



## **Policy and Human Resources Committee**

Tuesday, July 16, 2019  
6:15PM – District Office Conference Room

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

### **Call to Order**





### **Approve Minutes from the June 11, 2019 meeting**

### **Old Business**

- ✚ Second Reading of Policies
  - ✚ 005.1 - Board Standing Committees
  - ✚ 005.2 - Functions of Standing Committees
  - ✚ 201.1 - Registration/Proof of Residency Requirements
  - ✚ 315 - Bloodborne Pathogens
  - ✚ 333 - Professional Development
  - ✚ 913 - Nonschool Organizations/Groups/Individuals

### **New Business**

- ✚ First Readings of Policies
  - ✚ 103 - Nondiscrimination in School and Classroom Practices
  - ✚ 103.1 - Nondiscrimination – Qualified Students with Disabilities
  - ✚ 104 - Nondiscrimination in Employment/Contract Practices
  - ✚ 148 - Harassment
- ✚ Review of Policy 218 Student Discipline Attachment, Code of Student Conduct
- ✚ Non-substantive changes to be presented to the Board by Policy Subcommittee
  - ✚ 619 - District Audit
  - ✚ 620 - Fund Balance
  - ✚ 621 - Local Taxpayer Bill of Rights
  - ✚ 622 - GASB Statement 34
  - ✚ 623 - Returned Checks
  - ✚ 624 - Taxable Fringe Benefits
  - ✚ 625 - Procurement Cards
  - ✚ 626.1 - Travel Reimbursement for Federal Programs
  - ✚ 627 - Continuing Disclosure and Post-Issuance Compliance for District Bond Obligations

-  627.1 – Continuing Disclosure
-  627.2 - Post-Issuance Tax Compliance and Record Retention for General  
Obligation Notes and Bonds
-  630 – Conflict of Interest
-  631 – Fraud Detection

**Public Comment**

**Adjournment**



## Policy Committee Meeting Minutes – June 11, 2019

**Board Chair-** Mr. Doug McDonough

**Administrative Liaison** – Mrs. Megan Candido

**Attendance** – Please see accompanying committee attendance sheet.

Board Committee Members Absent: None

Committee Members Absent: Ms. Emma Fitzsimmons, Mr. Rich Hepp, Ms. Emma Ives, Mr. Sean Christopher Kielty, Ms. Margaret Thompson, Mr. Chance Trammell

Mr. McDonough called the meeting to order at 6:35pm.

The meeting minutes from May 9, 2019 were approved.

### Old Business

- ✚ Second Readings of Policies:
  - ✚ 103 – Nondiscrimination in School and Classroom Practices
  - ✚ 302 – Employment of Superintendent/Assistant Superintendent
  - ✚ 305 – Employment of Long-Term Substitutes
  - ✚ 306 – Employment of Extended School Year (ESY) Staff
  - ✚ 311 – Suspensions/Furloughs
  - ✚ 312 – Performance Assessment of Superintendent/Assistant Superintendent
  - ✚ 626 – Federal Fiscal Compliance

### New Business

- ✚ First Readings of Policies:
  - ✚ 201.1 - Registration/Proof of Residency Requirements
    - ✚ The committee discussed proof of citizenship
  - ✚ 315 – Bloodborne Pathogens
  - ✚ 333 – Professional Development
  - ✚ 913 – Nonschool Organizations/Groups/Individuals
    - ✚ There was discussion about whether organizations such as Boy Scouts need to pay a fee for facilities usage.
  - ✚ 005.1 – Board Standing Committees
    - ✚ The committee discussed whether the non-Board committee members should have voting rights at the committee level because Board members are elected officials.
  - ✚ 005.2 – Functions of Standing Committees
- ✚ Non-substantive changes to be presented to the Board by Policy Subcommittee
  - ✚ 332 – Working Periods
  - ✚ 334 – Sick Leave
  - ✚ 335 – Family and Medical Leaves
  - ✚ 336 – Personal Necessity Leave
  - ✚ 337 – Vacation
  - ✚ 338 – Sabbatical Leave
  - ✚ 338.1 – Compensated Professional Leaves
  - ✚ 339 – Uncompensated Leave

- ✚ 601 – Fiscal Objectives
- ✚ 602 – Budget Planning
- ✚ 603 – Budget Preparation
- ✚ 604 – Budget Adoption
- ✚ 605 – Tax Levy
- ✚ 606 – Tax Collection
- ✚ 607 – Tuition Income
- ✚ 608 – Bank Accounts
- ✚ 609 – Investment of District Funds
- ✚ 610 – Purchases Subject to Bid/Quotation
- ✚ 611 – Purchases Budgeted
- ✚ 612 – Purchases Not Budgeted
- ✚ 613 – Cooperative Purchasing
- ✚ 614 – Payroll Authorization
- ✚ 615 – Payroll Deductions
- ✚ 616 – Payment of Bills
- ✚ 618 – Special Purpose Funds

**Public Comment**

Mr. McDonough asked that when we bring Nondiscrimination for a second look in August to separate the policy into two policies; Nondiscrimination and Antiharassment.

**Adjournment**

Mr. McDonough adjourned the meeting at 7:32pm.

Respectfully submitted,

*Megan Candido*

Director of Human Resources



Committee Meeting Sign-In and Attendance

Name (Please Print)	Committee (C) or Public (P)
Megan Candido	<input checked="" type="radio"/> C <input type="radio"/> P
Charles Lente	<input checked="" type="radio"/> C <input type="radio"/> P
STAN MARCUS	<input checked="" type="radio"/> C <input type="radio"/> P
ANDREW ORDOVER	<input checked="" type="radio"/> C <input type="radio"/> P
Drew Giorgi	<input checked="" type="radio"/> C <input type="radio"/> P
Doug McDonough	<input checked="" type="radio"/> C <input type="radio"/> P
Tania Hedlund	<input checked="" type="radio"/> C <input checked="" type="radio"/> P
Maria Tzemintimpi	<input type="radio"/> C <input checked="" type="radio"/> P
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**Please note:** This sign-in sheet will be included in the meeting minutes and posted to the District's website.



Book	Policy Manual
Section	000 Local Board Procedures
Title	Board Standing Committees
Code	005.1
Status	Policy Committee Review
Adopted	February 28, 2019

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Authority

- A. Board Standing Committees are established to perform a continuing function and to facilitate the Board's decision-making.
- B. Standing Committees operate at the will and direction of the full Board.
- C. The Board President may appoint or remove any Committee Chairperson at the Board's annual organization meeting.
- D. The Board may appoint or remove members of a Standing Committee, as recommended by the Committee Chair, at any Board meeting based on a majority vote of the Board.
- E. Each Standing Committee, during the first quarter of the New Year, will review the function statement from 005-BOG-2 that it is responsible to perform.
- F. Any suggested change to the Committee function statement will be suggested at the next Board meeting.
- G. Standing Committees may seek input and participation from administrators, District staff, members of the community, and consultants.

## II. Operating Procedures For Committee Meetings

- A. Each Standing Committee will meet at the call of the Chairperson and at the designated time and place.
  - 1. Additional meetings may be scheduled as needed.
- B. Public notice of the date, time and place of a Standing Committee meeting will be provided at least three (3) days in advance, and advertised on District listserv, or other District-wide electronic media.[\[1\]](#)[\[2\]](#)[\[3\]](#)

- C. The Chairperson, in collaboration with the Committee, Superintendent, and Board, will establish the agenda for each meeting.
1. Chairpersons should strive to provide the meeting agenda and minutes of the previous meeting to the Committee at least five (5) business days prior to the scheduled committee meeting date, in order to give sufficient time to have these communications placed on listserv or other District-wide electronic media.
- D. The current meeting agenda and the minutes of the previous meeting shall be distributed and reviewed by the Committee, prior to distribution on listserv.
- E. The meeting agenda along with the minutes of the previous meeting will be distributed via listserv or other electronic communication at least three (3) business days in advance of the meeting.
- F. The Board President and the Superintendent should be copied on all communications from the Committee Chairperson to the Committee members.
- G. If the Chairperson of a Standing Committee is unavailable for a scheduled Committee meeting, the members of the Committee may elect one (1) of the Committee members in attendance to serve as Chairperson for that meeting.
- H. The Superintendent may recommend administrators or District staff to serve in a liaison or advisory capacity and/or to provide information and resources.
- I. Any Board member, District employee, or member of the public may attend a meeting of the Standing Committee and comment on matters being discussed.[3][4]
- J. For any issue on its agenda, a Standing Committee may agree to make recommendations to the full Board, by a majority vote or consensus of its Committee members present.
- K. Recommendations of the Standing Committee may be presented to the Board as a proposed motion or report, or referred to the full Board for discussion with no recommendation.
- L. Committee Chairs shall advise the Board President and the Superintendent, in advance, of any Committee recommendations for consideration by the full Board.
- M. Reports from the Chairpersons of Standing Committees will be included as an agenda item for all regular Board meetings.[3]
- N. Any issue referred by the Board to a Standing Committee will be reported on at the next regular Board meeting, indicating work completed; progress to date; or recommendation for continued study by the Committee.
- O. Minutes of Standing Committee meetings are public information, subject to law and Board policy.[3]
1. The minutes are the responsibility of the Committee Chair and should contain:[3][5]
- a. The date, place and time of the Committee meeting;
- b. The names of Committee and staff members present, and other individuals who attend the meeting;

- c. A list of topics discussed;
- d. Committee recommendations or actions taken on those topics;
- e. Recorded votes and a record by individual members if a roll call vote is taken; and
- f. The names of all citizens who appeared officially and the subject of their comments.

#### Legal

- 1. 65 Pa. C.S.A. 703
- 2. 65 Pa. C.S.A. 709
- 3. Pol. 006
- 4. Pol. 903
- 5. 65 Pa. C.S.A. 706
- Pol. 005





Book	Policy Manual
Section	000 Local Board Procedures
Title	Functions of Standing Committees
Code	005.2
Status	Policy Committee Review
Adopted	April 25, 2019

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Authority

A. New Hope-Solebury School District has six (6) standing committees: Curriculum Advisory, Facilities Advisory, Finance Advisory, Policy Advisory, Human Resources Advisory and Special Education Advisory.

B. The functions of these committees are:

### 1. Curriculum Advisory Committee

- a. The Curriculum Advisory Committee will support the School Board in establishing educational goals for the children of the New Hope-Solebury District and governing a program of education, or curriculum, designed to meet those goals.
- b. The committee works in collaboration with all NHSD stakeholders to build consensus around curriculum goals and activities.
- c. The committee will recommend decisions and actions to the School Board that are based on current research, best practices, and innovative new ideas to further the District curriculum program within the context of federal, state, and District guidelines.

### 2. Facilities Advisory Committee

- a. The mission of the Facilities Advisory Committee is to oversee the school District's physical assets; its land, building, equipment, and technology infrastructure.
- b. The Facilities Advisory Committee will develop strategies:
  - i. To maintain the adequacy and condition of capital assets,
  - ii. To develop and periodically review policies,
  - iii. To advocate for new structures and rehabilitate or remove older structures, and

- iv. To ascertain that adequate levels of funding exist for campus maintenance and operations, and technology infrastructure.
- c. The Facilities Advisory Committee understands that welcoming, well-maintained and safe schools are vital to helping ensure that all students have a positive learning environment in which they can succeed and thrive.
- d. In addition to studying the District's facilities, the members of the Facilities Advisory Committee will also monitor individual building maintenance concerns articulated by the Superintendent as well as the principal and the Director of Operations.
- e. The Facilities Advisory Committee may request information about facility concerns in each building, may tour and inspect each building on a periodic basis and will monitor the completion of any projects targeted to address any concerns.
- f. The recommendations of the Facilities Advisory Committee assist the Board of School Directors of New Hope-Solebury School District in developing an updated comprehensive plan which guides facility initiatives throughout the District based upon a study of current and future needs.
- g. These recommendations are formed by a review of the following information:
  - i. School District enrollment history and projections,
  - ii. Present and future educational program needs,
  - iii. City/county population data and growth projections,
  - iv. Community development information,
  - v. Existing school capacity information,
  - vi. Review of school District property available for development,
  - vii. Existing school facility needs assessment data,
  - viii. Capital funding options and information,
  - ix. Input from students, parents/guardians, citizens and staff, and
  - x. Available survey/polling information.
- h. The Facilities Advisory Committee will gain an understanding of issues and provide meaningful recommendations to the Board of School Directors of New Hope-Solebury School District for policy changes to enable improvement related to facilities.
- i. The Facilities Advisory Committee works in partnership with individuals from both campuses and community stakeholders in developing District-wide policies and making decisions that are needed and are aligned with the school District's mission, goals, and priorities.
- j. The Facilities Advisory Committee will debate any issues and recommend decisions, actions, and policies to the Board of School Directors of the New Hope-Solebury School District to endure compliance with federal, state, and local laws while adhering to the principles outlined in this mission statement.

k. These recommendations will be based on current research, best practices, and innovative new ideas.

l. All recommendations shall be reached by consensus, or a vote of a simple majority of the total Facilities Advisory Committee members, after thorough discussion and deliberation.

m. The group consensus or voting of the Facilities Advisory Committee will be summarized and presented to the Board of School Directors of New Hope-Solebury School District for review and vote.

### 3. Finance Advisory Committee

a. Mission: it shall be the mission of the Finance Advisory Committee to assist the Board of School Directors of New Hope-Solebury School District with planning and making decisions on all matters relating to finance by reviewing financial accounts of the District and making recommendations thereon.

b. Principles: the Finance Advisory Committee shall review and make recommendation to the Board of School Directors of New Hope-Solebury School District on all areas of financial policy, including but not limited to:

- i. Annual budgeting process and forecasting,
- ii. Financial activities for capital projects and operating activities,
- iii. Cash management,
- iv. Negotiation of large vendor contracts,
- v. The financial impacts of all contracts,
- vi. The reports of the School District Secretary and the School District Treasurer concerning the financial status of the school District.
- vii. The transfer of any school District funds, and
- viii. Recommend the proposed annual budget prepared by the school administration prior to its presentation to the Board.

c. The Finance Advisory Committee shall provide financial review, analysis, and opinion, and shall propose frameworks or roadmaps for completing any and all financial or budget related projects.

d. Role: The Finance Advisory Committee shall recommend to the Board of School Directors of New Hope-Solebury School District any actions to be taken in the best interest of the financial stability and growth of the District.

e. The Finance Advisory Committee will gain an understanding of issues and provide meaningful recommendations to the Board of School Directors of New Hope-Solebury School District for policy changes to enable financial improvement.

f. The Finance Advisory Committee works in partnership with individuals from both campuses and community stakeholders in developing District-wide policies and making decisions that are needed and are aligned with the school District's mission, goals, and priorities.

g. The Finance Advisory Committee will debate any issues and recommend decisions, actions, and policies to the Board of School Directors of New Hope-

Solebury School District to ensure compliance with federal, state, and local laws while adhering to the principles outlined in this mission statement.

h. These recommendations will be based on current research best practices, and innovative new ideas.

i. All recommendations shall be reached by consensus, or a vote of a simple majority of the total Finance Committee members, after thorough discussion and deliberation.

j. The group consensus or voting of the Finance Advisory Committee will be summarized and presented to the Board of School Directors of New Hope-Solebury School District for review and vote.

#### 4. Policy Advisory Committee

a. It is the mission of the Policy Advisory Committee to serve as the Board of School Directors of New Hope-Solebury School District's vehicle for policy review, change, monitoring current policies and periodically updating the New Hope-Solebury School Board Policy Manual.

b. The mission of the Policy Advisory Committee is to review all School District-wide policies that require the Board of School Directors of New Hope-Solebury School District's approval.

c. The Policy Advisory Committee reviews policy drafts to ensure that they are concise, consistent in format and scope, and accessible.

d. The critical issues with which school Districts often struggle are matters shaped by public policy, legislation, litigation, and formal resolutions of commissions, organizations, and other bodies.

e. The Policy Advisory Committee not only gathers and shares information concerning those issues, but also brings concerns and calls for action to the attention of the Board.

f. Major Policy Advisory Committee functions include:

i. review and update existing policy for the Board,

ii. respond to the need for policy review and writing of any new policy that might arise from administrative recommendations, citizen's requests, statutory requirements, or specific board member concerns,

iii. assess existing policies for coverage, including consistency or conflict with other policies, evaluate current practice of compliance with the policies, and distinguish between policies and procedures,

iv. develop a process and governance framework through which District policies are formulated, vetted, approved, reviewed, maintained, communicated, and enforced,

v. review and present recommendations to the Board for any policy about which there is a question of interpretation, and

vi. review Board Operating Guidelines and Administrative Regulations which accompany policies to ascertain conformance with Board policy.

- g. The Policy Advisory Committee informs the Board of School Directors of New Hope-Solebury School District about key public policy issues.
- h. The Policy Advisory Committee searches for news and events that rise to the level of an issue that is important enough to the Policy Committee.
- i. When an issue becomes critical to the administration of the school District, Policy Advisory Committee members discuss and decide what action might be taken.
- j. The Policy Advisory Committee will gain an understanding of issues and provide meaningful recommendations to the Board of School Directors of New Hope-Solebury School District for changes to enable improvement related to policy.
- k. The Policy Advisory Committee works in partnership with individuals from both campuses and community stakeholders in developing District wide policies and making decisions that are needed and are aligned with the school District's mission, goals, and priorities.
- l. The Policy Advisory Committee will debate any issues and recommend decisions, actions, and policies to the Board of School Directors of New Hope-Solebury School District to ensure compliance with federal, state, and local laws while adhering to the principles outlined in this mission statement.
- m. These recommendations will be based on current research, best practices, and innovative new ideas.
- n. All recommendations shall be reached by consensus, or a vote of a simple majority of the total Policy Advisory Committee members, after thorough discussion and deliberation.
- o. The group consensus or voting of the Policy Advisory Committee will be summarized and presented to the Board of School Directors of New Hope-Solebury School District for review and vote.

## 6. Human Resources Advisory Committee

- a. It is the mission of the Human Resources Advisory Committee to serve the Board of School Directors of New Hope-Solebury School District by focusing efforts on the District's most valuable asset: its employees and to help the District achieve excellence by examining human resources issues and recommending improvements.
- b. The Human Resources Advisory Committee achieves its mission through recruitment, hiring, and retention of a diverse, qualified workforce.
- c. The Human Resources Advisory Committee provides human resource direction, technical assistance, training, equal employment opportunity, and labor relations services to the Board.
- d. The Human Resources Advisory Committee oversees the development and implementation of compensation and benefit policies, plans, and programs.
- e. The Human Resources Advisory Committee develops and retains a high performing and diverse workforce and fosters a healthy, safe, and productive work environment for employees, their families, departments, and the public in order to maximize individual and organizational potential.
- f. The goals of the Human Resources Advisory Committee are:
  - i. Valuing, encouraging, and supporting a diverse workforce,

- ii. Continually improving individual and organizational effectiveness,
  - iii. Anticipating and meeting the changing needs of the workforce/family,
  - iv. Championing career and professional growth,
  - v. Creating and enhancing strategic partnerships, and
  - vi. Enhancing services through technology.
- g. The Human Resources Advisory Committee strives to attract, develop, motivate and retain a diverse workforce within a supportive work environment. The HR Committee's core services and competencies include:
- i. Recruitment and staffing,
  - ii. Employee relations,
  - iii. Organizational and employee development,
  - iv. Risk management,
  - v. Compensation and benefits,
  - vi. Payroll,
  - vii. HR information management, and
  - viii. Regulatory compliance.
- h. The Human Resources Advisory Committee will gain an understanding of issues and provide meaningful recommendations to the Board of School Directors of New Hope-Solebury School District for changes to enable improvement related to human resources.
- i. The Human Resources Advisory Committee works in partnership with individuals from both campuses and community stakeholders in developing District wide policies and making decisions that are needed and are aligned with the school District's mission, goals, and priorities.
- j. The Human Resources Advisory Committee will debate any issues and recommend decisions, actions, and policies to the Board of School Directors of New Hope-Solebury School District to ensure compliance with federal, state, and local laws while adhering to the principles outlined in this mission statement.
- k. These recommendations will be based on current research, best practices, and innovative new ideas.
- l. All recommendations shall be reached by consensus, or a vote of a simple majority of the total Human Resources Advisory Committee members, after thorough discussion and deliberation.
- m. The group consensus or voting of the Policy and Human Resources Advisory Committee will be summarized and presented to the Board of School Directors of New Hope-Solebury School District for review and vote.

## 6. Special Education Advisory Committee

- a. The Special Education Advisory Committee will support the District with respect to issues related to special education, including:
- i. Helping to identify and develop priorities, options, and strategies to more effectively deliver services to ALL students with physical, emotional, and/or learning differences,
  - ii. Developing long range plans and goals for consideration by the Board and school personnel relative to special education services; and
  - iii. Advising school personnel, the Board of School Directors, and the community about challenges related to special education.



Book	Policy Manual
Section	200 Pupils
Title	Registration/Proof of Residency Requirements
Code	201.1
Status	
Adopted	July 19, 2004
Last Revised	April 25, 2019

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Purpose

- A. Prior to admission, parents/guardians of all students in the New Hope-Solebury School District must present a minimum of four (4) acceptable proofs of residence to the school as part of the registration process.

## II. Definitions

For purposes of this policy, the following terms shall be defined as follows:

- A. "**Resident**" - any person who leases/owns property in New Hope-Solebury School District and has children residing within District boundaries.
- B. "**Multiple occupancy**" - occurs when a non-resident student lives with a resident family in some capacity; via rent or lease agreement or full resident in the household.
- C. "**Homeless youth**" - if the student meets the criteria of homelessness, as defined by law, the Pupil Services Department must be contacted to provide registration/affidavits and out-reach services.<sup>[1][2]</sup>

## III. Guidelines

- A. A resident must provide all of the following:

1. Current driver's license.
2. Current deed or notarized lease agreement.
3. Current gas or electric bill.

- B. Any one (1) of the following must be provided in addition to the above that proves residency:



1. Current automobile registration.
2. Current utility bills, in addition to the bill outlined in III(A)(3.).
3. Tax statements.
4. Check stubs from wages.
5. Public assistance or Social Security.
6. Court-ordered custodial agreement.

C. Additionally, the following must be presented for each student who is to be registered in the District:

1. Birth certificate or ~~current passport~~ **government issued document establishing date of birth.**
2. Proof of immunizations.[3]
- ~~3. Social Security Card~~
- ~~4. Resident Alien card (if applicable).~~
5. **3.** Information regarding special medical and/or educational needs, if applicable.

D. Parents/Guardians are also requested to bring a photo I.D. of themselves.

E. No child will be registered until residency can be proven to the satisfaction of the Superintendent or the Superintendent's designee.

F. No child will be admitted to school without proof of immunizations, or exemptions to immunizations presented by a parent/guardian.

G. The District reserves the right to request proof of residence of any resident with school age children at any time.

H. When it is determined that a student is not eligible for attendance under the residency requirements, the District will charge (parent/guardian or resident) the prevailing tuition from the date of non-residency. If the date cannot be established it will be set at the first day of the current school year.[4][5]

I. The making of any willfully false statements in the provision of proof of residence documents is a crime and subjects the person making such statements to tuition charge and penalties provided in Section 4904 of the Pennsylvania Crimes Code, which makes it a criminal offense to provide false information to government authorities. Illegal registrations are also punishable under Section 3926 of the PA Crimes Code for theft of services.[6][7]

J. Parents/Guardians of students entering New Hope-Solebury School District under multiple occupancy must complete the following forms before they are admitted:

1. Multiple occupant packets.
  - a. The forms must be completed and returned to the District Office with the registration packet.

- b. When registering as a multiple occupant family, the homeowner and multiple occupant must each provide proof of residency in New Hope-Solebury School District.
- c. The homeowner and the parent/guardian must complete the registration process together in the District Office with a notarized lease agreement.
- d. The owning of property and payment of property taxes with the New Hope-Solebury School District does not automatically fulfill the residency clause as stated in the Pennsylvania School Code.

K. The District may accept other documents, that it deems acceptable, to prove residency.

#### **IV. Delegation of Responsibility**

- A. The Superintendent or the Superintendent's designee shall be responsible for the implementation of this policy.

#### Legal

- 1. 42 U.S.C. 11434a
- 2. Pol. 251
- 3. Pol. 203
- 4. 24 P.S. 1316
- 5. 24 P.S. 2561
- 6. 18 Pa. C.S.A. 3926
- 7. 18 Pa. C.S.A. 4904
- Pol. 201
- Pol. 202



Book	Policy Manual
Section	300 Employees
Title	Bloodborne Pathogens
Code	315
Status	Policy Committee Review

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## **I. Authority**

**A. In order to safeguard the school community, the Board requires that specific procedures be followed with respect to employees infected by blood borne pathogens, such as Hepatitis B (HBV), Hepatitis C (HCV), and the human immunodeficiency virus (HIV).**

## **II. Definitions**

**A. For the purposes of this policy, the following definitions shall apply.**

- 1. "Bloodborne pathogen" means an infectious microorganism in blood that can cause disease in humans. These pathogens include, but are not limited to, hepatitis B (HBV), hepatitis C (HCV), and human immunodeficiency virus (HIV).**
- 2. "Body fluid" means all human body fluids and secretions, including but not limited to, blood, feces, urine, semen, vomitus, saliva and respiratory secretions.**
- 3. "Exposure" or "exposure incident" means contact with an eye, mouth, mucus membrane, or non-intact skin.**
- 4. "Infected individual" means a person who has been diagnosed with a disease caused by a blood borne pathogen regardless of symptomology.**
- 5. "Source individual" or "source patient" means any individual whose blood or bodily fluids may be a source of exposure to students or employees.**
- 6. "Universal Precautions" is an approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for blood borne pathogens.**

## **III. Guidelines**

**A. This Policy shall apply to all employees in all programs conducted by the District.**

**B. The Board directs that the established policies and procedures that relate to illnesses among employees shall also apply to employees infected by blood borne pathogens.**

**C. Employees whose employment is interrupted or terminated due to infection by a blood borne pathogen shall be entitled to available medical leave and medical disability benefits in accordance with Board Policy and applicable law.**

**D. The Board shall not require routine screening tests for blood borne pathogen infection in the school setting, nor will such tests be a condition for employment.**

**E. Delegation of Responsibility The Superintendent or the Superintendent's designee shall develop an Exposure Control Plan (ECP) in accordance with the Center for Disease Control and Prevention's guidelines.**

**F. The purpose of the ECP is to detail the District's plan for reducing exposure to blood borne pathogens and the steps to be taken if an exposure occurs.**

**G. All employees shall be required to consistently follow Universal Precautions in all settings and at all times, and shall be required to notify the school nurse of all incidents of exposure to bodily fluids and blood borne pathogens.**

**H. The Superintendent or the Superintendent's designee shall be the central contact for handling and releasing information concerning infected employees.**

**I. Information about an employee's status as infected by a blood borne pathogen shall not be disclosed without the employee's prior informed, written consent, unless otherwise required by law.**

#### **J. Vaccination**

**1. The District shall make available the Hepatitis B vaccine and vaccination series at no charge to all employees who have occupational exposure.**

**2. A Hepatitis B vaccination shall be made available after an employee receives training and within 10 working days of initial assignment to a position with occupational exposure.**

**3. Employees who have occupational exposure are encouraged, but not required to be vaccinated.**

#### **K. Infected**

**1. Employees Infected employees who are capable of continued employment shall make employment decisions in consultation with their physician.**

**2. Such employees retain eligibility for all benefits that are provided for other school employees with long term disease or disability.**

#### **L. Confidentiality**

**1. District employees with knowledge of an infected individual employee's condition shall not disclose that information without prior written consent of the employee.**

**2. Said consent shall, at a minimum, identify with specificity the information subject to release, the person(s) to whom the information may be released, the**

general purpose for the release, and the date upon which consent will expire.

#### **M. Infection Control**

1. When exposure to bloodborne pathogens may reasonably result from the performance of an employee's duties, personal protective equipment shall be provided by the District to the employee and shall be used, when appropriate, to guard against contamination from blood or bodily fluids.

2. Such equipment shall be cleaned, repaired and replaced when necessary.

3. All employees shall be required to consistently follow infection control/universal precautions in all school settings, including playgrounds and school vehicles.

4. Employees shall notify the Superintendent or the Superintendent's designee, building principal, and school nurse of all incidents of exposure to bodily fluids and when a student's health condition or behavior presents a reasonable risk of transmitting an infection.

5. The District shall make available, at no charge to the employee, post exposure evaluation and follow-up to all employees who have had an exposure incident.

6. Following a report of an exposure incident, the employee will be immediately referred for a confidential medical evaluation and follow-up care.

a. The route of exposure, the circumstances under which the exposure incident occurred, and identification of the source individual, if possible, shall be documented.

b. The District shall maintain medical records for each employee with occupational exposure for the duration of the employee's employment plus thirty (30) years.

c. All medical records shall remain confidential and separate from an employee's personnel file.

d. Medical records shall not be disclosed without the employee's express written consent, except as required by law.

#### **N. Staff Development**

1. All employees shall be given the opportunity for bloodborne pathogen training.

2. All employees shall consistently follow infection control/universal precautions in all settings and at all times.

3. Designated District employees may receive additional, specialized training appropriate to their positions and responsibilities.

a. The District shall maintain training records.

b. All training records must include dates, contents of the training program or a summary, the trainer's name and qualifications, and the names and job titles of all persons attending the sessions.

**O. Media Inquiries**

**1. Any inquiries from the public or media regarding HIV cases shall be handled by the Superintendent or the Superintendent's designee.**



Book	Policy Manual
Section	300 Employees
Title	Professional Development
Code	333
Status	
Adopted	June 23, 2014
Last Revised	December 15, 2014

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Authority

A. Continuing professional study and inservice training for administrative, professional and support employees are prerequisites for professional development and enhanced ability to complete responsibilities and maintaining certification.

B. The Board directs ~~district~~ **District** employees to further their professional and personal advancement through graduate study, inservice training, conference attendance, and professional development activities.[\[1\]](#)[\[2\]](#)[\[3\]](#)

## II. Guidelines

### A. Graduate/Special Courses

1. Only courses of study that are preapproved shall be eligible for reimbursement by the ~~district~~ **District** or a change in compensation for the employee.

**2.** Documentary evidence of satisfactory completion of all study programs shall be required.

~~2-~~ **3.** Reimbursement for credits for approved graduate study or special courses shall be made in accordance with terms of the administrative compensation plan or an individual contract, or collective bargaining agreement and when preapproved by the Superintendent.

~~3-~~ **4.** All eligible employees shall submit annually by June 30 a record and description of the attainment of approved credits to the office of the Superintendent.

~~4-~~ **5.** Approved graduate study or special courses/programs may be of sufficient advantage to the district to warrant an increase in an employee's annual salary, upon documentation of satisfactory completion.

**a.** Such an increase will be in accordance with provisions of the administrative compensation plan, individual contract, collective bargaining agreement, or Board resolution.[\[4\]](#)[\[5\]](#)

## B. Induction Plan

1. The ~~district~~ **District** shall comply with Department of Education requirements when developing and maintaining an induction plan for first-year teachers, long-term substitutes hired for a position for forty-five (45) days or more, educational specialists and teachers new to the ~~district~~ **District**.

**2.** The ~~district~~ **District** shall develop and submit the induction plan to the Department of Education for approval every six (6) years, as required by law and regulations.

**3.** Prior to approval by the Board and submission to the Department of Education, the induction plan shall be made available for public inspection and comment in the ~~district's~~ **District's** administrative offices and the nearest public library for a minimum of twenty-eight (28) days.[\[6\]](#)[\[7\]](#)[\[8\]](#)

## C. Induction Program for School System Leaders

1. School system leaders shall complete an induction program which is consistent with the Pennsylvania School Leadership Standards within five (5) years of serving as a school system leader in Pennsylvania for the first time.[\[10\]](#)[\[12\]](#)

**2. For the purposes of this policy, "School system leaders"** include principals, vice-principals, assistant principals, ~~Assistant Superintendent~~, Superintendent and individuals who are converting an administrative certificate from a Level I certificate to a Level II certificate.[\[12\]](#)

## D. Professional Education Plan

### **1. The Professional Education Plan is included in the School District Comprehensive Plan.**

~~1. 2.~~ The ~~Board~~ **The Superintendent** shall appoint to the professional education **subcommittee of the Comprehensive Planning Committee** parents/guardians and representatives of the community and local businesses.

**3.** Representatives of administrators, teachers and educational specialists on the professional education **subcommittee** shall be selected by their respective members.[\[2\]](#)[\[6\]](#)[\[11\]](#)[\[8\]](#)

~~2. 4.~~ The ~~district~~ **District** shall develop and submit a professional education plan to the Secretary of Education for approval every three (3) years, as required by law and regulations.

**5.** The professional education plan shall be designed to meet the educational needs of the ~~district~~ **District** and its certificated administrative and professional employees; specify approved courses, programs, activities and learning experiences; and identify approved providers.

**6.** Prior to approval by the Board and submission to the Secretary of Education, the professional education plan shall be made available for public inspection and comment in the ~~district's~~ **District's** administrative offices and the nearest public library for a minimum of twenty-eight (28) days.[\[2\]](#)[\[6\]](#)[\[8\]](#)[\[11\]](#)



~~3.~~ **7.** The Board shall ensure an annual review of the district's **District's** professional education plan is conducted by the professional education **sub**committee to determine if the plan continues to meet the needs of the district, the Strategic Plan, and the employees, students and community.

**a.** The professional education **sub**committee may recommend amendments to the plan, subject to approval by the Board. [\[2\]](#)

~~4.~~ **8.** Professional education plans associated with the federal requirements of Title I and Title II funding shall be developed by the professional education **sub**committee and forwarded to the Board for approval prior to submission for approval by the Pennsylvania Department of Education. [\[2\]](#)[\[11\]](#)

~~5.~~ **9.** The Board may approve, on a case-by-case basis, specific professional education activities not stated within the district's professional education plan. [\[3\]](#)

~~6.~~ **10.** If the district **District** assumes all costs of credits or hours, the Board may disapprove any course, program, activity or learning experience that is inconsistent with the goals of the professional education plan. [\[3\]](#)

#### Legal

1. 24 P.S. 517
2. 24 P.S. 1205.1
3. 24 P.S. 1205.2
4. 24 P.S. 1144
5. 24 P.S. 1151
6. 22 PA Code 4.13
7. 22 PA Code 49.16
8. Pol. 100
10. 24 P.S. 1217
11. 22 PA Code 49.17
12. 24 P.S. 1205.5
- 24 P.S. 1205.6
- Pol. 806



Book	Policy Manual
Section	900 Community
Title	Nonschool Organizations/Groups/Individuals
Code	913
Status	Policy Committee Review
Adopted	March 29, 1993
Last Revised	November 17, 2014
Prior Revised Dates	November 17, 2014

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Purpose

~~A. Any requests from nonschool organizations, groups or individuals seeking to have students participate in or be informed of the opportunity to participate in nonschool sponsored activities, awards, or scholarships shall be governed by this policy.~~

**A. The Board recognizes that nonschool organizations, groups and individuals may wish to utilize the District as a means to engage the school community in activities and/or to distribute or post nonschool materials.**

**B. The Board directs that requests for such utilization from nonschool organizations, groups or individuals shall be governed by this policy.**

**C. Activities or school-related information and materials from nonschool organizations, groups and individuals that are integrated with or presented as a part of the District's curriculum or an approved school event or student organization are approved and governed by Board policies related to curriculum and student activities, and are not governed by this policy.[2][3][4]**

## II. Definitions

**A. For the purposes of this policy, the following definitions shall apply.**

~~A. 1. "Nonschool organizations, groups or individuals"~~ **shall mean** those entities that are not part of the school program, school-sponsored activities, or organized pursuant to the Pennsylvania School Code or Board policy.

**a.** When employees or Board members act on behalf of a nonschool organization or group, or on their own behalf, this policy applies to them.

**b.** Students are governed by a separate and distinct Board policy regarding student expression and distribution and posting of materials.[1]

~~B.~~ **2. "Nonschool materials" shall mean** any printed, **technological** or written materials prepared by nonschool organizations, groups or individuals for posting or general distribution ~~which that~~ are not prepared as a part of the curricular or approved extracurricular programs of the ~~district~~ **District**. This includes ~~such things as~~ **but is not limited to**, fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, nonschool organization websites and the like.

~~C.~~ **3. "Distribution" shall mean** issuing nonschool materials to others on school property or during school-sponsored events; placing upon desks, tables, 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.

~~D.~~ **4. "Posting" shall mean** publicly displaying nonschool ~~written~~ 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~~ **District**-sponsored websites, through other ~~district~~ **District**-owned technology and the like.

~~E.~~ **5. "Prohibited activities and materials" shall mean** activities and materials ~~which~~ are **that**:

~~2.~~ **1.** Violate federal, state or local laws, **Board policy or District rules or regulations.**

~~1.~~ **2. Are** ~~libelous~~ **libelous**, defamatory, obscene, lewd, vulgar, or profane.

~~3.~~ ~~Violate Board policy or district regulations.~~

~~4.~~ **3.** Advocate the use or advertise the availability of any substance or material that may reasonably be believed to constitute a direct and ~~substantial~~ **serious** danger to the health or welfare of students, such as tobacco **/nicotine**, alcohol or illegal drugs.

~~5.~~ **4.** Incite violence, **advocate use of force or threaten serious harm to the school or community.**

**5. Are likely to or do materially or substantially interfere with the educational process, such as school activities, school work, or discipline, as well as safety and order on school property or at school functions.**

~~6.~~ ~~Advocate use of force or urge violation of federal, state or municipal law, Board policy or district regulations.~~

~~7.~~ **6.** Interfere with, or advocate interference with, the rights of any individual or the safe and orderly operation of the schools and their programs.

**7. Violate written District regulations or procedures on time, place and manner for posting and distribution of otherwise protected expression.**

### III. Authority

~~A.~~ It is the policy of the Board that district facilities be used in accordance with the guidelines established in Board policy.[2]

**A. The Board recognizes that the school community may benefit from receiving information from nonschool organizations, groups and individuals, provided the distribution and posting of such information does not interfere with the educational program of the schools. The district's primary responsibility shall be to maintain a safe and orderly school environment and to protect the rights of all members of the school community.**

~~B. The Board prohibits the use of students and staff members for advertising or promoting~~ **The Board prohibits advertisement or promotion by** nonschool organizations, groups or individuals during instructional time or at school-sponsored locations or events not otherwise open to nonschool organizations, groups or individuals. **[5][6]**

**C. The Board directs that the review and consideration of any activities or nonschool materials requested under this policy shall not discriminate on the basis of content or viewpoint.**

#### IV. Delegation of Responsibility

A. The Superintendent or **the Superintendent's** designee shall be responsible for carrying out the provisions of this policy, unless otherwise specifically noted in this policy.

#### V. Guidelines

##### A. Nonschool Activities/Materials

~~1. The Board recognizes the social and educational values that may be derived from student participation in various activities sponsored by nonschool organizations, groups or individuals, but specifies that unreasonable demands on the time and energies of students and staff by such entities during school hours, or at school-sponsored activities be prevented.~~

**1. The Board requires that nonschool organizations, groups or individuals who wish to distribute or post nonschool materials on school property shall submit them to the building principal. The building principal shall inform the Superintendent or designee of requests received from nonschool organizations, groups and individuals.**

~~2. Requests for student participation in nonschool organization, group or individually sponsored activities must be made in writing to the Superintendent or designee in accordance with administrative procedures, written announcements and this policy.~~

**2. If approval is granted by the building principal, the nonschool organization, group or individual shall comply with Board policy and administrative regulations, and the District's time, manner and place restrictions for distribution and posting of materials.**

~~3. Activities sponsored~~ **Materials issued** by nonschool organizations, groups or individuals may not occur, and nonschool written materials may not be used, **shall not be distributed** during instructional time or school-sponsored activities unless they are of educational value to the school program, they benefit district students or the school community, and they are factually accurate. Prohibited activities or m invite or promote student participation in nonschool activities shall comply with Board policy and regulations on distribution and posting of materials.

##### B. ~~C.~~ Fundraising

1. Fundraising by nonschool organizations, groups or individuals is prohibited on school property or in the name of the school unless they are activities or materials that otherwise comply with this policy, administrative procedures and written announcements; fundraising activities may be announced. [7]

2. unless they are activities or materials that **Where activities or materials** otherwise comply with this policy, **and** administrative procedures and written announcements; fundraising activities may be announced.

3. Directory information regarding students or staff may only be released in accordance with law and Board policy. Directory information for students or staff members will not be released to nonschool organizations, groups or individuals that seek this information for the purpose of fundraising. [8]

#### C. ~~D.~~ Scholarships/Awards

1. The Board is appreciative of the generosity of organizations that offer scholarships or awards to deserving students; but, in accepting such offers, the Board directs that established criteria be observed.

2. No information, either academic or personal, shall be released from a student's record for the purpose of selecting a scholarship or award winner without the permission of the student who is eighteen (18), or the parents/guardians of a student who is younger, in accordance with the Board's policy on student records. [8]

3. The scholarship or award, and any pertinent restrictions, shall be approved by the Board.

4. The building principal **Building Principal**, together with a committee of staff members designated by the principal, shall be involved in the selection of the recipient of an award or scholarship, pursuant to administrative procedures established for this purpose and consistent with the restrictions applicable to each approved scholarship or award.

#### D. ~~E.~~ Travel Services/Foreign Trips

1. Solicitation and sale of travel services for foreign trips to students may be permitted with the approval of the Board.

2. Sellers of travel services to students must meet the following criteria:

a. Belong to an association of certified sellers of travel.

b. Provide proof of insurance.

c. Submit references.

d. Provide proof of a performance bond.

e. Include in all information provided to students and parents/guardians that use of tobacco/**nicotine**, alcohol and controlled substances will be prohibited.

f. Include in all information provided to students and parents/guardians that the activity is not a school sponsored event.—

## Legal

1. Pol. 220
2. Pol. 105
3. Pol. 122
4. Pol. 230
5. 24 P.S. 510
6. 24 P.S. 511
7. 24 P.S. 775
8. Pol. 216
- 24 P.S. 779
- Pol. 907



Book	Policy Manual
Section	100 Programs
Title	Nondiscrimination in School and Classroom Practices
Code	103
Status	Policy Committee Review
Adopted	October 28, 1991
Last Revised	February 28, 2019
Prior Revised Dates	July 15, 2013, February 28, 2019

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Authority

A. The Board declares it to be 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 ~~without discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy or handicap/disability.~~

B. ~~The District strives to maintain a safe, positive learning environment for all students that is free from discrimination. Discrimination is inconsistent with the educational and programmatic goals of the District and is prohibited on school grounds, at school sponsored activities and on any conveyance providing transportation to or from a school entity or school sponsored activity.~~

C. ~~The District shall provide to all School District students, without discrimination, all School District programs, activities and services. The District shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.~~

D. ~~The Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.~~

E. ~~The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated.~~

F. ~~Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with this policy and the District's legal and investigative obligations.~~

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

**B. The purpose of this policy is to establish expectations for behavior that promote a safe, engaging and supportive school environment and provide direction for students, employees, and third parties in recognizing and reporting discrimination in accordance with this policy and with local, state, and federal requirements.**

**C. The District is committed to providing an educational and work environment that is free from discrimination, fosters equitable opportunities, and values diversity and commonality.**

**D. The Board prohibits discrimination on the basis of race, color, creed, national origin, immigration status, ancestry, religion, physical, mental, or educational disability, pregnancy, age, sex, gender, gender expression, gender identity, genetic information, sexual orientation, marital status, homelessness, veteran status or socioeconomic status in the educational program, including co-curricular and extra-curricular activities, and in the workplace.**[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)[\[18\]](#)[\[19\]](#)

**E. This policy applies to admissions, enrollment to the school, educational programs and policies, access to services, facilities, activities, and financial aid, as well as all terms and conditions of hiring, employment, promotion, training, compensation, and benefits.**

**F. Any member of New Hope- Solebury community has the right to raise concerns or make a complaint regarding discrimination under this policy without fear of retaliation.**

**G. Discrimination is inconsistent with the educational and programmatic goals of the District and is prohibited on school grounds, at school-sponsored activities and on any school sponsored conveyance providing transportation to or from a school entity or school-sponsored activity.**

**H. The District shall provide to all School District students, without discrimination, all School District programs, activities and services.**

**I. The Board recognizes its responsibility to promote worth, dignity, respect, and safety and therefore prohibits discrimination through curriculum, instruction, professional development, and resource selection.**

**J. Employees, students, and third parties share responsibility for the health, safety, and general welfare of students and for creating and ensuring an environment free from discrimination.**

**K. Employees, students, and third parties may be subject to disciplinary action or consequences for discriminatory behavior even when the behavior does not rise to the level of discrimination as defined by prevailing federal and state laws.**

**L. The Board encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.**

**M. The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated.**

**N. Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with this policy and the District's legal and investigative obligations.**



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

**II. Definitions Authority**

**A. The District adheres to a policy of nondiscrimination in employment and educational programs/activities and strives affirmatively to provide equal opportunity for all as required by:**

- 1. Title VI of the Civil Rights Act of 1964 – prohibits discrimination on the basis of race, color, religion, or national origin.**
- 2. Title VII of the Civil Rights Act of 1964 as amended – prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.**
- 3. Title IX of the Education Amendments of 1972 – prohibits discrimination on the basis of gender.**
- 4. Age Discrimination in Employment Act of 1967 (ADEA) as amended – prohibits discrimination on the basis of age with respect to individuals who are at least 40.**
- 5. The Equal Pay Act of 1963 as amended – prohibits gender discrimination in payment of wages to women and men performing substantially equal work in the same establishment.**
- 6. Section 504 of the Rehabilitation Act of 1973 – prohibits discrimination against the disabled.**
- 7. Americans with Disabilities Act of 1990 (ADA) – prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.**
- 8. The Family and Medical Leave Act of 1993 (FMLA) – requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons.**
- 9. The Pregnancy Discrimination Act of 1978 – prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.**
- 10. Pennsylvania Educational Equity Act (do we have this?) – prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.**
- 11. Pennsylvania Civil Rights Act (do we have this?) – secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.**
- 12. Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) – prohibits discrimination against employees or applicants because of genetic information.**
- 13. Boy Scouts of America Equal Access Act of 2002 – no public school shall deny equal access to, or a fair opportunity for groups to meet on school premises or in school facilities before or after school hours, or discriminate against any group officially affiliated with Boy Scouts of America or any other youth or community group listed in Title 36 (as a patriotic society).**

**III. Delegation of Responsibility Definitions**

## A. Discriminatory Harassment

1. Harassment by students, employees or third parties on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, handicap/disability or for participation in reports or investigations of alleged discrimination is a form of discrimination and is subject to this policy. A person who is not necessarily an intended victim or target of such harassment but is adversely affected by the offensive conduct may file a report of discrimination. [\[21\]](#)[\[22\]](#)[\[23\]](#)[\[24\]](#)[\[25\]](#)[\[26\]](#)
2. For purposes of this policy, "harassment" shall consist of unwelcome conduct which relates to an individual's or group's race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability when such conduct is:
  - a. Sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance in school or school related programs, or otherwise creates an intimidating, hostile, or offensive school or school related environment such that it unreasonably interferes with the complainant's access to or participation in school or school related programs.

## A. Sexual Harassment

1. Sexual harassment is a form of discrimination on the basis of sex and is subject to this policy. For purposes of this policy, "**sexual harassment**" shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, graphic or physical conduct of a sexual nature when: [\[20\]](#)
  - a. Submission to such conduct is made explicitly or implicitly a term or condition of a student's status in any educational or other programs offered by a school; or
  - b. Submission to or rejection of such conduct is used as the basis for educational or other program decisions affecting a student; or
  - c. Such conduct deprives a student or group of individuals of educational aid, benefits, services or treatment; or
  - d. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance in school or school related programs, or otherwise creates an intimidating, hostile, or offensive school or school related environment such that it unreasonably interferes with the complainant's access to or participation in school or school related programs.
2. Federal law declares sexual violence a form of sexual harassment. "**Sexual violence**" means physical or sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. Sexual violence includes but is not limited to rape, sexual assault, sexual battery and sexual coercion.

## A. Within the context of this policy, the following definitions apply:

**1. Discrimination – Any act or omission due to an individual's status or perceived status in a protected class that creates an intimidating, hostile, or offensive working or educational environment; or substantially interferes with**

**an individual's ability to work, learn, or otherwise is sufficiently serious to limit an individual's employment opportunities, or to limit a student's ability to participate in or benefit from the educational program.**

**2. Parent – Any one of the following, recognized as the adult(s) legally responsible for the student:**

**a. Biological Parent – A natural parent whose parental rights have not been terminated.**

**b. Adoptive Parent – A person who has legally adopted the student and whose parental rights have not been terminated.**

**c. Custodian – A person or agency appointed by the court as the legal custodian of the student and granted parental rights and responsibilities.**

**d. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and responsibilities.**

**e. Caregiver – An adult resident of Howard County who exercises care, custody, or control over the student but who is neither the biological parent nor legal guardian, as long as the person satisfies the requirements of the Education Article, §7-101 (c) (Informal Kinship Care).**

**f. Foster Parent – An adult approved to care for a child who has been placed in their home by a state agency or a licensed child placement agency as provided by the Family Law Article, §5-507.**

**3. Protected Class – A group's characteristics to include the following: race, color, creed, national origin, immigration status, religion, physical, mental, or learning disability, pregnancy, age, gender, gender expression, gender identity, genetic information, sexual orientation, marital status, veteran status or socioeconomic status.**

**4. Respondent – An individual named by a complainant as allegedly violating the policy.**

**5. Retaliation – The act or process of threatening or otherwise penalizing a person for reporting an alleged violation of policy or for participating in an investigation of an alleged violation.**

**6. School-Related Activity – Any school system activity, on or off school property, in which a student directly participates (e.g., school field trip, athletic event, or class/graduation activity), or an activity in which the student does not directly participate but represents the school or student body simply by being present (e.g., spectator at a school event).**

**7. Third Party – Parents, mentors, volunteers, vendors, contractors and others with whom students or employees interact during school or school-related activities.**

### **III. IV. Delegation of Responsibility**

A. In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent or the Superintendent's designee as the District's Compliance Officer.

B. The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public.

C. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

D. The Compliance Officer is responsible to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provision of training for students and staff to prevent, identify and alleviate problems of discrimination.
3. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related matters.
5. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.
6. Resources - Maintain and provide information to staff on resources available to alleged victims in addition to the school complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
7. Complaints - Monitor and provide technical assistance to building principals or designees in processing complaints.

E. The building principal or the building principal's designee shall be responsible to complete the following duties when receiving a complaint of discrimination.

1. If the building principal is the subject of the complaint, refer the complainant to the Compliance Officer to carry out these responsibilities.
- ~~1.~~ 2. Inform the complainant about this policy including the right to an investigation of both oral and written complaints of discrimination.
- ~~2.~~ 3. Seek to obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18).
- ~~3.~~ 4. Inform the parents/guardians of the complainant that the complainant may be accompanied by a parent/guardian during all steps of the complaint procedure.
- ~~4.~~ 5. When a parent/guardian requests confidentiality and will not consent to the alleged victim's participation in an investigation, explain that the school shall take all reasonable steps to investigate and respond to the complaint consistent with that request for confidentiality as long as doing so does not preclude the school from responding effectively to the discrimination and preventing discrimination of other students.
- ~~5.~~ 6. Provide relevant information on resources available in addition to the school complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources including

counseling resources.

~~6.~~ **7.** Immediately notify the Compliance Officer of the complaint.

**8.** The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another District employee, the Compliance Officer or an attorney and shall promptly assign the investigation to that individual.

**9.** When a parent/guardian has requested confidentiality and will not consent to the alleged victim's participation in an investigation, the Compliance Officer shall provide the parent/guardian with a letter containing information related to the District's legal obligations to conduct an investigation and address violations of this policy, and any other information appropriate to the specific complaint.

~~7.~~ **10.** After consideration of the allegations and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and others as necessary from violation of this policy during the course of the investigation.

~~8.~~ **11.** Notify the complainant and the accused of the progress at appropriate stages of the procedure.

#### **IV. Guidelines Standards**

**A. The District will promote the worth and dignity of all individuals through curriculum, instruction, professional development, and resource selection in accordance with state regulation.**

**B. The District will provide K-12 curricula and instructional strategies that enable students to demonstrate an understanding of and respect for living in a culturally pluralistic society.**

**C. Instructional staff will use strategies that appropriately address students' identities and learning styles while providing rigorous instruction for all students to increase academic achievement.**

**D. Instructional staff will be provided with curricula that:**

**1. Avoids stereotyping, discrimination, bias, and prejudice;**

**2. Reflects the diverse experiences relating to cultural groups and individuals;**

**3. Is representative of the diversity of society and assist students to demonstrate an understanding of the experiences of individuals and groups.**

**E. The District will provide professional development to prepare employees to design, manage, implement, and evaluate multicultural education.**

**F. Discrimination complaints can be filed by those who believe they are being subjected to discrimination and by those who believe they are a witness to discrimination against others.**

**G. A student will file a discrimination complaint orally or in writing with a teacher, school counselor, school-based administrator, or the Equity Assurance Manager/designee for action in accordance with established procedures. All such reports that allege discrimination by an employee or third party will be filed with or forwarded to the Equity Assurance Manager/designee.**

**H. An employee or third party will file a discrimination complaint with the Equity Assurance Manager/designee or with a school-based administrator or supervisor as appropriate. All such reports will be forwarded to the Equity Assurance Manager/designee.**

**I. Staff members and school-based administrators who believe discrimination has occurred will take action promptly in accordance with established procedures as defined in the implementation procedures of this policy.**

**A. J.** Complaint Procedure – Student/Third Party

1. Step 1 – Reporting

- a. A student or third party who has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal. Any person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal.
- 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, as well as properly making any mandatory police or child protective services reports required by law.[27]
- 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 may be encouraged to use the report form available from the building principal or Compliance Officer, or to put the complaint in writing; however, oral complaints shall be accepted, documented and the procedures of this policy implemented.
- e. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges.
- f. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

2. Step 2 – Investigation

- a. The Compliance Officer shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination issues and this policy and how to conduct investigations.
- b. The investigator shall work with the Compliance Officer to assess the anticipated scope of the investigation, who needs to be interviewed and what records may be relevant to the investigation.
- c. The investigator shall conduct an adequate, reliable and impartial investigation.
- d. The complainant and the accused may suggest additional witnesses and provide other evidence during the course of the investigation.
- e. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine

whether they resulted in continuing effects such as harassment in school settings.

f. The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations.

g. The investigator may also evaluate any other information and materials relevant to the investigation.

h. 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.

i. 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.

j. If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Compliance Officer, who shall promptly inform law enforcement authorities about the allegations.[27][28][29]

k. 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.

l. 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.

m. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

### 3. Step 3 – Investigative Report

a. The investigator shall prepare and submit a written report within fifteen (15) 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 to establish a different due date.

b. 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.

c. 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, and whether the conduct violated this policy and of any other violations of law or Board policy which may warrant further District action, and a recommended disposition of the complaint.

d. An investigation into discriminatory harassment or sexual harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

e. The complainant and the accused shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written report to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The accused shall not be notified of the individual remedies offered or provided to the complainant.[30][31][32]

#### 4. Step 4 – District Action

- a. If the investigation results in a finding that some or all of the allegations of the complaint are established and constitutes a violation of this policy, the District shall take prompt, corrective action designed to ensure that such conduct ceases and will not recur and that no retaliation occurs.
- b. 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.
- c. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.
- d. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.
- e. If an investigation results in a finding that a different policy was violated separately from or in addition to violations of this 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.
- f. 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.
- g. Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws including Title VII of the Civil Rights Act 1964; the Age Discrimination Act of 1975; and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

#### ~~B.~~ **K.** Appeal Procedure

- 1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with the corrective action recommended in the investigative report, the complainant or accused may submit a written appeal to the Compliance Officer within fifteen (15) days. If the Compliance Officer 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.
- 2. The person handling the appeal 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 investigator who conducted the initial investigation.



**L. Upon the finding of violation, remedies available to complainants include, but are not limited to, counseling, imposition of an order against the guilty party prohibiting further contact with the complainant or others, reinstatement of employment to the complainant, reconsideration of an award of a contract with the school system or any other remedy as is just and services the interest of reinstating the complainant to the complainant's position prior to the discrimination.**

**M. Violations of this policy are cumulative; subsequent offenses will affect the nature and severity of the consequences.**

**N. Students who violate this policy will have consequences that include all appropriate forms of discipline including expulsion from schools.**

**1. Disciplinary action against a student will be administered in accordance with the Student Code of Conduct, and board policy.**

**2. In addition, a student who violates this policy may also be required to participate in an appropriate education intervention and/or counseling designated by the school administrator and designed to increase the student's understanding of the offense and the impact on others.**

**O. Employees who violate this policy will have consequences that include all appropriate forms of discipline including termination of employment.**

**1. Disciplinary action against school system employees will be administered in accordance with Policy.**

**2. A violation of this policy may require, as a condition of continuing employment or other relationship with the school system, participation in counseling and/or other interventions designed to assist in the recognition and correction of the offending behavior/conduct.**

**P. Action against third parties will be taken in accordance with relevant school system policies and other applicable state and federal laws.**

**1. Actions may include ceasing further business with the third party, modifying the terms of the contract, discontinuance of the contract, or banning from the property.**

#### Legal

1. 20 U.S.C. 1681 et seq
2. 22 PA Code 12.1
3. 22 PA Code 12.4
4. 22 PA Code 15.1 et seq
5. 22 PA Code 4.4
6. 24 P.S. 1301
7. 24 P.S. 1310
8. 24 P.S. 1601-C et seq
9. 24 P.S. 5004
10. 29 U.S.C. 794
11. 42 U.S.C. 12101 et seq
12. 42 U.S.C. 1981 et seq
13. 42 U.S.C. 2000d et seq

14. 43 P.S. 951 et seq
15. Pol. 103.1
16. Pol. 218
17. Pol. 247
18. Pol. 249
19. U.S. Const. Amend. XIV, Equal Protection Clause
20. 29 CFR 1604.11
21. 29 CFR 1606.8
22. Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
23. Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
24. Office for Civil Rights - Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability (Oct. 26, 2010)
25. Office for Civil Rights - Resources for Addressing Racial Harassment
26. Office for Civil Rights - Revised Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties Title IX (January 2001)
27. Pol. 806
28. 18 Pa. C.S.A. 2709
29. Pol. 815
30. 20 U.S.C. 1232g
31. 34 CFR Part 99
32. Pol. 216
- 28 CFR Part 35
- 28 CFR Part 41
- 34 CFR Part 100
- 34 CFR Part 104
- 34 CFR Part 106
- 34 CFR Part 110
- Pol. 113
- Pol. 122
- Pol. 123
- Pol. 138
- Pol. 701

[103Attach-ReportFormComplaints.doc \(29 KB\)](#)[103Attach-TemplateLetter.docx \(24 KB\)](#)



Book	Policy Manual
Section	100 Programs
Title	Nondiscrimination - Qualified Students with Disabilities
Code	103.1
Status	
Adopted	April 19, 2010
Last Revised	February 28, 2019

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Authority

- A. The Board declares it to be the policy of this District to ensure that all District programs and practices are free from discrimination against all qualified students with disabilities.
- B. The Board recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)
- C. The District shall provide to each qualified student with a disability enrolled in the District, without cost to the student or parent/guardian, a Free and Appropriate Public Education (FAPE).
  1. This includes provision of education and related aids, services, or accommodations which are needed to afford each qualified student with a disability equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities without discrimination, to the same extent as each student without a disability, consistent with federal and state laws and regulations.
- D. The Board encourages students and parents/guardians who believe they have been subjected to discrimination or harassment to promptly report such incidents to designated employees.
- E. The Board directs that complaints of discrimination or harassment shall be investigated promptly, and corrective or preventative action be taken for substantiated allegations.
- F. 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.
- G. The District shall not intimidate, threaten, coerce, discriminate or retaliate against any individual for the purpose of interfering with any right or privilege secured by this policy.

## II. Definitions

- A. **"Qualified student with a disability"** shall be defined as a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the District's educational programs, nonacademic services or extracurricular activities. [\[11\]](#)[\[12\]](#)
- B. **"Section 504 Team"** shall be defined as a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors, psychologists, school nurses, outside care providers and the student's parents/guardians. [\[3\]](#)[\[8\]](#)
- C. **"Section 504 Service Agreement" or ("Service Agreement")** shall be defined as an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school's educational programs, nonacademic services, and extracurricular activities. [\[13\]](#)
- D. **"Disability harassment"** shall be defined as intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school's educational programs, nonacademic services, or extracurricular activities. [\[10\]](#)

### III. Delegation of Responsibility

- A. In order to maintain a program of nondiscrimination practices that is in compliance with applicable law and regulations, the Board designates the Director of Student Services as the District's Section 504 Coordinator. [\[14\]](#)
- B. In addition, the school within the District shall designate the Section 504 building administrator for that building.
- C. The District shall publish and disseminate this policy and complaint procedure on or before the first day of each school year by posting it on the District's website, if available, and in the student handbook.
- D. The District shall notify parents/guardians of students residing in the District of the District's responsibilities under applicable laws and regulations, and that the District does not discriminate against qualified individuals with disabilities. [\[15\]](#)[\[16\]](#)

### IV. Guidelines

#### A. Identification and Evaluation

1. The District shall conduct an annual child find campaign to locate and identify every District student with a disability thought to be eligible for Section 504 services and protections. [\[16\]](#)[\[17\]](#)
2. The District may combine this search with the District's IDEA child find efforts.
3. If a parent/guardian or the District has reason to believe that a student should be identified as a qualified student with a disability, should no longer be identified as a qualified student with a disability, or requires a change in or modification of the student's current Service Agreement, the parent/guardian or the District shall provide the other party with written notice. [\[18\]](#)[\[19\]](#)[\[20\]](#)
4. The District shall establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need related services because of a

disability.[\[20\]](#)

5. The District shall specifically identify the procedures and types of tests used to evaluate a student, and provide the parent/guardian the opportunity to give or withhold consent to the proposed evaluation(s) in writing.[\[20\]](#)
6. The District shall establish procedures for evaluation and placement that assure tests and other evaluation materials:
  - a. Have been validated and are administered by trained personnel.
  - b. Are tailored to assess educational need and are not based solely on IQ scores.
  - c. Reflect aptitude or achievement or anything else the tests purport to measure and do not reflect the student's impaired sensory, manual or speaking skills (except where those skills are what is being measured).

#### B. Service Agreement

1. If a student is determined to be a qualified student with a disability, the District shall develop a written Service Agreement for the delivery of all appropriate aids, services, or accommodations necessary to provide the student with FAPE.[\[13\]](#)
2. The District shall not implement a Service Agreement until the written agreement is executed by a representative of the District and a parent/guardian.[\[13\]](#)
3. The District shall not modify or terminate a student's current Service Agreement without the parent's/guardian's written consent.[\[18\]](#)

#### C. Educational Programs/Nonacademic Services/Extracurricular Activities

1. The District shall educate a qualified student with a disability with students who are not disabled to the maximum extent appropriate to the needs of the student with a disability.[\[21\]](#)[\[22\]](#)
2. A qualified student with a disability shall be removed from the regular educational environment only when the District determines that educating the student in the regular educational environment with the use of related aids, services, or accommodations cannot be achieved satisfactorily.[\[21\]](#)[\[22\]](#)
3. Placement in a setting other than the regular educational environment shall take into account the proximity of the alternative setting to the student's home.[\[21\]](#)[\[22\]](#)
4. The District shall not discriminate against any qualified student with a disability in its provision of nonacademic services and extracurricular activities, including but not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, and referrals to agencies which provide assistance to individuals with disabilities.[\[21\]](#)[\[22\]](#)[\[23\]](#)[\[24\]](#)[\[25\]](#)[\[26\]](#)[\[27\]](#)

#### D. Discipline

1. When necessary, the District shall discipline qualified students with disabilities in accordance with state and federal laws and regulations and Board policies.[33][34]

#### E. Parental Involvement

1. Parents/Guardians have the right to inspect and review all relevant school records of the student, meet with the appropriate school officials to discuss any and all issues relevant to the evaluation and accommodations of their child, and give or withhold their written consent to the evaluation and/or the provision of services.[13][19][20][28]

#### F. Confidentiality of Student Records

1. All personally identifiable information regarding a qualified student with a disability shall be treated as confidential and disclosed only as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, state regulations, and Board policy.[29][30][31][32]

#### G. Referral to Law Enforcement and Reporting Requirements

1. For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.[35][36][37]
2. The Superintendent or the Superintendent's designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a qualified student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies. The Superintendent or designee shall respond in a manner that is consistent with the student's Service Agreement and Behavior Support Plan, if applicable.[11][13][21][29][33][35][38][39][40][41][42][43][44][45][46][53]
3. In making a determination of whether to notify the local police department of a discretionary incident committed by a qualified student with a disability, including a student for whom an evaluation is pending, the Superintendent or the Superintendent's designee shall use the same criteria used for students who do not have a disability.[10][39][47]
4. For a qualified student with a disability who does not have a Behavior Support Plan as part of the student's Service Agreement, subsequent to notification to law enforcement, the District, in consultation with the student's parent/guardian, shall consider whether a Behavior Support Plan should be developed as part of the Service Agreement to address the student's behavior.[13][40]
5. In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by qualified students with disabilities, including students for whom an evaluation is pending, which

occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.[\[36\]](#)

#### H. Procedural Safegaurds

1. The District shall establish and implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student's parent/guardian, and a review procedure.[\[28\]](#)[\[48\]](#)
2. A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.[\[19\]](#)

#### I. Parental Request for Assistance

1. Parents/Guardians may file a written request for assistance with the Pennsylvania Department of Education (PDE) if one or both of the following apply:[\[28\]](#)
  - a. The District is not providing the related aids, services and accommodations specified in the student's Service Agreement.
  - b. The District has failed to comply with procedures and state regulations.
2. PDE shall investigate and respond to requests for assistance and, unless exceptional circumstances exist, shall, within sixty (60) calendar days of receipt of the request, send to the parents/guardians and District a written response to the request.[\[28\]](#)
3. The response to the parents'/guardians' request shall be in the parents'/guardians' native language or mode of communication.

#### J. Informal Conference

1. At any time, parents/guardians may file a written request with the District for an informal conference with respect to the identification or evaluation of a student, or the student's need for related aids, services or accommodations.[\[28\]](#)
2. Within ten (10) school days of receipt of the request, the District shall convene an informal conference.
3. At the conference, every effort shall be made to reach an amicable agreement.

#### K. Formal Due Process Hearing

1. If the matters raised by the District or parents/guardians are not resolved at the informal conference, the District or parents/guardians may submit a written request for an impartial due process hearing.[\[28\]](#)
2. The hearing shall be held before an impartial hearing officer and shall be conducted in accordance with state regulations.[\[28\]](#)[\[49\]](#)

#### L. Judicial Appeals

1. The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction.[\[28\]](#)

#### M. Complaint Procedure

1. This complaint procedure is in addition to and does not prevent parents/guardians from using any option in the procedural safeguards system.[\[10\]](#)

##### a. Step 1 – Reporting

- i. A student or parent/guardian who believes to have been subject to conduct by any student, employee or third party that constitutes a violation of this policy is encouraged to immediately report the incident to the Section 504 building administrator.
- ii. Any person with knowledge of conduct that may violate this policy, is encouraged to immediately report the matter to the Section 504 building administrator.
- iii. 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 Section 504 building administrator, as well as properly making any mandatory police or child protective services reports required by law.[\[50\]](#)
- iv. If the Section 504 building administrator is the subject of a complaint, the student, parent/guardian or employee shall report the incident directly to the District's Section 504 Coordinator.
- v. The complainant or reporting employee is encouraged to use the report form available from the Section 504 building administrator, but oral complaints shall be acceptable.
- vi. Oral complaints shall be documented by the Section 504 building administrator.
- vii. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges.
- viii. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

##### b. Step 2 – Investigation

- i. The Section 504 Coordinator shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination issues and this policy and how to conduct investigations.
- ii. Upon receiving a complaint of discrimination, the Section 504 building administrator shall immediately notify the District's Section 504 Coordinator.



- iii. The Section 504 Coordinator shall authorize the Section 504 building administrator to investigate the complaint, unless the Section 504 building administrator is the subject of the complaint or is unable to conduct the investigation.
- iv. If the complaint is about the Director of Student Services, the complaint shall be referred to the Superintendent. If the complaint is about the Superintendent, the complaint shall be referred to the Board President.
- v. 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.
- vi. The investigator shall work with the Section 504 Coordinator to assess the anticipated scope of the investigation, who needs to be interviewed and what records may be relevant to the investigation.
- vii. The investigator shall conduct an adequate, reliable and impartial investigation.
- viii. The complainant and the accused may suggest additional witnesses and provide other evidence during the course of the investigation.
- ix. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.
- x. 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.
- xi. 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.
- xii. 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.
- xiii. If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the Section 504 building administrator shall promptly inform law enforcement authorities about the allegations.[10][50][51][52]
- xiv. 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.
- xv. 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.

c. Step 3 – Investigative Report

- i. The Section 504 building administrator shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required.
- ii. 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.
- iii. 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, and whether the conduct violated this policy and of any other violations of law or Board policy which may warrant further District action, and a recommended disposition of the complaint.
- iv. An investigation into disability harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.
- v. The complainant and the accused shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written report to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The accused shall not be notified of the individual remedies offered or provided to the complainant. [\[29\]](#) [\[30\]](#) [\[31\]](#) [\[32\]](#)

d. Step 4 – District Action

- i. 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 policy, the District shall take prompt, corrective action designed to ensure that such conduct ceases and will not recur, and that no retaliation occurs.
- ii. 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.
- iii. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.
- iv. The Section 504 Coordinator shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.
- v. If the investigation results in a finding that a different policy was violated separately from or in addition to violations of this 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.

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

#### N. Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, the complainant may submit a written appeal to the District's Section 504 Coordinator within fifteen (15) days.
2. The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.
3. The Section 504 Coordinator shall prepare a written response to the appeal within fifteen (15) days.
4. Copies of the response shall be provided to the complainant, the accused and the Section 504 building administrator who conducted the initial investigation.

#### Legal

1. 22 PA Code 12.1
2. 22 PA Code 12.4
3. 22 PA Code 15.1 et seq
4. 22 PA Code 4.4
5. 28 CFR Part 35
6. 28 CFR Part 36
7. 29 U.S.C. 794
8. 34 CFR Part 104
9. 42 U.S.C. 12101 et seq
10. Pol. 103
11. 22 PA Code 15.2
12. 42 U.S.C. 12102
13. 22 PA Code 15.7
14. 34 CFR 104.7
15. 22 PA Code 15.4
16. 34 CFR 104.32
17. Pol. 113
18. 22 PA Code 15.5
19. 22 PA Code 15.6
20. 34 CFR 104.35
21. 22 PA Code 15.3
22. 34 CFR 104.34
23. 34 CFR 104.37
24. Pol. 112

25. Pol. 122
26. Pol. 123
27. Pol. 810
28. 22 PA Code 15.8
29. 22 PA Code 15.9
30. Pol. 216
31. 20 U.S.C. 1232g
32. 34 CFR Part 99
33. Pol. 218
34. Pol. 233
35. 22 PA Code 10.2
36. 24 P.S. 1303-A
37. 35 P.S. 780-102
38. 22 PA Code 10.21
39. 22 PA Code 10.22
40. 22 PA Code 10.23
41. 22 PA Code 10.25
42. 24 P.S. 1302.1-A
43. Pol. 218.1
44. Pol. 218.2
45. Pol. 222
46. Pol. 227
47. 22 PA Code 15.1
48. 34 CFR 104.36
49. 22 PA Code 14.162
50. Pol. 806
51. 18 Pa. C.S.A. 2709
52. Pol. 815
53. Pol. 113.3

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Book	Policy Manual
Section	100 Programs
Title	Nondiscrimination in Employment/Contract Practices
Code	104
Status	Policy Committee Review
Adopted	October 28, 1992
Last Revised	July 15, 2013

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Authority

A. The Board declares it to be the policy of this District to provide to all persons equal access to all categories of employment in this District, regardless of race, color, age, creed, religion, gender, sexual orientation, gender identity or expression, ancestry, national origin, handicap/disability or genetic information.

**B.** 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. [\[1\]\[2\]\[3\]\[4\]\[5\]\[6\]\[7\]\[8\]\[9\]\[10\]](#)

~~B.~~ **C.** The Board encourages employees and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

~~C.~~ **D.** The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated.

**E.** Confidentiality of all parties shall be maintained, consistent with the District's legal and investigative obligations.

~~D.~~ **F.** Neither reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

## II. Delegation of Responsibility

A. In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent or ~~his/her~~ **the Superintendent's** designee as the District's Compliance Officer.

B. The Compliance Officer shall publish and disseminate this policy and complaint procedures at least annually to students, parents, employees and the public.

**C.** Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

~~E.~~ **D.** The Compliance Officer is responsible to monitor the implementation of 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. Promotions.
5. Disciplinary actions, up to and including terminations.

D. The building principal or his/her ~~the building principal's~~ designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the employee or third party of the right to file a complaint and the complaint procedure.
2. Notify the complainant and the ~~accused~~ **accused** of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

### III. Guidelines

#### A. Complaint Procedure-Employee/Third Party

##### 1. Step 1 - Reporting

- a. An employee or third party who believes s/he ~~has~~ **to have** been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal.
- b. If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.

##### 2. Step 2 - Investigation

- a. Upon receiving a complaint of discrimination, 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.
- ~~b.~~ **c.** The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident.
- d.** The investigator may also evaluate any other information and materials relevant to the investigation.

~~e.~~ **e.** 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 a written report within fifteen (15) days, unless additional time to complete the investigation is required.

**b.** 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.~~ **c.** Copies of the report shall be provided to the complainant, the accused and the Compliance Officer.

### 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.

b. Disciplinary actions shall be consistent with Board policies and District procedures, applicable collective bargaining agreements, and state and federal laws.

#### c. Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, ~~s/he~~ **the complainant** 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.

**4.** Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.

#### **Revision History:**

**July 15, 2013**

## Legal

1. 20 U.S.C. 1681 et seq
2. 29 U.S.C. 206
3. 29 U.S.C. 621 et seq
4. 29 U.S.C. 794
5. 42 U.S.C. 1981 et seq
6. 42 U.S.C. 2000e et seq
7. 42 U.S.C. 2000ff et seq
8. 42 U.S.C. 12101 et seq
9. 43 P.S. 336.3
10. 43 P.S. 951 et seq
- 16 PA Code 44.1 et seq

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Book	Policy Manual
Section	100 Programs
Title	Harassment
Code	148
Status	Policy Committee Review

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## **I. Purpose**

**A. The District has determined that a safe, civil, and supportive environment in school is necessary for students to learn and achieve high academic standards.**

**B. In order to maintain that environment, the Board prohibits acts of harassment, bullying, cyber-bullying, intimidation, or any other victimization of students, based on any actual or perceived traits or characteristics.**

**C. To that end, the Board has in place processes and procedures to address incidents of bullying and harassment.**

## **II. Definitions**

**A. "Harassment, intimidation, or bullying" means an act that substantially interferes with a student's educational benefits, opportunities, or performance and the act has the effect of:**

- 1. Physically harming a student or damaging a student's property;**
- 2. Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;**
- 3. Causing emotional distress to a student or students; or**
- 4. Creating a hostile educational environment.**
- 5. The U.S. Department of Education Office for Civil Rights further clarifies "harassment" as conduct that meets the following criteria:**

**a. Unwelcome conduct based on a protected class (race, national, origin, color, gender, age, disability, religion) that is severe, pervasive, or persistent and creates a hostile environment.**

**B. "Sexual Harassment" includes unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature.**

**C. "Cyber-bullying" as bullying undertaken through the use of electronic devices.**

**D. "Electronic devices" include, but are not limited to, telephones, cellular phone or other wireless telecommunication devices, text messaging, emails, social networking sites, instant messaging, videos, web sites or fake profiles**

**E. "Hazing" is an act which involves any intentional or reckless act, on or off District property, by one student acting alone or with others that is directed against any other student, that endanger the mental or physical health or safety of that student or that induces or coerces a student to endanger that student's mental or physical health or safety.**

**1. "Hazing" does not include customary athletic events or similar contest or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.**

## **II Authority**

### **III Delegation of responsibility**

**A. The Board requires the principal and/or principal's designee, at each school to be responsible for investigating and resolving complaints alleging violations of this policy.**

**B. The principal and/or principal's designee is responsible for determining whether an alleged act constitutes a violation of this policy.**

**C. In doing so, the principal and/or principal's designee, shall conduct a prompt, thorough, and complete investigation of each alleged incident.**

**D. Within the parameters of the federal Family Educational Rights and Privacy Act (FERPA) at 20 U.S.C. § 1232g, a written report on the investigation will be delivered to the parents of the complainant and accused students and to the Superintendent.**

## **IV. Standards**

**A. This policy will be annually disseminated to all school staff, students, and parents and may be publicized in student handbooks and district/school web sites.**

**B. This policy is in effect while students are on school property, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop.**

**C. If an act takes place off school property or outside of a school-sponsored activity, this policy is in effect if the conduct is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.**

**D. When looking at the totality of the circumstances, harassment, bullying, cyber-bullying, or any other disruptive or violent behavior includes conduct such as gestures, written, verbal, graphic, or written acts, including electronically transmitted acts, toward a student which is based on any actual or perceived trait or characteristic of the student and creates an educational environment that meets one or more of the following conditions:**

**1. Places the student in reasonable fear or harm to the student's person or property;**

**2. Has substantially detrimental effect on the student's physical or mental health;**

**3. Has the effect of substantially interfering with the student's academic performance; or**

**4. Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.**

**E. All school employees are required to report alleged violations of this policy to the principal and/or principal's designee.**

**F. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy.**

**G. Reports may be made anonymously; however, such complaints may affect the school's ability to issue formal disciplinary action.**

**H. Consequences and appropriate remedial actions for anyone who commits one or more acts of harassment, bullying, or other acts of violent behavior may range from positive behavioral interventions up to and including suspension or expulsion, as set forth in the approved code of Student conduct.**

**I. School administrators shall consider the nature and circumstances of the incident, the age and maturity of the student, the degree of harm, previous incidences or patterns of behavior, or any other factors, as appropriate to properly respond to each situation.**

**J. Consequences for a student who commits an act of harassment, bullying, or other act of violent behavior shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the District's approved code of student conduct.**

**K. Remedial measures shall be designed to:**

**1. Correct the problem behavior;**

**2. Prevent other occurrences of the behavior; and**

**3. Protect the complainant of the act.**

**L. Effective discipline should employ a school-wide approach to adopt a procedure of handling harassment or bullying offenses and the associated consequences.**

**1. This procedure should reflect appropriate potential consequences in accordance with discipline policies.**

**2. The Superintendent shall be responsible for the development and enforcement of this requirement.**

**M. Reprisal, Retaliation, and False Accusations**

**1. The Board prohibits reprisal or retaliation against any person who reports or assists in any investigation of an act alleged in this policy.**

**2. The consequences of appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.**

**3. The Board prohibits any person from falsely accusing another of having committed an act of harassment or bullying as means of reprisal or retaliation or of harassment or bullying.**

**a. The consequences and appropriate remedial action for a person found to have falsely accused another as a means of reprisal or retaliation or harassment or bullying may range from positive behavioral interventions up to and including suspension and expulsion.**

Legal

1. 29 U.S.C. 621 et seq
2. 29 U.S.C. 794
3. 42 U.S.C. 1981 et seq
4. 42 U.S.C. 2000e et seq
5. 42 U.S.C. 2000ff et seq
6. 42 U.S.C. 12101 et seq
7. 43 P.S. 336.3
8. 43 P.S. 951 et seq
- 16 PA Code 44.1 et seq

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NEW HOPE-  
SOLEBURY  
SCHOOL DISTRICT

218-AR. CODE OF STUDENT CONDUCT

New Hope-Solebury School District

K-12  
Expectations  
And  
Code of Conduct

Prepared by:

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Board Approved: August, 2019

# New Hope-Solebury School District

## **MISSION STATEMENT**

The New Hope-Solebury School District takes pride in its commitment to excellence. We strive to inspire and empower our students to become passionate, confident, life-long learners, with the skills and strength of character to contribute to a diverse and ever-changing world.

## **PREFACE**

In order to function properly, public school education should provide an equal learning opportunity for all pupils. In addition to the regular curriculum, principles and practices of good citizenship must be taught and demonstrated. This includes an appreciation for the rights of others. No school or school system can discharge these responsibilities if it permits pupils to act in an objectionable manner or to disregard rules and regulations adopted for the benefit of all persons. The rights of an individual are preserved only by the protection and preservation of the rights of others. Pupils are responsible for the way they exercise their rights, and they must accept the consequences of their actions. Each exercise of an individual's rights must demonstrate respect for the rights of others. To achieve the goal of a democratic society, the staff, pupils, parents, guardians, and community must work cooperatively.

## **EQUAL OPPORTUNITY STATEMENT**

It is the policy of the New Hope-Solebury School District to provide equal opportunity in all its programs and activities and in its employment practices. No pupil, employee, or other person shall be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination in regard to any District program on

## **RESPONSIBILITIES**

### **Students**

Students attend and participate in the school program so that they may develop to their fullest potential. With this in mind, pupils are to:

the grounds of race, color, religion, age, sex, national origin, or handicap. For additional information, please contact the District Human Resource Office at (215) 862-2552.

## **PHILOSOPHY**

We, the staff, administration, and the Board of the New Hope-Solebury School District, believe that our primary function is to give children equal opportunities to mature in the ethical, intellectual, creative, emotional, social, and physical areas of their lives. This maturation process can best take place in a positive learning environment—one characterized by an atmosphere of openness and mutual respect for the personal worth and dignity of each individual—one in which we communicate our belief in the value of every child — and one in which pupils are helped to understand the reasons for their own and others' behavior.

We feel that the development of self-discipline and the acceptance of individual responsibility should be stressed throughout school life. By emphasizing these concepts, we help young people to assume their roles in a democratic society, for a democracy depends on a responsible citizenry for its survival.

A fair, consistent discipline policy is an integral part of a sound educational program. This policy includes a code of conduct which delineates individual responsibilities, categorizes behavior, and provides for appropriate responses. We believe that the goals of such a code are to help us:

1. Teach responsible behavior.
2. Foster self-discipline
3. Insure the rights and personal dignity of others.
4. Generate a close working relationship between the home, the school, and the community.
5. Provide disciplinary options that are appropriate to misbehavior.
6. Differentiate between minor and serious offenses.
7. Protect and maintain public and private property.
8. Comply with federal, state, and local laws.

- ✓ Accept responsibility for their actions.
- ✓ Respect the rights of others, including the right to secure an education in an environment that is orderly and disciplined.
- ✓ Attend school and be punctual on a regular basis.
- ✓ Maintain habits of personal cleanliness.
- ✓ Respect school property and help to keep it free from damage.
- ✓ Recognize that the school staff assumes the role of a surrogate parent in matters of behavior and discipline from time of departure from home until arrival at home as well as during any school sponsored activities.
- ✓ Make an earnest effort to do their best work.
- ✓ Contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all by obeying school rules and regulations.
- ✓ Not knowingly possess, handle, or transmit any object that is or can reasonably be considered a weapon (to include, but not be limited to any knife, cutting instrument, cutting tool, firearm, shotgun, rifle or any other tool, instrument or implement capable of inflicting serious bodily harm) or facsimile weapon (to include all instruments or implements resembling or intended to resemble a weapon) on school premises, at any school-sponsored activity, or on any public or private conveyance providing transportation to or from a school-sponsored activity unless for a program authorized by the District Superintendent.

### **Parents and Guardians**

A cooperative relationship between home and school is essential to each pupil's successful development and achievement. To achieve this wholesome relationship parents and guardians are urged to:

- ✓ Exemplify an enthusiastic and supportive attitude toward school and education.
- ✓ Build a good working relationship between themselves, their children, and school District employees.
- ✓ Teach their children self-respect, respect for the law, respect for others, and respect for public property.
- ✓ Insist on prompt and regular attendance.
- ✓ Listen to the views and observations of all parties concerned before reaching a decision.
- ✓ Recognize that the school staff deserves the same consideration and respect that parents and guardians expect from their children.
- ✓ Encourage their children to take pride in their appearance.
- ✓ Insist that their children promptly bring home all communications from school.
- ✓ Cooperate with the school in jointly resolving any school-related problems.
- ✓ Set realistic standards of behavior for their children and be firm, fair, and consistent in applying them.
- ✓ Help their children learn to deal effectively with negative peer pressure.
- ✓ Provide a place conducive for study and insure the completion of homework assignments.

### **Staff**

The staff recognizes their charge in educating the children of the community. To meet this responsibility they are to:

- ✓ Promote a climate of mutual respect and dignity which will strengthen the pupils' positive self-image.
- ✓ Plan and conduct a program of instruction that will make learning attractive and interesting.
- ✓ Recognize that some disciplinary problems are caused by student academic frustrations, teaching styles, and/or insensitive relationships.
- ✓ Seek to develop close cooperative relationships with parents/guardians for the educational benefit of students.
- ✓ Distinguish between minor student misconduct best handled by the staff and major problems requiring the assistance of the principal.
- ✓ Teach common courtesies by example.
- ✓ Handle infractions individually and avoid punishing the group for the misbehavior of one or two.
- ✓ Help pupils cope with negative peer pressures.
- ✓ Be sensitive to changing behavior patterns.
- ✓ Enable pupils to discuss their problems.
- ✓ Send communications home promptly.
- ✓ Report to the building administrator any pupils who jeopardize their own safety, the safety of other pupils or personnel, or who seriously interfere with the instructional program of the classroom.
- ✓ Be ethical in relationships with pupils, parents/guardians, administrators, and staff.
- ✓ Guide pupils to attain their full potential.
- ✓ Serve as a surrogate parent in matters of behavior and discipline in accordance with Pennsylvania School Law.

### **Building Administration**

As the educational leaders of the school, the administration sets the disciplinary climate. They are to:

- ✓ Insure the staff is in-serviced to effectively implement the District Discipline Code.
- ✓ Seek to develop a sound and healthy atmosphere of mutual respect within the school.
- ✓ Evaluate the program of instruction in the school to achieve a meaningful education program.
- ✓ Help the staff self-evaluate their own procedures and attitudes in relation to interactions within their classrooms.
- ✓ Ensure that all at-risk pupils receive appropriate services.
- ✓ Develop procedures to reduce the likelihood of pupil misconduct.
- ✓ Provide the opportunity for pupils and staff to approach the principal directly for redress of grievances.
- ✓ Work with pupils and staff to formulate school regulations acceptable to all.
- ✓ Assist staff members to resolve problems.
- ✓ Work closely with parents/guardians to establish wholesome relationships between home and school.
- ✓ Utilize all appropriate auxiliary staff and community agencies to help parents/guardians and pupils identify problems and seek solutions.
- ✓ Establish and maintain building security.
- ✓ Assume responsibility for the dissemination and enforcement of the District Discipline Code and insure that all discipline cases are resolved promptly.
- ✓ Insure fairness, reasonableness, and consistency.
- ✓ Comply with pertinent state laws, governing hearings, suspensions, and pupils' rights.
- ✓ Teach common courtesies by example.
- ✓ Enable pupils to discuss their problems.

### **SUSPENSION AND EXPULSION OF PUPILS – (see [Board Policy #233](#))**

Exclusion of students shall be conducted in accordance with the Pennsylvania Public School Code of 1949, which provides:

Section 1318. Suspension and Expulsion of Pupils. Every principal or teacher in charge of a public school may temporarily suspend any pupil on account of disobedience or misconduct, and any principal or teacher suspending any pupil shall promptly notify the District Superintendent or Secretary of the Board of School Directors. The Board may, after a proper hearing, suspend such child for such time as it may determine or may permanently expel him/her. Such hearings, suspension, or expulsion may be delegated to a duly authorized committee of the Board.

The following guidelines are established to ensure uniformity of procedure and to comply with Commonwealth directives regarding the exclusion of students from the New Hope-Solebury School District. (Regulation of the State Board of Education of Pennsylvania, Chapter 12, amended December 2005). Exclusion from school may take the form of suspension or expulsion.

#### **DEFINITIONS:**

Suspension – Suspension is exclusion from school for a period of one (1) to ten (10) consecutive school days.

Expulsion - Expulsion is exclusion from school by the Board of School Directors for a period exceeding ten (10) school days and may be permanent expulsion from school rolls. All expulsions require a prior formal hearing by the Board of School Directors in accordance



with procedures established by the Office of the Superintendent and Board Policy and regulations of the State Board of Education of Pennsylvania, Chapter 12.

Self-Discipline - The ability to control one's behavior in order to conform to school rules and other age-appropriate and desirable behavioral norms.

#### Guidelines for Developing Self-Discipline

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

### **DISCIPLINARY ACTION**

#### Building Level

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

#### Suspension Procedures: General as per [Board Policy #233](#)

The student shall be told the reason for the suspension and shall be afforded the opportunity to respond to the charges before the suspension becomes effective. This shall be the responsibility of the assistant principal or principal (administrator of record) suspending the student. The reason for the suspension also shall be stated in written correspondence to the home (for less serious or isolated offenses, use the sample letter attached hereto as Attachment A; for more serious offenses, use the sample letter attached hereto as Attachment B; for multiple offenses, use the sample letter attached hereto as Attachment C, for In-School Suspensions, use the sample letter attached hereto as Attachment D). Prior notice of the intended suspension need not be given when it is clear that the health, safety, or welfare of the school community is threatened.

The student and parents/guardians are notified of the suspension in the following manner:

- The student is given a copy of the suspension letter and instructed to hand carry it home to the parents/guardians, where appropriate.
- The appropriate assistant principal/principal personally contacts by telephone the parents/guardians, if possible.
- If the assistant principal/principal contacts the parent by telephone, a letter is sent via regular mail or electronic mail to the parent on the same day the student is suspended. A copy of that letter must be forwarded to the individual with student attendance reporting responsibilities; student's file, and others at the discretion of the principal.
- If the assistant principal/principal is unable to contact the parents/guardians by telephone, a letter is sent by the school via regular mail or electronic mail to the parents/guardians on the same day the child is suspended. A copy of that letter must be forwarded to the individual with student attendance reporting responsibilities; student's file; and others at the discretion of the principal.
- Students shall be permitted to make up exams and work missed while suspended.

#### **One-Day to Three-Day Suspensions (One (1) to Three (3) School Days) Procedures:**

- The suspension shall not be for a period longer than three (3) **school** days, unless the infraction involves a serious or repeated offense.
- In the case of a less serious or isolated offense, the suspension letter shall indicate that a conference with the parents/guardians is to be arranged prior to readmission. That meeting may be at the outset of the suspension or via phone (See Attachment A).
- Students shall be permitted to make up exams and work missed while suspended.

#### **Extended Suspension or Expulsion Four to Ten Day Suspensions (4-10 School Days) Procedures:**

Recommendation for suspension or expulsion (Attachment B) when made to the Superintendent for action shall include:

A chronology of the incident(s) (also known as an incident report).

- Statement(s) by those involved in crucial incident(s).
- Statement(s) of student status from educators currently involved with student(s).
- A review and recommendation by the principal and/or Directors of Elementary and Secondary Education and Student Services.

As soon as extended suspension or expulsion is considered as a possible course of action, the principal shall consult with the Superintendent and request legal guidance on the matter.

The Superintendent or designee shall review such information, including the student's file, and recommend to the Board the setting of a hearing to consider possible expulsion from school.

#### **Suspension Procedures: (Four (4) to Ten (10) School Days)**

Suspension beyond three (3) school days shall generally be reserved for more serious or persistent infractions of school rules. Such suspensions may be assigned only by a building principal, assistant principal or District Office Administrator in the principal's absence.

**To ensure due process, the following requirements are to be observed with respect to the informal hearing (Attachment E – Procedural Safeguards):**

- The principal must present to the parents/guardians and to the student a notification for the informal hearing. A copy of that letter must be forwarded to the individual with student attendance reporting responsibilities; student's file; and others at the discretion of the principal.
- Sufficient notice of the time and place of the hearing is to be given. Attempts must be made to arrange such meetings for mutually convenient times.
- A student must be given the right to cross-examine any witnesses presented by the principal.
- The student must be extended the right to speak and produce witnesses.
- As this is an informal hearing, tape recording of the meeting is not permitted. There is no entitlement to legal representation at the hearing for either the student or the school.
  - If, after the informal hearing, the principal deems it advisable to extend the suspension up to ten (10) school days and/or refer the matter to the Superintendent for possible expulsion proceedings, the principal may do so. The action must be confirmed in writing by mail or electronic mail to the parents/guardians. A copy of that correspondence must be forwarded to the individual with student attendance reporting responsibilities; student's file; the Student Services Office, if the student is either receiving special education services or thought to be an eligible student; and others at the discretion of the principal.
- Suspensions may not be made to run consecutively beyond the ten (10) school day period, unless the principal determines that a student's presence in his/her normal class would constitute a threat to the health, safety, morals, or welfare of others and it is not possible to hold a formal hearing within the period of a suspension, as long as the formal hearing is not unreasonably delayed. The principal may request a readmission conference at the termination of the suspension.
- Students shall be permitted to make up examinations and work missed while being disciplined by suspensions.

**Multiple Suspension Procedures:**

Whenever any student shall have had multiple suspensions adding up to eight days or one (1) ten-day suspension his/her case must be reviewed by the building principal (use attached sample letter C). The building principal also may review any suspension offense that, in his/her opinion constitutes a threat to the health, safety, or welfare of other students or school employees. Such review may include, but is not limited to, a conference with the parents/guardians.

After such a review and conference, the principal may elect to readmit the student, extend the suspension, and/or refer the matter to the Superintendent for possible expulsion proceedings. In cases requiring such referral, it shall be necessary for the principal to administer a ten (10) school day suspension in order to ensure adequate time for the referral. All procedures relating to a suspension from four to ten school days (see prior sections)

including an informal hearing will be followed. In cases requiring referral to the Superintendent, the parents/guardians must be notified of the ten (10) school day suspension and referral. A copy of that correspondence must be forwarded to the Superintendent, in addition to the individual with student attendance reporting responsibilities; student's file; and others at the discretion of the principal. After a conference, if the Superintendent does not elect to readmit the student, the student must be referred to the Board of School Directors for an expulsion hearing in accordance with the procedures established for such proceedings in [Board Policy #233](#) – Suspensions and Expulsions.

In accordance with School Code Section 1317.2 - Exclusion for Possession of Weapons:

A "school district or area vocational-technical school shall expel, for a period of not less than one year, any student who is determined to have brought a weapon onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity." Refer to Board Policy regarding [Weapons # 218.1](#)

- Expulsion shall be conducted pursuant to all applicable regulations as outlined in [Board Policy #233](#) Suspensions and Expulsions.
- The superintendent of a school district or an administrative director of an area vocational-technical school may recommend discipline short of expulsion on a "case- by-case basis." The Superintendent, in the case of an exceptional student, will take all steps necessary to comply with the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §1400, et seq.).
- The Superintendent can make an alternative assignment or provide alternative educational services during this period of expulsion.
- The Superintendent shall report the discovery of any weapon prohibited by this section to local law enforcement officials.
- The Superintendent shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school- sponsored activity. Reports shall include all information as required under School Code Sections 1302-A and 1303-B.

In-School Suspension Procedures: (Exclusion from Classes) (Attachment D)

- No student may receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.
- Communication to the parents/guardians shall follow the suspension action taken by the school.
- In-school suspension beyond three (3) school days shall generally be reserved for more serious or persistent infractions of school rules. Such suspensions may be assigned only by a building principal or assistant principal in the principal's absence.
- Students shall be provided with appropriate schoolwork while on in-school suspension.

- During the period of in-school suspension, the student shall be recorded as in attendance and is excluded from all extra-curricular activities (including evening events such as Dances).

## ATTACHMENTS

### **Attachment A: Notice of 1-3 day Suspension Letter**

Date: *Insert Date here*

Parents/Guardians Names: *Insert Parent/Guardian names here*

Parents Address: *insert parent/guardian address here*

**Re:** *Students Name*

### **NOTICE OF OUT-OF-SCHOOL SUSPENSION**

Dear Mr. and Mrs.:

The purpose of this letter is to inform you that your child, *Student's Name*, has been suspended from New Hope-Solebury School District for *insert #* days, beginning on *First Date* until *Last Date*. This suspension is an out of school suspension.

*Student's Name* has been suspended for violation of school district policy *Insert Policy #*, *insert description of rule violating behavior*:

During the Out-of-School suspension, the student is barred from involvement in all school social functions and activities, both as a participant and a spectator. Under no circumstances should the student be on school property at any time for any reason other than to attend an informal hearing/meeting if needed.

Student has the responsibility to make up exams and work missed during the suspension period and shall be permitted to complete these assignments within guidelines established by the Board. You may obtain school assignments for your child by calling the main office at *insert school telephone number here*.

If you have any questions concerning this suspension or the informal hearing, please do not hesitate to call me.

Sincerely,

Principal

Cc: Dr. Charles Malone, Director of Elementary and Secondary Education  
Mr. Erik Pedersen, Middle School/High School Assistant Principal and Athletic Director  
Dr. Charles Lentz, Superintendent  
Discipline File

## **Attachment B: Notice of 4-10 day Suspension Letter and Informal Hearing**

**Date:** *Insert Date here*

**Parents/Guardians Names:** *Insert Parent/Guardian names here*

**Parents Address:** *insert parent/guardian address here*

**Re:** *Students Name*

### **NOTICE OF OUT-OF-SCHOOL SUSPENSION AND INFORMAL HEARING**

Dear Mr. and Mrs.:

The purpose of this letter is to inform you that your child, *Student's Name*, has been suspended from New Hope-Solebury School District for *insert #* days, beginning on *First Date* until *Last Date*. This suspension is an out of school suspension.

*Student's Name* has been suspended for violation of school district policy *Insert Policy #*, *insert description of rule violating behavior*.

When an Out-of-school suspension exceeds 3 school days, the student and parents/guardians have the opportunity to participate in an informal hearing. The purpose of the informal hearing is to enable the student to meet with the school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended and for the parent/guardian and school official to discuss ways by which future offenses might be avoided. The student has the right to question any witnesses present at the hearing and the right to speak and produce witnesses on his or her own.

Please be advised that the informal hearing has been scheduled for *insert date & time here* at the New Hope Solebury High, Middle, Upper, and Lower School. If you intend to waive this informal hearing, please contact me as soon as possible at the number set forth below or via email at *insert Principal's email address here*. See the PROCEDURAL SAFEGUARDS NOTICE-EXPULSION enclosed with this letter for information about the informal hearing.

During the Out-of-School suspension, the student is barred from involvement in all school social functions and activities, both as a participant and a spectator. Under no circumstances should the student be on school property at any time for any reason other than to attend the informal hearing.

Student has the responsibility to make up exams and work missed during the suspension period and shall be permitted to complete these assignments within guidelines established by the Board. You may obtain school assignments for your son by calling the main office at *insert school telephone number here*.

If you have any questions concerning this suspension or the informal hearing, please do not hesitate to call me.

Sincerely,

Principal

Cc: Dr. Charles Malone, Director of Elementary and Secondary Education  
Mr. Erik Pedersen, Middle School/High School Assistant Principal/Athletic Director  
Dr. Charles Lentz, Superintendent  
Discipline File

**ATTACHMENT C:      (Multiple Suspensions Review)**

**Date:** *Insert Date here*

**Parents/Guardians Names:** *Insert Parent/Guardian names here*

**Parents Address:** *insert parent/guardian address here*

I am writing to inform you that your *Insert Student Name* has been suspended for a \_\_\_\_\_-day period from school for violating School Board Policy Exclusions from School, *Insert offense and policy #*.

Because this is the *Insert #* suspension, the principal must review the case. Upon such review, the principal may elect to extend this suspension to ten school days and/or refer the case to the Office of the Superintendent of Schools for possible expulsion proceedings. It is necessary that you arrange a conference with within three school days of this suspension.

You will be contacted by phone to arrange a conference by the school's administrative assistant and/or principal. You are required to attend with your child.

After the conference, the principal or assistant principal may readmit *Insert Student Name*, extend suspension up to ten (10) school days and/or refer the matter to the Office of the Superintendent for possible expulsion proceedings (see attachment B).

If the suspension is extended beyond three school days, then you will be given the opportunity for an informal principal's hearing. It should be clearly understood that during the time of the suspension *Insert Student Name* should not appear on school grounds or be in attendance at any school function, social or otherwise.

Sincerely,

Principal

Cc:     Dr. Charles Malone, Director of Elementary and Secondary Education  
         Mr. Erik Pedersen, Middle School/High School Assistant Principal/Athletic Director  
         Dr. Charles Lentz, Superintendent  
         Discipline File



**ATTACHMENT D:      SAMPLE: (In-School Suspension)**

**Date: *Insert Date here***

**Parents/Guardians Names: *Insert Parent/Guardian names here***

**Parents Address: *insert parent/guardian address here***

This letter is to inform you that your \_\_\_\_\_ has been assigned to In- School Suspension or Temporary Alternative Educational Placement for a day period for violating School Board Policy Discipline Code of Conduct, Offense #\_\_\_\_\_.

.

At \_\_\_\_\_ School, we have initiated the in-school suspension program as an alternative means of dealing with certain behavior which previously resulted in out- of-school suspension. Hopefully, this program will be effective in modifying your \_\_\_\_\_'s behavior. In order for this program to be successful, I need your support for the duration of the in-school suspension.

If absence is necessary during in-school suspension, please call me by 8:00 a.m. on the day of the absence.

It should be clearly understood that during the time of in-school suspension, \_\_\_\_\_ should not be in attendance at any extracurricular or social function sponsored by the school.

Sincerely,

Principal

Cc:     Dr. Charles Malone, Director of Elementary and Secondary Education  
         Mr. Erik Pedersen, Middle School/High School Assistant Principal/Athletic Director  
         Dr. Charles Lentz, Superintendent  
         Discipline File

## **ATTACHMENT E: PROCEDURAL SAFEGUARDS NOTICE – EXPULSION**

### **Informal Hearing**

The following due process requirements will be observed at the informal hearing:

1. Your child will be given the right to cross examine any witnesses presented by the principal.
2. Your child will be extended the right to speak and produce witnesses.
3. As this is an informal hearing, tape recording of the meeting is not permitted.
4. No retained attorneys will be permitted to participate in the hearing.

### **Formal Expulsion Hearing**

The following due process requirements apply to the formal expulsion hearing:

1. The hearing shall be held in private unless you request a public hearing.
2. A stenographic record will be made of the hearing. You may request a copy of the transcript at his or your expense.
3. Your child/children have a right to be represented by counsel.
4. You will have the right to cross-examine any witness presented by the Administration.
5. Your child/children have the right to testify and present witnesses on their own behalf.
6. You have a right to review any written statements made by the above witnesses.
7. Where the student disagrees with the results of the hearing, recourse is available in the appropriate court of the Commonwealth. If it is alleged that a constitutional issue is involved, the student may file a claim for relief in the appropriate federal district court.
8. Students who are less than 17 years of age are still subject to the compulsory school attendance law even though expelled, and they must be provided an education by the student's district of residence. The initial responsibility for providing the required education rests with the student's parents or guardian, through placement in another school, through tutorial or correspondence study, or through another educational program approved by the district superintendent. If the parents or guardians are unable to provide for the required education, they must, within thirty (30) days, submit to the school district written evidence so stating. The district then has the responsibility to make some provision for the student's education. If the approved educational program is not complied with, the school district may take action in accordance with Chapter 63 of the Juvenile Act (42 Pa.C.S. 6301-6308), to ensure that the child will receive a proper education.

## ATTACHMENT F: (Pupil Misconduct/Disciplinary Response Structure)

NEW HOPE-SOLEBURY SCHOOL DISTRICT DISCIPLINE CODE PUPIL MISCONDUCT/DISCIPLINARY RESPONSE STRUCTURE				
	LEVELS-DESCRIPTION OF BEHAVIOR	EXAMPLES	PROCEDURES	DISCIPLINARY OPTIONS/RESPONSES
I.	<p>Misbehavior on the part of the pupil which impedes orderly classroom procedures or interferes with the orderly operation of the school.</p> <p>These misbehaviors can usually be handled by an individual staff member but sometimes require the intervention of other school support personnel.</p>	<ul style="list-style-type: none"> <li>• Disturbance out of class (hall, cafeteria, yard, etc.)</li> <li>• Disrespect</li> <li>• Disruption of learning</li> <li>• Tardiness</li> <li>• Abusive language</li> <li>• Non-defiant failure to complete assignments or carry out directions</li> <li>• Unprepared for class</li> <li>• Inappropriate use of a computer or computer network</li> <li>• Other offenses fitting the definition of level one misconduct</li> <li>• Dress code violation</li> <li>• Failure to submit an excuse note</li> </ul>	<ul style="list-style-type: none"> <li>- There is immediate intervention by the staff member who is supervising the pupil or who observes the misbehavior.</li> <li>- Repeated misbehavior requires a pupil conference with the counselor, teacher, and/or administrator.</li> <li>- A proper and accurate record of offenses and disciplinary action is maintained by the staff member and, upon written referral to a building administrator, is recorded in the disciplinary files.</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Contact</li> <li>• Verbal Reprimand</li> <li>• Special Assignment</li> <li>• Behavioral contract</li> <li>• Counseling</li> <li>• Withdraw of privileges</li> <li>• Strict supervised study</li> <li>• Teacher detention</li> <li>• Peer Mediation/Counseling</li> <li>• Removal from class/activity</li> <li>• Loss of computer privileges</li> </ul>
II.	<p>Misbehavior whose FREQUENCY or SERIOUSNESS tends to disrupt the learning climate of the school.</p> <p>These infractions, which usually result from the continuation of LEVEL I or more serious misbehaviors, require the intervention of personnel on the administrative level because the execution of LEVEL I disciplinary options has failed to correct the situation. Also included in this level are misbehaviors which do not represent a direct threat to the health and safety of others but whose educational consequences are serious enough to require corrective action on the part of administrative personnel.</p>	<ul style="list-style-type: none"> <li>• Continuation of LEVEL I misbehavior</li> <li>• Bus disturbance</li> <li>• Truancy/Repeated tardiness</li> <li>• Disruptive behavior</li> <li>• Bullying</li> <li>• Forging notes or excuses</li> <li>• Cheating and/or plagiarism</li> <li>• Cutting class</li> <li>• Insubordination</li> <li>• Intimidation/threats</li> <li>• Failure to serve a detention</li> <li>• Unauthorized leaving of school property</li> <li>• Inappropriate behavior when traveling between buildings</li> <li>• Violation of school policy on a student field trip</li> <li>• Presence in an unauthorized area</li> <li>• Failure to identify oneself correctly</li> <li>• Profane or obscene language</li> <li>• Offensive ethnic and/or racial comments</li> <li>• Unauthorized possession of any electronic device</li> <li>• Violation of Internet/Acceptable Use Policy</li> <li>• Possession of pornographic material</li> <li>• Disruptive behavior at social functions, athletic contests or extra-curricular activities</li> <li>• Hate speech</li> <li>• Other offenses fitting the definition of LEVEL II misconduct</li> </ul>	<ul style="list-style-type: none"> <li>- There is immediate intervention by the staff member who is supervising the pupil or who observes the misbehavior.</li> <li>- The pupil is referred to the administrator for appropriate disciplinary action.</li> <li>- The administrator or designee meets with the pupil and/or teacher about the pupil's misconduct and the resulting disciplinary action.</li> <li>- The teacher is informed of the administrator's action.</li> <li>- A proper and accurate record of the offense and the disciplinary action is maintained by the administrator.</li> <li>- Parents are informed and involved.</li> <li>- If a suspension is considered, the pupil shall be advised of the reasons for the suspension and be given the opportunity to respond before the suspension becomes effective.</li> <li>- Pupil is referred to guidance counselor.</li> </ul>	<ul style="list-style-type: none"> <li>• Any appropriate response from LEVEL I</li> <li>• Academic and/or co-curricular probation</li> <li>• Administrative detention</li> <li>• Loss of bus privileges</li> <li>• Restriction from field trips</li> <li>• Schedule change</li> <li>• Behavior plan</li> <li>• Referral to outside agency</li> <li>• In-school suspension</li> <li>• Out of school suspension: 1-3 days</li> <li>• Withdraw of privileges</li> </ul>

**NEW HOPE-SOLEBURY SCHOOL DISTRICT DISCIPLINE CODE PUPIL  
MISCONDUCT/DISCIPLINARY RESPONSE STRUCTURE**

	<b>LEVELS-DESCRIPTION OF BEHAVIOR</b>	<b>EXAMPLES</b>	<b>PROCEDURES</b>	<b>DISCIPLINARY OPTIONS/RESPONSES</b>
<b>III.</b>	<p>Acts directed against self, persons or property, but whose consequences DO NOT SERIOUSLY ENDANGER the health, safety, and welfare of others in the school or which require referral to law enforcement officials, although, on occasion, these offenses may result in the intervention of law enforcement officers.</p> <p>These acts might be considered criminal, but most frequently can be handled by the disciplinary mechanism in the school. Corrective measures which the school should undertake, however, depend on the extent of the school's resources for remediating the situation in the best interests of all pupils.</p>	<ul style="list-style-type: none"> <li>Continuation of LEVEL II misbehavior</li> <li>Fighting</li> <li>Bullying</li> <li>Vandalism/malicious mischief</li> <li>Gambling</li> <li>Tobacco/vaping use/possession and/or paraphernalia</li> <li>Theft/possession/sale of stolen property</li> <li>Violation of any school policy during an extended field trip</li> <li>Irresponsible use of motor vehicles</li> <li>Harassment</li> <li>Direct threatening call, letters, or emails</li> <li>Ethnic and/or racial intimidation</li> <li>Theft of computer hardware or software</li> <li>Other offenses violating the Pennsylvania Crimes Code</li> <li>Other offensives fitting the definition of LEVEL III misconduct</li> </ul>	<ul style="list-style-type: none"> <li>- There is immediate intervention by the staff member who is supervising the pupil, provided that such intervention can take place safely. - The administrator initiates disciplinary action by investigating the infraction and conferring with staff on the extent of the consequences.</li> <li>- The administrator meets with the pupil about the misconduct and the resulting disciplinary action. A proper and accurate record of offenses and disciplinary actions is maintained by the administrator.</li> <li>- Law enforcement officials are contacted, when appropriate.</li> <li>- There is restitution of property and damages. - If a suspension is considered, the pupil shall be advised of the reasons for the suspension and given the opportunity to respond before the suspension becomes effective.</li> <li>- Parents are informed and involved.</li> <li>- Pupil is referred to guidance counselor.</li> </ul>	<ul style="list-style-type: none"> <li>Any appropriate response from LEVEL II</li> <li>Restriction from extended fieldtrips; student to return home at parents' expense</li> <li>Alternative program</li> <li>Out-of-School suspension: 1-10 days (informal hearing after 3 days)</li> <li>Referral to law enforcement officials</li> <li>Modified day</li> <li>Permanent loss of computer privileges.</li> </ul>
<b>IV.</b>	<p>Acts which result in VIOLENCE to self, persons, or property, or which POSE A DIRECT THREAT to the health, safety, and welfare of others in the school.</p> <p>These acts may involve misconduct which involves the possession, furnishing, use or involvement of any nature with any unauthorized substance in school, on school property, at any school sponsored activity, on any public or private conveyance providing transportation to and from school sponsored activities.</p> <p>These acts are clearly criminal and are so serious that they always require administrative actions which result in the immediate removal of the pupil from school, the intervention of law enforcement authorities, and possible action by the Board of School Directors.</p>	<ul style="list-style-type: none"> <li>Continuation of LEVEL III misbehavior</li> <li>Terroristic threats</li> <li>Assault/battery</li> <li>Vandalism</li> <li>Arson</li> <li>Bullying</li> <li>Harassment</li> <li>Violation of weapons policy</li> <li>Inappropriately using, furnishing, selling or possessing unauthorized substances</li> <li>Bomb threat</li> <li>Extortion</li> <li>Theft/possession/sale of stolen property</li> <li>Use of firecrackers, smoke bombs, etc.</li> <li>Other offenses violating the Pennsylvania Crimes Code</li> <li>Other offenses fitting the definition of LEVEL IV misconduct</li> </ul>	<ul style="list-style-type: none"> <li>- There is immediate intervention by the staff member who is supervising the pupil or who observes the misconduct, provided such intervention can take place safely.</li> <li>- The administrator verifies the offense, confers with the staff involved, and meets with the pupil. The pupil is immediately removed from the school environment.</li> <li>- If a suspension is considered, the pupil should be advised of the reasons for the suspension and given the opportunity to respond before the suspension becomes effective.</li> <li>- Referral is made to the Superintendent of Schools.</li> <li>- Law enforcement officials are contacted. - A complete and accurate report is submitted to the superintendent for possible board action. - The pupil is given a full due process hearing before the board, if expulsion is recommended. -Parents are informed and involved.</li> </ul>	<ul style="list-style-type: none"> <li>Superintendent's exclusion</li> <li>Expulsion</li> <li>Alternative educational services</li> <li>Out-of-school suspension: 4-10 days – Informal Hearing protocol</li> <li>Completion of drug/alcohol assessment and compliance with resultant recommendations</li> <li>Other Board action which results in appropriate placement</li> <li>Referral to local law enforcement agency for prosecution</li> </ul>



Book	Policy Manual
Section	600 Finances
Title	District Audit
Code	619
Status	Policy Committee Review
Adopted	March 29, 1993
Last Revised	April 13, 2011
Prior Revised Dates	April 13, 2011

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Purpose

A. The Board recognizes the importance of the public's right to have access to the public records of the **District** ~~district~~, including public financial records.

**B.** The public has the right under law to inspect and procure copies of the annual audit conducted by the **District's** ~~district's~~ accountants and the audit conducted by the Auditor General's office. ~~[1][2][3][4]~~

## II. Authority

A. The Board shall employ an independent, certified public accountant to conduct an annual **District** ~~district~~ audit in conformance with prescribed and legal standards.

**B.** The completed audit shall be presented to the Board for its examination and approval. ~~[5][2][8][9]~~ **[5]**

**C.** ~~B.~~ The Board recognizes its obligation as an elected body to represent the best interests of all its constituents.

**D.** ~~Therefore, the~~ **The** Board shall make the results of both the **District's** ~~district's~~ accountant's audit and the Auditor General's audit available to the public at the business office of the **District** ~~district~~ and on the **District's** ~~district's~~ website.

## III. Delegation of Responsibility

A. The Superintendent and Board Secretary shall annually, by December 31, submit a signed statement to the Pennsylvania Department of Education certifying that the financial statements of the ~~school~~ **District** ~~district~~ have been properly audited pursuant to law and that in the

independent auditor's opinion, the financial information submitted in the annual financial report is materially consistent with the audited financial statements.

**B.** If the financial information is not deemed materially consistent, the district shall submit a revised annual financial report no later than December 31.[\[Z\]](#)

Legal

1. 24 P.S. 408
2. 24 P.S. 2401
3. 65 P.S. 67.701
4. Pol. 801
7. 24 P.S. 218
8. 24 P.S. 2408
9. 24 P.S. 2441
- 24 P.S. 1337
- 24 P.S. 2432
- 24 P.S. 2441
- 65 P.S. 67.101 et seq



Book	Policy Manual
Section	600 Finances
Title	Fund Balance
Code	620
Status	Policy Committee Review
Adopted	December 16, 2002
Last Revised	January 19, 2011
Prior Revised Dates	January 19, 2011

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Purpose

A. The Board recognizes that the maintenance of a fund balance is essential to the preservation of the financial integrity of the ~~school district~~ **District** and is fiscally advantageous for both the district and the taxpayer.

**B.** This policy establishes goals and provides guidance concerning the desired level of year-end fund balance to be maintained by the ~~district~~ **District**.

## II. Definitions

A. Fund balance is a measurement of available financial resources.

**B.** Fund balance is the difference between total assets and total liabilities in each fund.

~~B.~~ **C. Governmental Accounting Standards Board (GASB)** GASB Statement 54 classifies fund balances based on the relative strength of the constraints that control the purposes for which specific amounts can be spent.

**D.** Beginning with the most binding constraints, fund balance amounts shall be reported in the following classifications:

~~C.~~ **1.** Nonspendable - amounts that cannot be spent because they are in a nonspendable form (e.g., inventory) or legally or contractually required to be maintained intact (e.g., principal of a permanent fund).

~~D.~~ **2.** Restricted - amounts limited by external parties, or legislation (e.g., grants or donations).

~~E.~~ **3.** Committed - amounts limited by Board policy (e.g., future anticipated costs).

**a.** This designation should be reported with definitive plans and approved by the Board to control future resources.

**b.** Examples are:

- 1- **i.** Capital Projects.
- 2- **ii.** Retirement Payments (PSERS) Stabilization.
- 3- **iii.** Real Estate Tax Stabilization.
- 4- **iv.** Obligation For Vested Employee Services (including sabbatical leaves, post employment benefits, and accrued compensated absences).
- 5- **v.** Other Board-approved committed funds.

F. Assigned - amounts that are intended for a particular purpose, such as a rate stabilization fund or segregation of an amount intended to be used at some time in the future.

G. Unassigned - amounts available for consumption or not restricted in any manner.

### III. Guidelines

A. The District will strive to maintain an unassigned general fund balance of between seven percent (7%) and eight percent (8%) of the budgeted expenditures for that fiscal year in order to maintain its bond credit rating.

B. If the unassigned portion of the fund balance falls below seven percent (7%), the Board will pursue variations of increasing revenues and decreasing expenditures or a combination of both until the balance meets or exceeds this minimum.

C. If the unassigned portion exceeds the maximum of eight percent (8%), the Board may utilize a portion of the fund balance towards nonrecurring expenses only, but can also use it if needed to stay under the tax increase index defined in Act 1 of 2006.

D. Funds must be committed by Board action prior to the June 30 close of the fiscal year in order to be so recorded as such in the financial statements for the year ending on that date.

### IV. Delegation of Responsibility

A. The responsibility for designating funds to specific classifications shall be as follows:

1. Nonspendable fund balance may be assigned by the ~~Business Administrator~~ **Chief Operating Officer**.
2. Restricted fund balance may be assigned by the ~~Business Administrator~~ **Chief Operating Officer**.
3. Committed fund balance shall only be assigned by the Board.
4. Assigned fund balance may be assigned by the ~~Finance Committee or Business Administrator~~ **Chief Operating Officer**.

B. The Superintendent or ~~his/her~~ **the Superintendent's** designee shall be responsible for the enforcement of this policy.



Legal

24 P.S. 218

24 P.S. 688



Book	Policy Manual
Section	600 Finances
Title	Local Taxpayer Bill of Rights
Code	621
Status	Policy Committee Review
Adopted	December 7, 1998
Last Revised	October 21, 2002
Prior Revised Dates	October 21, 2002

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Purpose

A. As a local taxing authority, the Board recognizes the ~~school district's~~ **District's** responsibility to comply with the requirements of the Tax Reform Act of 1998.[\[1\]](#)

## II. Definition

A. **For purposes of this policy "eligible taxes"**~~Eligible taxes~~ shall be defined as all non-real estate taxes, including per capita; occupation, occupation assessment and occupation privilege; income and net profits; business gross receipts; privilege; amusements or admissions; and any other tax authorized by the Local Tax Enabling Law.[\[2\]](#)

## III. Authority

A. The Board shall adopt a Local Taxpayer Bill of Rights that includes the following components:[\[3\]](#)

1. Taxpayer rights and the ~~district's~~ **District's** obligation during an audit or administrative review of the taxpayer's books or records.
2. Administrative and judicial procedures for a taxpayer to appeal or seek review of a tax decision.
3. Procedures for filing and processing refund claims and taxpayer complaints.
4. Enforcement procedures.

B. The Board shall ensure that taxpayers are notified about the ~~district's~~ **District's** Local Taxpayer Bill of Rights any time they are contacted regarding assessment, audit, determination, review and collection of any tax other than property taxes.[\[3\]](#)

#### IV. Delegation of Responsibility

A. It shall be the responsibility of the Superintendent, Business Administrator, and/or other designated ~~school district~~ **District** employee to develop procedures to implement this policy and shall include:

1. Preparation and dissemination of the required notice of availability of the Local Taxpayer Bill of Rights.
2. Preparation of a Local Taxpayer Bill of Rights.
3. Preparation of a procedure for the ~~district~~ **District** to request information from a taxpayer.
4. Establishment of an administrative appeals process.
5. Development of the form, content, process and deadlines for taxpayers to file a tax appeal petition.
6. Formulation of rules of practice and procedure for hearings.

B. The ~~district~~ **District** shall respond to taxpayer requests for Local Taxpayer Bill of Rights by making copies available at the ~~district~~ **District** offices or mailing at ~~district~~ **District** expense.  
[3]

#### V. Guidelines

A. Information obtained by the school ~~district~~ **District** as a result of an audit, return, report, investigation, hearing or verification shall be confidential.

**B.** If a violation of confidentiality is committed by an officer or employee of the Board, ~~s/he~~ shall **that individual may** be subject to fines and dismissal from office or discharge from employment.[4]

##### **B.C.** Appeals Process

1. The ~~district~~ **District** establishes the following administrative process to receive and make determinations on petitions from taxpayers relating to assessment, determination or refund of an eligible tax:

~~2. a.~~ Hearing and decision by a hearing officer appointed by the Board, which shall determine the qualifications and compensation of the appointee.

Legal

1. 53 Pa. C.S.A. 8401 et seq
2. 53 Pa. C.S.A. 8422
3. 53 Pa. C.S.A. 8423
4. 53 Pa. C.S.A. 8437



Book	Policy Manual
Section	600 Finances
Title	GASB Statement 34
Code	622
Status	Policy Committee Review
Adopted	April 30, 2001

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Purpose

A. The Board recognizes the need to implement the required accounting and financial reporting standards stipulated by the Pennsylvania Department of Education and the Governmental Accounting Standards Board (GASB).

B. The primary objectives of implementing the GASB Statement 34 are to assure compliance with state requirements, and properly account for both the financial and economic resources of the ~~district~~ **District**.

## II. Authority

A. Participation of the ~~school district~~ **District** in any such activity shall be in accordance with Board policy.

## III. Delegation of Responsibility

A. The responsibility to coordinate the compilation and preparation of all information necessary to implement this policy is delegated to the ~~Business Administrator~~ **Chief Operating Officer**.

## IV. Guidelines

~~B.~~ **A.** The designated individual shall be responsible for implementing of the necessary procedures to establish and maintain a fixed asset inventory, including depreciation schedules.

**1.** Depreciation shall be computed on a straight-line basis over the useful lives of the assets, using an averaging convention.

**2.** Normal maintenance and repairs shall be charged to expense as incurred; major renewals and betterments that materially extend the life or increase the value of the asset shall be capitalized.

**3.** A schedule of accumulated depreciation shall be consistent from year to year.

**4.** The basis for depreciation, including groups of assets and useful lives, shall be in writing and submitted for review to the Independent Auditors.

~~C.~~ **B.** ~~Business Administrator~~ **Chief Operating Officer**, in cooperation with the Superintendent, shall prepare the required Management Discussion and Analysis (MD&A). The MD&A shall be submitted to the Board for review, prior to publication.

~~D.~~ **C.** Prior to submission of the MD&A for Board review, the ~~district's~~ **District's** independent auditors shall review the MD&A, in accordance with SAS No. 52, "Required Supplementary Information."

~~A.~~ **D.** In order to associate debt with acquired assets, and to avoid net asset deficits, any asset that has been acquired with debt proceeds shall be capitalized, regardless of the cost of the asset.

**1.** The asset life of these assets shall be considered relative to the time of the respective debt amortizations.

~~B.~~ **E.** For all other assets not acquired by debt proceeds, the dollar value of any single item for inclusion in the fixed assets accounts shall be not less than \$2,000.[1]

~~C.~~ **F.** The capitalization threshold shall be set at a level that will capture at least 80% of all fixed assets.

~~D.~~ **G.** The assets listed below do not normally individually meet capitalization threshold criteria:

1. Library.
2. Classroom texts.
3. Computer equipment.
4. Classroom furniture.
5. Software and A/V materials.

~~E.~~ **H.** These asset category costs shall be capitalized and depreciated as groups when that group's acquisition cost exceeds the capitalization threshold in any given fiscal year.

~~F.~~ **I.** For group asset depreciation purposes, the estimated useful life of the group may be based on the weighted average or simple average of the useful life of individual items, or on an assessment of the life of the group as a whole.

**J.** Periodically, the ~~district~~ **District** shall review the estimated life of groups of assets and adjust the remaining depreciation life of the group.

~~G.~~ **K.** Assets that fall below the capitalization threshold for GASB 34 reporting purposes may still be significant for insurance, warranty service, and obsolescence/ replacement policy tracking purposes.

**L.** The ~~district~~ **District** may record and maintain these non-GASB 34 asset inventories in subsidiary ledgers.





Book	Policy Manual
Section	600 Finances
Title	Returned Checks
Code	623
Status	Policy Committee Review
Adopted	July 19, 2004
Last Revised	June 2, 2008
Prior Revised Dates	June 2, 2008

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## **I. Purpose**

A. The ~~school district~~ **District** shall have a means to recover funds due to any checks returned from the bank because of insufficient funds or a closed bank account.

B. The ~~Business Administrator~~ **Chief Operating Officer** has the authority and responsibility to seek collection of funds resulting from checks returned from the bank.

## **II. Guidelines**

A. In order to carry out the purpose of this policy, the Board shall require the Business Office to:

1. Display and publish written notice of a service charge for any returned checks equivalent to the amount charged by the bank.

**2.** Notices will be displayed at each location where checks or monies are accepted.

**3.** Notice and a copy of this policy will also be placed on the ~~district's~~ **District's** web site and list serve.

**2. 4.** In cases of a returned check to the school ~~district~~ **District**, where the payer cannot be reached by phone by the respective school office or department, the Business Office shall send a letter by first class mail to the name and address of the signature person on the check if the cost of doing so is reasonable in comparison to the amount of the returned check.

**a.** A copy of the returned check and this policy shall be included.

**b.** The ~~district~~ **District** shall allow ten (10) days for the check, along with service charge, to be made good.

~~3.~~ **c.** If the ten (10) day period elapses without restitution for the check and the service charge, a criminal complaint for bad check writing may be filed with the District Justice's Office.

~~4.~~ **5.** If checks are repeatedly returned by the same payer, the ~~district~~ **District** reserves the right to require future payment in cash, money order, or certified/bank check.





Book	Policy Manual
Section	600 Finances
Title	Taxable Fringe Benefits
Code	624
Status	Policy Committee Review
Adopted	January 17, 2006

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Authority

A. It shall be the policy of the Board to comply with regulations of the Internal Revenue Service (~~IRS~~) **"IRS"** regarding taxability of employee fringe benefits. [\[1\]](#)[\[2\]](#)

## II. Definitions

A. **For the purposes of this policy, the following definitions shall apply:**

~~A. 1.~~ **"Taxable Fringe Benefit"** - a form of pay, in addition to salary, for the performance of duties; taxable wages unless excluded by the Internal Revenue Code.

~~B. 2.~~ **"Convenience of the District"** - where the personal use was in the best interest of the district.

~~C. 3.~~ **"De minimis"** - an amount where either the cost of determining specific value exceeds the value of the use, or the actual cost of the use was negligible at the organizational level.

## III. Delegation of Responsibility

A. The ~~Business Administrator~~ **Chief Operations Officer** shall report the value of taxable fringe benefits with the regular payroll for the payroll immediately following the determination of taxable fringe benefits.

B. The ~~Business Administrator~~ **Chief Operating Officer** shall annually review the determinations of convenience of the ~~district~~ **District** and de minimis amount to ensure compliance with federal regulations.

**1.** The review may include discussions with the ~~district~~ **District** auditor.

## IV. Guidelines

A. To the extent that a taxable fringe benefit value is provided as either convenience of the ~~district~~ **District** or the amounts are classified as de minimis, the values may be excluded from taxation.

B. Taxable fringe benefits are subject to:

1. Federal Income Tax.
2. Social Security Tax.
3. Medicare Tax.
4. Other applicable state or local taxes.

C. The employee verification process shall occur using the same due dates as timesheets for payroll.

D. An employee has the option to reimburse the ~~district~~ **District** for the value of services received that are for personal use.

- 1.** Where the personal use cannot be documented separately from school ~~district~~ **District** use the entire value shall be treated as taxable compensation.

E. Taxable fringe benefits include but are not limited to the following:

Legal

1. 24 P.S. 609
2. 24 P.S. 610
3. Pol. 815
4. Pol. 331
5. Pol. 712



Book	Policy Manual
Section	600 Finances
Title	Procurement Cards
Code	625
Status	Policy Committee Review
Adopted	June 6, 2010

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Authority

A. The Board approves the use of procurement cards for permissible purchases by designated employees to improve the efficiency of purchasing activities, reduce processing expenses, improve controls for small-dollar purchases, and streamline vendor payment. ~~The Board directs the administration to establish safeguards to prevent misuse of such cards.~~ **[1]**

~~B. The Superintendent and Business Administrator shall approve the list of employees authorized to use district procurement cards.~~

~~C. There shall be adequate insurance coverage for procurement card misuse.~~

## II. Definition

A. **For purposes of this policy, "Procurement card" shall mean** - a corporate charge card designed to reduce the cost and bureaucracy of small-dollar purchases and reimbursements.

## III. Delegation of Responsibility

A. A list of authorized users of procurement cards shall be maintained in the business office and shall include employees in designated positions.

B. All use of procurement cards shall be supervised and monitored on a regular basis by the ~~Business Administrator~~ **Chief Operating Officer**, who shall ensure the use of such cards is in accordance with the funds budgeted for this purpose.

C. Proper accounting procedures for the use of procurement cards shall be developed, distributed, implemented, and monitored by the ~~Business Administrator~~ **Chief Operating Officer**.

D. An employee authorized to use a procurement card shall maintain adequate security of the card while it is in ~~his/her~~ **the employee's** possession. Under no circumstances may the card be used by another individual.

#### IV. Guidelines

A. Each employee using a ~~district~~ **District** procurement card shall sign a card usage agreement and receive training on applicable policies and procedures.

**B. The Board directs the administration to establish safeguards to prevent misuse of such cards.[1]**

**C. The Superintendent and Chief Operating Officer shall approve the list of employees authorized to use District procurement cards.**

**D. There shall be adequate insurance coverage for procurement card misuse.**

~~B.~~ **E.** Procurement cards shall be used only for authorized district purchases and shall not be used for personal purchases.

**F.** The ~~district~~ **District** retains the authority to revoke any procurement card used for unauthorized or personal purposes.

~~C.~~ **G.** Violations of this policy by an employee shall result in disciplinary action, in accordance with Board policy and/or applicable collective bargaining agreements.[2]

~~D.~~ **H.** The established procedure for processing purchases by employees using procurement cards shall be as follows:

1. Employee deals directly with the vendor.
2. Business office receives the consolidated invoice for payment.
3. Cardholder verifies receipt of purchased items, reconciles the billing statement with purchases, and attaches receipts.
4. Supervisor reviews statement and signs approval.

~~E.~~ **I.** Purchases on his/her assigned procurement card by an individual employee shall not exceed the following:

1. Single transaction dollar limit \$2,000.
2. Daily dollar limit \$2,000.
3. One (1) purchase per week for each card, with the exception of a dedicated Business Office card.
4. Budget cycle limit will be determined by the ~~Business Administrator~~ **Chief Operations Officer.**

~~F.~~ **J.** The Superintendent may approve purchases over the policy limits if the purchases will result in a savings to the ~~school district~~ **District** that could not be obtained any other way.

~~G.~~ **K.** The following list includes but is not limited to items authorized for purchase, without obtaining bids or quotes, by designated employees using procurement cards:

1. Stationery, office supplies.

2. Minor repair items.
3. Computer parts and accessories.
4. Food and related supplies for ~~district~~ **District** meetings and workshops.
5. Meals, travel expenses, and lodging for conferences for Board appointed ~~district~~ **District** employees where approved in advance by the Superintendent or his/her **the Superintendent's** designee.
6. Instructional books and materials purchased online where the purchase saves the ~~school-district~~ **District** money and cannot be done through the established purchasing process.
- 7.** Online purchases with the procurement card shall only be done by the designated Business Office staff person in charge of purchasing.

~~H.~~ **L.** Procurement cards shall not be used to circumvent the required quotation and bidding process.

**M.** Purchases over \$4,000.00 shall require the use of a purchase order in accordance with established Board policy and procedures.[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)

~~I.~~ **N.** Procurement cards shall not be used for purchases that could be anticipated at the beginning of the school year and would circumvent the required bidding process, nor are they to be used at a vendor where the ~~school-district~~ **District** already has an account set up.[\[3\]](#)[\[4\]](#)

#### Legal

1. 24 P.S. 510
2. Pol. 317
3. 24 P.S. 751
4. 24 P.S. 807.1
5. Pol. 610
6. Pol. 611



Book	Policy Manual
Section	600 Finances
Title	Travel Reimbursement for Federal Programs
Code	626.1
Status	Policy Committee Review
Adopted	June 20, 2016
Last Revised	August 22, 2016
Prior Revised Dates	August 22, 2016

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Authority

- A. The Board recognizes that there are times when employees and officers incur expenses for transportation, lodging, subsistence, and related items.

## II. Definition

- A. For the purposes of this policy, **"travel costs"** are the expenses for transportation, lodging, subsistence, and related items incurred by employees and officers who are in travel status on official business of a grant recipient. [\[1\]](#)

## III. Guidelines

- A. All requests for reimbursements for travel for Federal Programs shall be preapproved by the Superintendent.
- B. Reimbursement for travel/mileage shall be at the IRS rate at the time.
- C. ~~Rembursement~~ **Reimbursement** for lodging and ~~substinence~~ **sustenance** shall be charged on an actual cost basis.
- D. Costs incurred by employees and officers for travel, including costs of lodging, other ~~subsistence~~ **sustenance**, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the District in its regular operations as the result of its written travel policy.
- E. In addition, if these costs are charged directly to the federal award, documentation must be maintained that justifies that (1) participation of the individual is necessary to the federal award; and (2) the costs are reasonable and consistent with the District's established policy.

Legal

1. 2 CFR 200.474

24 P.S. 516.1

24 P.S. 517

Pol. 004

Pol. 331



Book	Policy Manual
Section	600 Finances
Title	Continuing Disclosure and Post-Issuance Compliance for District Bond Obligations
Code	627
Status	Policy Committee Review
Adopted	February 17, 2015

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Authority

A. The Board recognizes that the ~~district~~ **District** assumes, in a written undertaking signed at the time of issuance of bonds or other obligations (whether tax-exempt or taxable) sold in a public offering, a post-issuance responsibility to provide ongoing disclosure of financial and other information material to investors in accordance with certain requirements established by Rule 15c2-12, as amended ("Rule 15c2-12"), promulgated by the Securities and Exchange Commission ("SEC").[\[1\]](#)

B. The Board also recognizes that the ~~district~~ **District** must adhere to the provisions of Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended ("Code"), and applicable regulations promulgated thereunder, which establish certain requirements to ensure that (a) tax exempt bonds issued by the ~~district~~ **District** continue to be excluded from gross income for purposes of federal income taxation, and (b) proceeds of the bonds are not invested or used in a manner that would cause the bonds to be arbitrage bonds as defined in Section 148 of the Code.[\[2\]](#)[\[3\]](#)

## II. Purpose

A. The purpose of this policy is to authorize the establishment of procedures to ensure that the ~~district~~ **District** (i) fully complies with its continuing disclosure responsibilities under SEC Rule 15c2-12, as amended, relating to the issuance of publicly-offered school ~~district~~ **District** bonds and other obligations, and (ii) on an ongoing basis, monitors its post-issuance compliance with the Code and all applicable regulations to preserve the tax-exempt status of ~~district~~ **District** bonds.

## III. Delegation of Responsibility

A. The Superintendent or **the Superintendent's** designee shall develop guidelines to implement this policy and to ensure the ~~district's~~ **District's** compliance with the continuing disclosure obligations specified in its continuing disclosure agreements and SEC Rule 15c2-12 and to adhere to post-issuance compliance and record retention procedures as recommended by the Internal Revenue Service in accordance with Sections 103 and 141 through 150 of the Code.



Legal

1. 17 CFR Part 240
  2. 26 U.S.C. 103
  3. 26 U.S.C. 141-150
- IRS Rev. Proc. 97-13
- Treasury Reg. 1.141-12



Book	Policy Manual
Section	600 Finances
Title	Continuing Disclosure
Code	627.1
Status	Policy Committee Review

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## **I. Purpose**

**A. This regulation provides interpretation with respect to Policy No. 627 on continuing disclosure and post-issuance compliance with federal regulatory requirements for District-issued bonds and other obligations.**

**B. The District has an obligation to meet specific continuing disclosure standards in compliance with Securities and Exchange Commission ("SEC") Rule 15c2-12 in connection with its bond issuances.**

**C. When the District issues bonds or notes it executes a continuing disclosure certificate ("CDC") for the benefit of the underwriter to meet the SEC's requirements, promising to provide certain annual financial and operating information and material event notices to the public.**

**D. Those filings currently must be made electronically at the Electronic Municipal Market Access ("EMMA") portal ([www.emma.msrb.org](http://www.emma.msrb.org)).**

## **II. Delegation of Responsibility**

**A. The District's Superintendent or the Superintendent's designee ("Compliance Coordinator") is responsible for the continuing disclosure obligations of the District.**

## **III. Guidelines**

### **A. Continuing Disclosure Obligations**

**1. Periodically, the Compliance Coordinator shall determine that required continuing disclosure undertakings have been prepared and filed with the Municipal Securities Rulemaking Board ("MSRB").**

**2. The Compliance Coordinator shall consult the applicable CDC executed in connection with its outstanding bond issues to assure that the Annual Report or Annual Financial Information and Operating Data (as defined and described in the applicable CDCs) is filed not later than the requisite date for filing as established under the applicable CDC.**

**B. Series of 1999, 2010 and 2011 Bond Issues.**

**1. For all series of bonds issued on or prior to June 30, 2011 (including, without limitation, the Series of 1999, 2010 and 2011), the Annual Financial Information and Operating Data or Annual Report, as applicable, shall be filed with Electronic Municipal Market Access ("EMMA") within 180 days following the end of each fiscal year (i.e., not later than December 27 of each year) and shall include the following information with respect to the relevant fiscal year:**

**a. The annual audited financial statements prepared for the District for the most recent fiscal year, including:**

**i. a balance sheet;**

**ii. a statement of revenue and expenditure; and**

**iii. a statement of changes in fund balances.**

**b. The financial statements shall be prepared in accordance with generally accepted accounting principles for local government units and audited in accordance with generally accepted auditing standards.**

**c. A copy of the budget for the current fiscal year.**

**d. Real estate tax and millage rates imposed for the current fiscal year.**

**e. The total assessed value and aggregate market value of all taxable real estate for the current fiscal year.**

**f. Real property tax collection results for the most recent fiscal year, including:**

**i. the real estate tax levy imposed by the District (expressed both as a millage rate and an aggregate dollar amount,**

**ii. the dollar amount of real estate taxes collected that represent current collections (expressed both as a percentage of the current fiscal year's levy and as an aggregate dollar amount),**

**iii. the amount of real estate taxes collected that represents taxes levied in past years (expressed as an aggregate dollar amount), and**

**iv. the total amount of real estate taxes collected (expressed both as a percentage of the current year's levy and as an aggregate dollar amount).**

**g. A list of the ten (10) largest real estate taxpayers and, for each, the total assessed value of real estate for the current fiscal year.**

**h. Pupil enrollment figures, including enrollment at the end of the most recent fiscal year, current enrollment and projected enrollment for the beginning of the next fiscal year, including a breakdown between elementary and secondary enrollment (to the extent reasonably feasible).**

**C. Series A of 2014 Notes and Series B of 2014 Bonds.**

**1. Subject to any requirements contained in any CDC executed by the District in the future for future District obligations, for all series of bonds or notes issued on or after July 1, 2011 including, without limitation, the Series of 2014A Notes**

**and 2014B Bonds, the Annual Report shall be filed with Electronic Municipal Market Access ("EMMA") within 270 days following the end of each fiscal year (i.e., not later than March 27 of each year) and shall include the following information with respect to the relevant fiscal year:**

**a. Financial statements for the most recent fiscal year, prepared in accordance with generally accepted accounting principles for local government units.**

**b. If not submitted as part of the Annual Report, then when and if available, audited financial statements for the District.**

**c. A summary of the budget for the current fiscal year (i.e., the fiscal year following the fiscal year of the financial statements being provided).**

**D. If the District elects to use a third-party Dissemination Agent, the District shall provide the Annual Financial Information and Operating Data or Annual Report, as applicable, to the Dissemination Agent not later than fifteen (15) business days prior to the filing date referenced in Paragraph A or B above.**

**E. As an additional precaution, the District shall register on Electronic Municipal Market Access ("EMMA") to receive reminder notices from the MSRB to timely file continuing disclosures of financial information required by the Rule. Currently this request is made electronically by clicking on the appropriate box on EMMA.**

**F. Material Event Notices**

**1. For all series of bonds or notes issued on or after December 1, 2010, the Compliance Coordinator is responsible for providing notice to the MSRB of the following events in a timely manner not in excess of ten (10) business days after the occurrence of such event:**

**a. Principal and interest payment delinquencies;**

**b. Non-payment related defaults, if material;**

**c. Unscheduled draws on debt service reserves reflecting financial difficulties;**

**d. Unscheduled draws on credit enhancements reflecting financial difficulties;**

**e. Substitution of credit or liquidity providers, or their failure to perform;**

**f. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;**

**g. Modifications to the rights of security holders, if material;**

**h. Bond calls (except for mandatory scheduled redemptions not otherwise contingent upon the occurrence of an event), if material, and tender offers;**

**i. Defeasances;**

**j. Release, substitution, or sale of property securing repayment of the securities, if material;**

**k. Rating changes;**

**l. Bankruptcy, insolvency, receivership or similar event (such as a determination of distressed status) affecting the District;**

**m. The consummation of a merger, consolidation or acquisition of the District or the sale of all or substantially all of the assets of the District, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;**

**n. Appointment of a successor or additional trustee or the change of name of a trustee, if material; and**

**o. Failure to provide, in a timely manner, annual financial information as required.**

**2. The Compliance Coordinator shall file a separate Notice of Material Event for each material event identified in clauses (i) through (xv) above.**

**3. For all series of bonds or notes issued before December 1, 2010, the Compliance Coordinator is also responsible for providing notice to the MSRB of the following events, if material (provided, however, that the occurrence of an event described in clauses (a), (b), (c), (d), (e), (f) and (g) shall always be deemed to be material):**

**a. Principal and interest payment delinquencies;**

**b. Non-payment related defaults;**

**c. Unscheduled draws on debt service reserves reflecting financial difficulties;**

**d. Unscheduled draws on credit enhancements reflecting financial difficulties;**

**e. Substitution of credit or liquidity providers, or their failure to perform;**

**f. Adverse tax opinions or events affecting the tax-exempt status of the bonds or notes;**

**g. Modifications to rights of holders of the bonds or notes;**

**h. Bond calls (except for mandatory scheduled redemptions not otherwise contingent upon the occurrence of an event);**

**i. Defeasances;**

**j. Release, substitution or sale of property securing repayment of the bonds or notes; and**

**k. Rating changes.**

**4. The Compliance Coordinator shall file a separate Notice of Material Event for each material event identified in clauses (i) through (xi) above.**

#### **G. Notification to Paying Agent**

**1. For all series of bonds or notes issued on or after December 1, 2010, the Compliance Coordinator shall provide a copy of any Notice of Material Events filed with Electronic Municipal Market Access ("EMMA") to the Paying Agent for each such series of Bonds or Notes, concurrently with the filing of such information with EMMA.**

#### **H. Voluntary Reporting**

**1. Nothing in this policy prohibits the District from providing periodic voluntary financial information to investors in addition to fulfilling the SEC Rule 15c2- 12 responsibilities undertaken in its CDC through Electronic Municipal Market Access ("EMMA").**

**2. It is important to note that the District must disseminate any financial information to the market as a whole and cannot give any one investor certain information that is not readily available to all investors.**

**3. In addition to making Electronic Municipal Market Access ("EMMA") filings, the District may choose to post its annual financial information and other financial reports and information on its website.**

#### **I. Training**

**1. The Compliance Coordinator has reviewed this policy with counsel and understands the District's ongoing duties to monitor compliance as set forth herein subsequent to the issuance of any obligations and while any obligations remain outstanding.**

**2. The Compliance Coordinator will periodically consult with knowledgeable counsel to determine if the requirements set forth herein need to be modified or updated.**



Book	Policy Manual
Section	600 Finances
Title	Post-Issuance Tax Compliance and Record Retention for General Obligation Notes and Bonds
Code	627.2
Status	Policy Committee Review

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## **I. Purpose**

**A. This policy provides interpretation with respect to Policy No. 627 on continuing disclosure and post-issuance compliance with federal regulatory requirements for District-issued bonds and other obligations.**

## **II. Delegation of Responsibility**

### **A. Responsibility for Maintaining Compliance—Books and Records**

**1. The District's compliance efforts are led by the District's Superintendent or the Superintendent's designee (hereafter, the "Compliance Coordinator").**

## **III. Guidelines**

**A. These Post-Issuance Tax Compliance and Record Retention Procedures (the "Procedures") set forth specific procedures of the District designed to monitor post-issuance compliance of tax-exempt obligations (the "Obligations") issued by the District in accordance with applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations promulgated thereunder (the "Treasury Regulations").**

**B. These Procedures document existing practices and describe various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations be, or continue to be, or would be but for certain provisions of the Code, excludable from gross income for federal income tax purposes or treated as tax- advantaged obligations.**

**C. The District recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of the Obligations. Accordingly, implementation of these Procedures will require on-going monitoring and consultation with bond counsel beyond the scope of its initial engagement with respect to the issuance of particular Obligations.**

**D. The District has financed and refinanced certain capital projects with the proceeds of Obligations.**

**F. Set forth below are the policies the District is adopting in order to maintain compliance with the federal tax laws relating to all of its Obligations.**

**G. The Compliance Coordinator shall establish a database for each issue of Obligations outstanding for the District.**

**H. A Template attached hereto as Exhibit A (the "Template") is to be completed by the Compliance Coordinator for each issue of Obligations.**

**I. The Compliance Coordinator will list applicable information and dates in the Template. The Template will be reviewed and updated by the Compliance Coordinator on an annual basis.**

**J. For each issue of Obligations, the Compliance Coordinator shall establish a books and records file system listing where certain records may be found. The books and records data will also be kept on the Template.**

**K. The compliance coordinator shall maintain the recordkeeping procedures for each issue of obligations for three (3) years after december 31 of the year that the last bond of a particular issue is retired. Thus, if a particular bond issue is retired on april 7, 2014, records shall be maintained for the bond issue until december 31, 2017.**

**L. Private Business Use—Existing Agreements**

**1. Following the close of each fiscal year, the Compliance Coordinator will conduct a survey of the uses of bond-financed property to determine the amount of private business use of each outstanding bond issue for that year.**

**2. The Compliance Coordinator will identify or cause to be identified the projects funded with bond proceeds or facilities directly benefited from bond proceeds by reviewing requisitions, general ledger entries and deal documents, including the tax certificate.**

**3. The Compliance Coordinator will complete a "Private Business Use Questionnaire" with respect to each facility financed, in whole or in part, with Obligations. The Private Business Use Questionnaire is set forth as Exhibit B.**

**4. To the extent private business use arose from any arrangement, the Compliance Coordinator will gather any information necessary to identify and/or allocate the bond-financed space to private business use. If any arrangements are not clearly categorized as private business use or compliant, or if it is unclear how mixed-use property should be allocated to private business use, the Compliance Coordinator will discuss the issue with counsel.**

**5. In the event that certain of the bond-financed property no longer complies with the Code or the Treasury Regulations, the Compliance Coordinator will discuss the remediation options available under the Code and the Treasury Regulations with counsel as outlined in Exhibit D hereto.**

**M. Private Business Use—Future Agreements**

**1. Before the District enters into an arrangement that may give rise to private business use, the arrangement should be reviewed to make sure that entering**



into the arrangement would not cause a violation of the private business use rules.

2. In order to ensure that future arrangements do not result in private business use, proposed arrangements, including leases, management and service contracts, sponsored research agreements, potential unrelated trades or business, partnerships, joint ventures and naming rights agreements, should be reviewed before they are entered into by the District.

3. Responsibility for screening these proposed arrangements will be the responsibility of the Compliance Coordinator.

4. The Compliance Coordinator shall review the Private Business Use Questionnaire before arrangements that may give rise to private business use are entered into.

5. If, after review of the arrangement and the Private Business Use Questionnaire, the Compliance Coordinator believes that a proposed arrangement will, or possibly could, give rise to private business use, the proposal will be reviewed with counsel.

6. If the Compliance Coordinator determines that private business use would arise under the arrangement as then proposed, the compliance coordinator will recommend appropriate steps to promote the best interests of the District.

7. Such steps may include:

a. requiring that the arrangement be modified to eliminate the private business use (for example, by fitting the arrangement within IRS "safe harbor" guidance);

b. taking "remedial action" as permitted under the Treasury Regulations to cure any private business use resulting from the arrangement;

c. re-allocating the sources of funding of the facility at issue to the extent permitted by the Treasury Regulations; or

d. determining that the amount of private business use generated by the arrangement is immaterial and will not cause the applicable limitation on private business use to be exceeded.

8. In no event may the Compliance Coordinator approve, or the District enter into, a proposed arrangement that would cause the limitation on private business use for a given bond issue to be exceeded.

9. The Compliance Coordinator will discuss the remediation options available under the Code and the Treasury Regulations with counsel, as outlined in Exhibit D hereto.

## N. Rebate

1. Federal tax law requires the District to "rebate" to the federal government any amounts earned from the investment of bond proceeds at a yield in excess of the bond yield, unless an exception applies.

2. The District shall retain an outside rebate computation firm to calculate its liability, if any, for rebate for each of its bond issues.

**3. The Compliance Coordinator will review the calculations of the firm hired for rebate compliance for obvious errors and remit any required rebate to the federal government. The Compliance Coordinator is responsible for monitoring the spending of bond proceeds and taking appropriate steps to qualify for a "spending exception" to rebate, to the extent practicable.**

#### **O. Expenditure of Proceeds—Arbitrage**

**1. Prior to being spent, bond proceeds must be invested in a manner that will establish fair market value for federal tax purposes, in order to maintain compliance with the rebate and arbitrage yield restriction rules.**

**2. The rules for establishing fair market value are summarized in the tax certificates executed by the District at the time of issuance of each bond issue.**

**3. The Compliance Coordinator will take appropriate steps, in consultation with counsel, to assure that subsequent investments or reinvestments of bond proceeds are made in compliance with these rules.**

**4. The Compliance Coordinator should review the checklist attached hereto as Exhibit C before bond proceeds are spent.**

**5. There are restrictions on the types of expenditures that may be financed with tax-exempt bond proceeds, including, among other things, that the expenditures meet certain useful life requirements, not be used for more than a minimal amount of issuance costs, be made within certain deadlines, and not be used to reimburse expenditures made before the issuance date unless certain requirements are satisfied.**

**6. The District's expectations as to the expenditure of bond proceeds are set forth in the tax certificate executed on the date of issuance of each bond issue, which bond counsel uses to evaluate compliance with these rules as of such date.**

**7. The Compliance Coordinator will make sure that the District's actual expenditure of proceeds of each bond issue will not deviate materially from the expectations and limitations stated in the tax certificate for the issue without consulting beforehand with counsel.**

**8. The Compliance Coordinator is responsible for making sure that, for each bond-financed project, bond proceeds are allocated to expenditures for the project within the period ending on the earliest of the following (the "Permitted Allocation Period"):**

**a. 18 months after the placed- in-service date of the project (or the payment of the expenditure in question, if later),**

**b. five years (plus 60 days) after the issue date of the bonds, or**

**c. 60 days after the retirement of the bonds.**

**9. This means that, before the end of the Permitted Allocation Period for a given project, the Compliance Coordinator should make sure the District actually spends bond proceeds (and equity or taxable debt proceeds, if applicable) on project expenses in a manner that can be documented e.g., through requisitions, invoices and canceled checks.**

#### **P. Training**

**1. The Compliance Coordinator shall review this policy with counsel and understands the District's ongoing duties to monitor compliance as set forth herein subsequent to the issuance of any Obligation and while any Obligation remains outstanding.**

**2. The Compliance Coordinator will periodically consult with knowledgeable counsel to determine if the requirements set forth herein need to be modified or updated.**

Exhibit A Schedule Template.pdf (10 KB)

Exhibit B Private Business Use Questions.pdf (9 KB)

Exhibit C Arbitrage Checklist.pdf (8 KB)

Exhibit D Remedial Action Options.pdf (73 KB)

Management Contracts or Service Contracts With Respect to Bond-Financed Facilities.pdf (18 KB)

Research Agreements with Respect to Bond-Financed Facilities.pdf (12 KB)



Book	Policy Manual
Section	600 Finances
Title	Conflict of Interest
Code	630
Status	Policy Committee Review
Adopted	August 29, 2005
Last Revised	May 23, 2019
Prior Revised Dates	September 20, 2010, May 23, 2019

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Purpose

A. The purpose of this policy is to protect the District from problems that can arise from conflicts of interest on the part of its **District** employees.

## II. Definition

A. **For purposes of this policy, "Conflict of interest"**, ~~for the purposes of this policy,~~ is defined as having a voluntary personal or financial interest or a personal or financial benefit, whether direct or indirect, in any sale, lease, or contract with the District.

## III. Guidelines

### A. School District Employees

1. Employees shall obtain prior approval from the Superintendent before engaging in any other employment activity or enterprise for private gain that may constitute a conflict of interest.

**2.** The Superintendent shall obtain approval for other employment or enterprise for private gain from the Board.

**3.** In determining whether such outside employment or activities for private gain constitute a conflict of interest, the following prohibitions shall be considered:

a. No employee of the District shall engage in or have a natural interest directly or indirectly in any activity or business that conflicts with the employee's duties and responsibilities to the District.

- b. No employee of the District shall act as an agent or sales representative for a business enterprise on District premises during the school year.
- c. No employee shall engage in other work of any type where nonpublic information originating from the District is used.

#### B. Tutoring

1. Pursuant to Policy 116, the District considers it to be a conflict of interest when a teacher tutors for compensation a student assigned to the teacher's class without prior approval from the Superintendent.

**a. Approval shall be given only** in exceptional circumstances.[1]

#### C. Purchase of Materials

1. No ~~School~~ Board member, teacher, Superintendent or any person connected with the District in any capacity, shall have a financial interest directly or indirectly in the sale, proceeds or profits resulting from the purchase of books, apparatus, or furniture used or to be used in the ~~school-district~~ **District**.
2. The ~~School~~ Board shall not purchase books, apparatus or furniture used or to be used in the District from any teacher, District officer, including the Superintendent, Board members, or any person connected with the school system in any capacity where such person is interested directly or indirectly in the sale, proceeds or profits from those materials.

- D. District employees who violate the provisions of this policy shall be subject to the criminal and civil penalties provided by law and disciplinary action, including possible termination.

Legal

1. Pol. 116

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



Book	Policy Manual
Section	600 Finances
Title	Fraud Detection
Code	631
Status	Policy Committee Review
Adopted	August 29, 2005

Proposed deletions: ~~strike through~~

Proposed additions/revisions: **underlined and bold**

## I. Purpose

A. The purpose of this policy is to provide guidance on protecting ~~school district~~ **District** assets through a process of fraud prevention and detection.

## II. Definition

A. **For purposes of this policy, "fraud"** is ~~usually~~ used to describe depriving someone of something by deceit, which might either be straight theft or misuse of funds or other resources, or more complicated crimes like false accounting and the supply of false information. ~~In legal terms, all of these activities are the same crime—~~theft.

B. For the purposes of reporting fraud to administration, the following crimes fall within the context of the Fraud Report:

1. Theft.
2. False Accounting.
3. Bribery.
4. Corruption.
5. Deception.
6. Collusion.

## III. Delegation of Responsibility

A. The ~~Business Administrator~~ **Chief Operating Officer** is responsible for establishing and maintaining a sound system of internal control that supports the achievement of ~~school district~~ **District** policies, aims and objectives. The system of internal control is designed to respond to and manage the whole range of risks that the school district faces. ~~The system of~~

~~internal control is based on an ongoing process designed to identify the principal risks, to evaluate the nature and extent of those risks, and to manage them effectively. Managing fraud risk should be seen in the context of the management of this wider range of risks.~~

#### IV. Guidelines

**A. The system of internal control is designed to respond to and manage the whole range of risks that the District faces.**

**B. The system of internal control is based on an ongoing process designed to identify the principal risks, to evaluate the nature and extent of those risks, and to manage them effectively.**

**C. Managing fraud risk should be seen in the context of the management of this wider range of risks.**

~~A.D.~~ The school district **District** should promote an anti-fraud culture by making a clear commitment to ethical business behavior.

#### ~~B.~~ **E.** Prevention

1. In order to prevent fraud the School Board directs that:

a. A set of internal controls be followed that include, but are not limited to the following:

##### ~~1.i.~~ Segregation of Duties:

**a.** Where possible more than one person should be involved in pieces of financial transactions.

**b.** No one person shall be responsible for an entire financial transaction.

##### ~~2.ii.~~ Payments:

**a.** Payments shall be made by checks only.

**b.** No cash transactions shall be permitted.

**c.** Check signers shall be approved annually by the School Board and will consist of persons not involved in the transaction.

##### ~~3.iii.~~ Bank Reconciliations:

**a.** Bank statements and cancelled checks shall be sent offsite (policy 608) and reconciled by the School Board Treasurer who is not involved in check processing.[1]

##### ~~4.iv.~~ Other Internal Controls:

**a.** ~~The Business Administrator~~ **The Chief Operations Officer** shall be responsible for creating and maintaining a set of internal controls.

#### C. Detection

1. Employees who witness or suspect fraud are encouraged to report this to their supervisors.

**2.** It will be a violation of School Board policy for any employee making a good faith report of fraud to suffer any kind of retribution or harassment as a result.

**3. The Chief Operating Officer** ~~The Business Administrator~~, or third party auditors, will be responsible for investigating the report.

~~2.~~ **4.** The School Board reserves the right to involve the police in fraud investigations.

Legal

1. Pol. 608