, disability, sexual orientation, gender identity or expression, or religion when such conduct results in any of the following:[6]
 - 1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment.
 - 2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.
 - 3. Otherwise adversely affects an individual's learning opportunities.

- B. For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:[7]
1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.
 2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.
 3. Such conduct deprives a student of educational aid, benefits, services or treatment.
 4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive educational environment.

IV. Delegation of Responsibility

- A. In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent as the district's Compliance Officer.[4]
- B. The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.
- C. The administration shall be responsible to provide training for students and employees regarding all aspects of harassment.
- D. Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.
- E. Each student shall be responsible to respect the rights of their fellow students and district employees and to ensure an atmosphere free from all forms of unlawful harassment.
- F. The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:
1. Inform the student or third party of the right to file a complaint and the complaint procedure.
 2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
 3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
 4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

V. Guidelines

A. Complaint Procedure – Student/Third Party**1. Step 1 – Reporting**

- a. A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal or a district employee.
- b. A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.
- c. If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.
- d. The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

2. Step 2 – Investigation

- a. Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer.
- b. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.
- c. The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.
- d. The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

3. Step 3 – Investigative Report

- a. The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.
- b. The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint.

4. Step 4 – District Action

- a. If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

- b. Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws, and including but not limited to educational activities and/or counseling services.
- c. If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

B. Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.
4. The Compliance Officer may confirm, refuse or modify any finding or corrective action as part of the appeal procedure.

Legal

1. 20 U.S.C. 1681 et seq

4. Pol. 103

20 U.S.C. 1681 et seq. (Title IX)

5. 43 P.S. 951 et seq

6. 29 CFR 1606.8

7. 29 CFR 1604.11

Pol. 103.1

Pol. 806

Office for Civil Rights – Revised Sexual Harassment Guidance: Harassment of Students By School Employees, Other Students, or Third Parties

Last Modified by Steven Yanni on July 26, 2016



Book	Policy Manual
Section	200 Pupils
Title	Copy of Bullying/Cyberbullying
Number	249
Status	draft
Adopted	November 17, 2008
Last Revised	June 20, 2016

I. Purpose

- A. The Board is committed to providing a safe, positive learning environment for district students and employees. The Board recognizes that BULLYING creates an atmosphere of fear and intimidation, that may detract from the safe environment and emotional well-being necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying by district students, district employees, or volunteers.

II. Definitions

- A. **Bullying** means an intentional electronic, written, verbal or physical, social, or emotional act or series of acts directed at any student or employee, which occurs in a school setting that is severe, persistent or pervasive. Bullying involves a real or perceived power imbalance. A power imbalance may be caused by one's physical size, one's ability to communicate, and/or one's ability to advocate for him/herself.
- B. Acts of bullying include, but are not limited to:
1. Substantial interference with a student's education.
 2. Creation of a threatening environment.
 3. Substantial disruption of the orderly operation of the school.
 4. Physical or verbal attacks.
- C. **Bullying**, as defined in this policy, includes cyberbullying.
- D. **School setting** means in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.^[1]

III. Authority

- A. The Board prohibits all forms of bullying by anyone.^[1]

- B. The Board encourages any student, employee, or volunteer who has been bullied and any witness, or anyone who has become aware of bullying, to promptly report such incidents to any administrator or district employee.
- C. The Board directs that complaints of bullying shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. No reprisals or retaliation shall occur against the reporter as a result of good faith reports of bullying.

IV. Delegation of Responsibility

- A. Each student, employee, or volunteer shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying.
- B. The Superintendent or his/her designee shall develop administrative regulations to implement this policy.
- C. The Superintendent or his/her designee shall ensure that this policy and administrative regulations are reviewed annually with students, employees, and volunteers.[1]
- D. The Superintendent or his/her designee, in cooperation with other appropriate administrators, shall review this policy annually and recommend necessary revisions to the Board.
- E. District administration shall annually provide the following information with the Safe School Report:[1]
 - 1. Board's Bullying Policy.
 - 2. Report of bullying incidents.
 - 3. Information on the development and implementation of any bullying prevention, intervention or education programs.

V. Guidelines

- A. The Code of Student Conduct, shall contain this policy and shall be disseminated annually to students.[1][2][3]
- B. This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district website.
- C. Education
 - 1. The district shall develop and implement bullying prevention and intervention processes. Such processes shall provide district staff, parents, and students with appropriate training for effectively responding to, intervening in, and reporting incidents of bullying to promote a healthy and safe environment.[1][4][5]
- D. Discipline
 - 1. A substantiated charge against a district staff member shall subject such staff member to disciplinary action, up to and including discharge.[7]
 - 2. A substantiated charge against a district student shall subject such student to disciplinary action, consistent with the Student Code of Conduct, and may include

educational activities and/or counseling services.

3. If it is concluded that a student knowingly has made false accusations, such student shall be subject to disciplinary action, consistent with the Student Code of Conduct as outlined in Policy 218 and the attachments for Policy 218.[3]

E. Confidentiality

1. The New Hope-Solebury School district recognizes that both the complaining student and the alleged bully have strong interests in maintaining confidentiality of the allegations and related items.
2. The privacy of the complaining student, the individual(s) against whom the complaint is filed, and the witnesses will be respected as much as possible, consistent with legal obligations to investigate, to take appropriate action, and to comply with the Family Educational Rights and Privacy Act (FERPA) and any discovery or disclosure obligations.
3. As limited by FERPA, the principal or his/her designee may inform the complaining student(s)/parent(s) of the outcome of the investigation.

Legal

1. 24 P.S. 1303.1-A

2. 22 PA Code 12.3

3. Pol. 218

4. 24 P.S. 1302-A

5. Pol. 236

6. Pol. 233

7. Pol. 317

Pol. 248

POLNEWH249AR.pdf (44 KB)

Last Modified by Steven Yanni on July 25, 2016

255. Gender Expansive and Transgender Students

Purpose

It is the policy of this District to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of, among other factors, gender, gender identity and gender expression. Therefore, the District adopts this policy not only to ensure compliance with applicable law, but to foster an educational environment that is safe and free from discrimination based on gender identity and expression.

Definitions

Gender Identity – A person’s deeply held internal sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth.

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

Gender Expression – The way a person expresses gender, in way such as dress, grooming, hairstyle, behavior, activities, interests, speech, mannerisms, etc.

Transgender – A person whose gender identity and/or gender expression is different from that of the gender they were assigned at birth.

Delegation of Responsibility

In an effort to ensure that gender expansive and transgender students are provided with such an equal opportunity to achieve their maximum potential through District programs, and in order to ensure that gender expansive and transgender students are provided with equal access to all school programs and activities, the Board authorizes the Superintendent or his/her designee to develop and promulgate regulations designed to ensure the safety, comfort, and healthy development of gender expansive and transgender students while maximizing such students’ social integration with other students and minimizing stigmatization and isolation.

Guidelines

Privacy / Confidential Health or Educational Information

All persons, including students, have a right to privacy, which includes the right to keep private one’s transgender status or gender nonconforming presentation at school.

Information about a student’s transgender status, legal name, or gender assigned at birth may

constitute confidential medical or educational information. Disclosing such information to other students, their parents, or other third parties may violate privacy laws such as the federal Family Educational Rights and Privacy Act (FERPA). Therefore, school personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including the student's parents/guardians and/or other school personnel, unless legally required to do so or unless the student has authorized such disclosure.

Gender expansive and transgender students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share such private information.

When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

Official Records

The District is required to maintain a permanent student record which includes the student's legal name and gender. The District will change a student's official records to reflect a change in legal name or gender upon receipt of:

1. Documentation that the student's legal name or gender has been changed pursuant to a court order or through amendment of state or federally-issued identification; or
2. A written, signed statement explaining that the student has exercised a common-law name change and has changed their name for all intents and purposes and that the change has not been made for fraudulent reasons.

To the extent that the District is not legally required to use a student's legal name and biological sex on school records or documents, the District should use the name and gender by which the student consistently identifies. In situations where school employees are required by law to use or report a student's legal name or gender, such as for standardized testing, school staff should adopt practices to avoid the inadvertent disclosure of the student's transgender or gender nonconforming status.

Names and Pronouns

Students have the right to be addressed by the name and pronoun that corresponds to their consistently asserted gender identity. A court-ordered name or gender change is not required, and the student need not otherwise change his or her official records in order to be addressed by the name and pronoun that corresponds to the student's consistently asserted gender identity.

Appropriate school employees will privately ask known transgender or gender nonconforming students how they would like to be addressed in class, in correspondence to the student's home, and at conferences with the student's parent/guardian. That information will be included in the electronic student record system along with the student's legal name in order to inform teachers

and staff of the name and pronoun by which to address the student. When appropriate or necessary, this information will be communicated directly with staff to facilitate the use of proper names and pronouns.

When communicating with known transgender or gender nonconforming students regarding issues such as conduct, discipline, grades, attendance or health, school employees will focus on the conduct or issues rather than making assumptions regarding the student's actual or perceived gender identity.

When communicating with parents of transgender or gender nonconforming students, school employees will refrain from the use of gender pronouns and refer to the student by name whenever practicable.

The District does not condone the intentional and/or persistent refusal to respect a student's consistently asserted gender identity, or inappropriate release of information regarding a student's transgender or gender nonconforming status. Such conduct shall be a violation of this Administrative Regulation and the corresponding Board Policy.

Restroom Accessibility

Students shall be allowed to use the restroom that corresponds to the gender identity they consistently assert at school. No student will be required to use a restroom that conflicts with their consistently asserted gender identity.

Any student, whether they are transgender or gender nonconforming, who needs or desires increased privacy when utilizing a restroom shall, upon request, be provided with access to a single stall or otherwise private restroom, but no student shall be required to use such a restroom.

Locker Room Accessibility

The use of locker rooms by transgender or gender nonconforming students shall be reviewed and addressed on a case-by-case basis, but permitted in a way that, to the extent appropriate, maximizes a transgender or gender nonconforming student's social integration, provides an equal opportunity to participate in physical education classes and athletic opportunities, minimizes stigmatization of the transgender or gender nonconforming student, and ensures student safety. No student will be required to use a locker room that conflicts with his or her consistently asserted gender identity.

The District will provide a transgender or gender nonconforming student with access to the locker room that corresponds to the gender identity he/she consistently asserts at school. Any student, whether or not they are transgender or gender nonconforming, who needs or desires increased privacy when utilizing a locker room shall, upon request, be provided with access to reasonable alternative locker room conditions which could include, but are not limited to (1) use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby health office restroom) or (2) a separate changing schedule (i.e., utilizing the locker room before or after the other students).

Sport and Physical Education Classes

Gender expansive and transgender students shall be permitted to participate in athletic programs/opportunities and physical education classes in a manner that is consistent with their consistently asserted gender identity.

A student may seek review of his/her eligibility for participation in interscholastic athletics by working through the Pennsylvania Interscholastic Activities Association (PIAA).

Dress Codes

Gender expansive and transgender students shall have the right to dress in a manner consistent with their gender identity or gender expression to the extent that such dress does not conflict with school rules or other Board policies or administrative regulations.

Other School Activities

In any school activity or other circumstance involving separation by gender (i.e. class discussions, field trips), students will be permitted to participate in accordance with the gender identity they consistently assert at school. Teachers and other school employees will make reasonable efforts to separate students based on factors other than gender where feasible and appropriate.

For overnight field trips, the transgender student should communicate their preferred sleeping arrangement to their teacher and/or a school administrator at least a month prior to the date of the field trip. As with any other student, the school should try to pair the transgender student with peers with whom the student feels comfortable. In some cases, a transgender student may want a room with fewer roommates or another alternative suggested by the student or their family. The District should honor these requests whenever possible and adjust prevent the student from being marginalized because of those alternative arrangements. Regardless of whether those roommates know about the student's gender identity, the District has an obligation to maintain the student's privacy and cannot disclose or require disclosure of the student's gender expansive or transgender status to the other students or their parents without the student's consent.

Discrimination/Harassment

Incidents or complaints of alleged discrimination, harassment, or violence against a transgender or gender nonconforming student shall be given prompt attention in the same manner as other discrimination/harassment complaints.

Education and Training

When possible, the District will conduct staff training and ongoing professional development to build the skills of all staff members to prevent, identify and respond to harassment and discrimination. To further a safe and supportive school environment for all students, the District will incorporate education and training about gender expansive and transgender students into

their anti-bullying curriculum, student leadership trainings and staff professional development. The Director of Student Services department will be responsible for incorporating gender expansive and transgender students into the District's curriculum, training and professional development. The content of such professional development/training should include, but not be limited to:

- Terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents;
- Appropriate strategies for communicating with students and parents about issues related to gender identity and gender expression, while protecting student privacy;
- Strategies for preventing and intervening in incidents of harassment and discrimination, including cyber-bullying;
- District and staff responsibilities under applicable laws and District policies regarding harassment, discrimination, and gender identity and expression issues.

Preferred First Name Change for _____ School District's Unofficial Pupil Records

Complete this form to request an update to your or your child's preferred name (first name only). Submit the form to the Principal of the school. The student's preferred name will appear on unofficial records as specified by the student below and as defined in the Policy 255 - Gender Expansive and Transgender Students. The student's legal name will appear on official records. These changes will be reflected in student records from point of request and moving forward; past unofficial records will not be updated unless required by law.

Phone: _____

Student's Legal Name (first and last): _____

Student's Date of Birth: _____

Student's Preferred First Name: _____

Please check the unofficial records you request be changed to have student's Preferred First Name appear:

_____ ID Cards	_____ Team and Academic Rosters
_____ Classroom Rosters	_____ Diplomas
_____ Certificates	_____ Newspapers
_____ Programs	_____ Newsletters
_____ Announcements	_____ School Directories
_____ Office Communications	_____ Yearbooks
_____ All district/school-generated unofficial records	

Student Signature: _____ Date: _____

Parent/Guardian(s) Signature
(Required for students under 18*): _____

Date: _____

***Note:** If the signature of the Parent/Guardian cannot be obtained, Student is required to contact the District's Superintendent prior to submitting this request.

Office Use Only: _____

Form Received on (date): _____

Staff Member's Signature: _____