



Policy and Human Resources Committee

Thursday, May 9, 2019

6:30PM – 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 April 11, 2019 meeting

Old Business

- ✚ Second Readings of Policies:
 - ✚ 123 – Interscholastic Athletics
 - ✚ 123.1 – Concussion Management
 - ✚ 123.2 – Sudden Cardiac Arrest
 - ✚ 203.1 – HIV Infection
 - ✚ 211 – Student Accident Insurance
 - ✚ 249 – Bullying/Cyberbullying

New Business

- ✚ First Readings of Policies:
 - ✚ 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
- ✚ Retirement of Policies:
 - ✚ 317.1 – Reporting Arrests and Convictions (captured in policy 317 – Conduct/Disciplinary Procedures)
- ✚ Non-substantive changes to be presented to the Board by Policy Subcommittee
 - ✚ 301 – Creating a Position
 - ✚ 307 – Student Teachers/Interns
 - ✚ 308 - Employment Contract/Board Resolution
 - ✚ 308.1 – Exit Interview
 - ✚ 309 – Assignment and Transfer
 - ✚ 310 – Abolishing a Position

- ✚ 313 – Evaluation of Employees
- ✚ 314 – Physical Examination
- ✚ 314.1 – HIV Infection
- ✚ 317 – Conduct/Disciplinary Procedures
- ✚ 318 – Penalties for Tardiness
- ✚ 319 – Outside Activities
- ✚ 320 – Freedom of Speech in Nonschool Settings
- ✚ 321 – Political Activities
- ✚ 322 – Gifts
- ✚ 324 – Personnel Files
- ✚ 325 – Dress and Grooming
- ✚ 327 – Leadership Team
- ✚ 328 – Compensation Plans/Salary Schedules
- ✚ 330 – Overtime
- ✚ 331 – Job Related Expenses
- ✚ 630 – Conflict of Interest
- ✚ 827 – Conflict of Interest
- ✚ 918 – Title I Parental Involvement

Public Comment

Adjournment

NEW HOPE-SOLEBURY SCHOOL DISTRICT
*Engaging, Enriching, and Empowering All Students
through a World-Class Education*

Policy and Human Resources Committee Meeting
May 9, 2019
6:30 PM – District Office Conference Room
Amendment to Agenda

New Business

1. First Reading of Policies:
 - 103 – Nondiscrimination in School and Classroom Practices



Policy Committee Meeting Minutes – April 11, 2019

Board Chair- Mr. Doug McDonough

Administrative Liaison – Mrs. Megan Candido

Attendance – Please see accompanying committee attendance sheet.

Board Committee Members Absent: N/A

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

Dr. Lentz called the meeting to order at 6:31PM.

The meeting minutes from March 14, 2019 were approved.

Old Business

- ✚ Second Reading of Board Operating Guidelines
 - ✚ 005.2 – Functions of Standing Committees
- ✚ Second Readings of Policies:
 - ✚ 247 – Hazing
 - ✚ 904 – Public Attendance at School Events

New Business

- ✚ Policy Committee Mission Statement review
- ✚ First Readings of Policies:
 - ✚ 123 – Interscholastic Athletics
 - ✚ 123.1 – Concussion Management
 - ✚ 123.2 – Sudden Cardiac Arrest
 - ✚ 203.1 – HIV Infection
 - ✚ 211 – Student Accident Insurance
 - ✚ 249 – Bullying/Cyberbullying
 - ✚ The committee discussed adding language about the Safe to Say Program and a definition for Cyberbullying.
 - ✚ The committee discussed the jurisdiction of the District vs. law enforcement in bullying incidents that occur outside of school.
- ✚ Retirement of Policies:
 - ✚ 248 – Harassment (replaced by new language in Policy 103 - Nondiscrimination in School and Classroom Practices)
 - ✚ The committee discussed the embedment of language from Policy 248 – Harassment, related only to students, into Policy 103 - Nondiscrimination in School and Classroom Practices, related to anyone in the District.
- ✚ Non-substantive changes to be presented to the Board by Policy Subcommittee

- ✚ 200 – Enrollment in District
- ✚ 201 – Admission of Students
- ✚ 201.1 – Registration/Proof of Residency Requirements
- ✚ 202 – Eligibility of Nonresident Students
- ✚ 203 – Immunizations and Communicable Diseases
- ✚ 204 – Attendance
- ✚ 204.1 – Family Educational Trips
- ✚ 205 – Postgraduate Students
- ✚ 206 – Assignment within District
- ✚ 206.1 – Classroom Placement of Twins/Higher Order Multiples
- ✚ 207 – Confidential Communications of Students
- ✚ 208 – Withdrawal From School
- ✚ 209 – Health Examinations
- ✚ 210 – Medications
- ✚ 210.1 – Medication/Treatment Guidelines
- ✚ 210.2 – Possession/Use of Asthma Inhalers/Epinephrine Auto Injectors
- ✚ 212 – Reporting Student Progress
- ✚ 213 – Assessment of Student Progress
- ✚ 214 – Class Rank
- ✚ 215 – Promotion and Retention
- ✚ 216 – Student Records
- ✚ 216.1 – Supplemental Discipline Records
- ✚ 217 – Graduation Requirements
- ✚ 217.2 – Awarding of Credit
- ✚ 217.3 – Awarding of Credit Through Private Tutoring
- ✚ 217.4 – Awarding of Credit - Other Educational Experience
- ✚ 218 – Student Discipline
- ✚ 218.1 – Weapons
- ✚ 218.2 – Terroristic Threats
- ✚ 219 – Student Complaint Process
- ✚ 220 – Expression/Distribution and Posting of Materials
- ✚ 221 – Dress and Grooming
- ✚ 223 – Use of Bicycles and Motor Vehicles
- ✚ 224 – Care of School Property
- ✚ 225 – One-to-One Program and Technology Device Agreement
- ✚ 226 – Searches
- ✚ 227 – Controlled Substances
- ✚ 227.1 – Reasonable Suspicion and Drug Testing of Individual Students
- ✚ 227.2 – Controlled Substances/Paraphernalia
- ✚ 228 – Student Government
- ✚ 229 – Student Fund Raising
- ✚ 230 – Public Performances by Students
- ✚ 231 – Social Events and Class Trips
- ✚ 232 – Participation in School Affairs
- ✚ 233 – Suspension and Expulsion
- ✚ 234 – Pregnant/Married Students

- ✚ 235 – Student Rights/Surveys
- ✚ 236 – Student Assistance Program
- ✚ 237 – Use of Electronic Devices
- ✚ 239 – Foreign Exchange Students
- ✚ 240 – Awards
- ✚ 246 – School Wellness
- ✚ 247 – Hazing
- ✚ 248 – Harassment
- ✚ 250 – Student Recruitment
- ✚ 251 – Homeless Students
- ✚ 252 – Allergies
- ✚ 253 – Suicide and Self-Harming Behavior Prevention
- ✚ 254 – Relatives as Staff Members
- ✚ 255 – Gender Expansive and Transgender Students

Public Comment

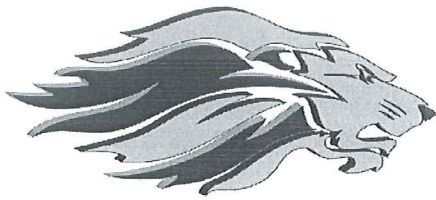
Mr. McDonough discussed the idea of an index to house all related policy documents and forms in the 1000s section of policies.

Adjournment

Mr. McDonough adjourned the meeting at 7:10pm.

Respectfully submitted,

Megan Candido
Director of Human Resources



NEW HOPE-SOLEBURY SCHOOL DISTRICT
*Engaging, Enriching, and Empowering All Students
through a World-Class Education*

Committee Meeting Sign-In and Attendance

Name (Please Print)	Committee (C) or Public (P)
ANDREW ORDOVER	(C) P
Megan Candlish	(C) P
Charles Zet	(C) P
Drew Giorgi	(C) P
STAN MARCUS	(C) P
Janie Hedlund	C (P)
Steven Coppens	C (P)
Doug McDonough	(C) P
	C 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	100 Programs
Title	Interscholastic Athletics
Code	123
Status	Policy Committee Review
Adopted	November 23, 1992
Last Revised	March 16, 2015

Proposed deletions: ~~strike through~~

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

I. Purpose

- A. The Board recognizes the value of a program of interscholastic athletics as an integral part of the total school experience for all District students and as a conduit for community involvement.
- B. The interscholastic athletic program fosters the growth of school loyalty within the student body as a whole and stimulates community interest.
- C. The game, activities and practice sessions provide opportunities to teach the values of competition, sportsmanship, and teamwork.

II. Definition

- A. For purposes of this policy, the "program of interscholastic athletics" shall include all activities relating to competitive or exhibition sport contests, games or events involving individual students or teams of students when such events occur between schools within this District or outside this District.

III. Authority

- A. It shall be the policy of the Board to offer opportunities for participation in interscholastic athletic programs to all students without discrimination. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)
- B. The Board shall approve a program of interscholastic athletics and require that all facilities utilized in that program, whether or not the property of this District, properly safeguard both players and spectators and are kept free from hazardous conditions. [\[6\]](#)
- C. The Board shall determine the standards of eligibility to be met by all students participating in an interscholastic athletics program.

1. Such standards shall require that each student, before participating in any interscholastic athletic activity, ~~be covered by student accident insurance~~; be free of injury; and undergo a physical examination by a licensed physician.[\[6\]](#)

D. The Board further adopts those eligibility standards set by the Constitution of the Pennsylvania Interscholastic Athletic Association (the "P.I.A.A.").

E. The Board directs that no student may participate in interscholastic athletics who has not:[\[6\]](#)

1. Met the requirements for academic eligibility.
2. Complied with the requirements of the Athletic Handbook.
3. Complied with the requirements of the Code of Conduct for Interscholastic Athletics and Board policies and administrative regulations related to student discipline.
4. Attended school regularly.[\[7\]](#)
5. Been in attendance on the day of the athletic event or practice for the hours required.
6. Returned all school athletic equipment previously used.
7. Adhered to applicable discipline standards.[\[8\]](#)

IV. Off-Campus Activities

A. This policy shall also apply to student conduct that occurs off school District **property** and would otherwise violate the Code of Student Conduct if any of the following circumstances exist:[\[8\]](#)

1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, whether or not via school District furnished transportation.
2. The student is a member of ~~an extracurricular activity~~ **the program of interscholastic athletics** and has been notified that particular off-campus conduct could result in exclusion from such activities.
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, for example, a transaction conducted outside of school pursuant to an agreement made in school that would violate the Code of Student Conduct if conducted in school.
5. The conduct involves the theft or vandalism of school property.
6. There is otherwise a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or ~~school-sponsored activities~~ **the program of interscholastic athletics**.

V. Delegation of Responsibility

A. Each school year, prior to participation in an interscholastic athletic activity, every student athlete and each student athlete's parent/guardian shall sign and return the acknowledgement of receipt and review of the following:[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[16\]](#)

1. Concussion and Traumatic Brain Injury Information Sheet.

2. Sudden Cardiac Arrest Symptoms and Warning Signs Information Sheet.

B. The Superintendent or ~~his/her~~ **the Superintendent's** designee ~~or designee~~ shall annually prepare, approve and present to the Board for its consideration a program of interscholastic athletics, which shall include a complete schedule of events.

C. The Superintendent or ~~his/her designee~~ **the Superintendent's designee** shall:

1. Inform the Board of changes in that schedule as they occur.

2. Secure Board approval before making any changes in a schedule.

D. The Superintendent or ~~his/her designee or~~ **the Superintendent's** designee shall disseminate rules for the conduct of students participating in interscholastic athletics.

1. Such rules shall be in conformity with regulations of the State Board of Education, the P.I.A.A. and the school District.

E. The Superintendent or ~~his/her~~ **the Superintendent's** designee shall ensure that similar athletic programs are offered to both sexes in proportion to the District's enrollment.

F. The Superintendent or ~~his/her~~ **the Superintendent's** designee shall ensure that interscholastic athletics are open to all eligible students and that all students are fully informed of the opportunities available to them.[\[13\]](#)[\[14\]](#)

VI. Guidelines

A. Male/Female Athletic Opportunities Report

1. By October 15 of each year, on the designated disclosure form, the Superintendent or ~~his/her~~ **the Superintendent's** designee ~~or designee~~ shall report to the PA Department of Education the interscholastic athletic opportunities and treatment for male and female secondary school students for the preceding school year.[\[15\]](#)

2. By November 1 of each year, the completed disclosure form shall be made available for public inspection during regular business hours and posted on the District's website.[\[15\]](#)

3. The availability of the completed disclosure form shall be announced by posting a notice on school bulletin boards, in the school newspaper, on any electronic mailing list or list serve, and by any other reasonable means.[\[15\]](#)

B. Notification of Accidents and Injuries

1. All accidents occurring at school or during school activities shall be reported in the following manner:

a. All accidents that occur in the buildings, on school grounds, en route to and from school, or during school-related activities shall be reported to the school nurse if the accident occurs during the school day; to the athletic trainer if the accident occurs during an Athletic Activity when the school nurse is not present; or to the faculty advisor during non-athletic extracurricular activities when the nurse is not present.

b. The school nurse, athletic trainer or faculty advisor shall be responsible for completing an accident report form.

c. Where applicable, the accident reports must include notice of and comments concerning accidents that are of a repetitive nature or that occur repeatedly in a specific area, as such accidents may indicate a need for repair or adjustment in the environment.

d. The school nurse, athletic trainer or faculty advisor shall provide a copy of the accident report to the Director of Pupil Services/Special Education, the building Principal and other appropriate staff members within 24 hours of receipt.

e. The school nurse shall provide monthly reports to the Director of Pupil Services/Special Education regarding the number and nature of accidents.

C. Prescribed Medication

1. Medication prescribed by a physician may only be administered under the administration of the school nurse, or the school nurse's designee to students involved in accidents only under the supervision of the school nurse.

2. In cases of foreseeable or repetitive injury, the appropriate approval card shall be signed by the parents/guardians and family physician indicating the approved treatment of student injuries.

D. Procedures for All Injuries

1. The general responsibilities of the personnel at each school are to:

a. Immediately secure authorized care and stay with student until such care arrives.

b. Basic first aid may be rendered while waiting for nurse or emergency responders.

c. Notify the student's parents/guardians.

d. Arrange transportation for the student, where necessary, and wait with the student until transportation arrives.

e. Individual faculty/staff members may not provide such transportation.

2. School personnel shall not diagnose.

3. School personnel, except the school nurse, shall not administer medication of any sort.

E. Additional Procedures for Minor Injuries

1. Minor injuries to students, which require limited attention (cleansing, antiseptic, bandaid, etc.) shall be treated by the school nurse or athletic trainer.

2. Coaches and faculty advisors must keep a first-aid kit stocked and readily available.

F. Additional Procedures for Serious Injuries

1. Serious accidents and/or injuries, including any type of head injury (including a loss of consciousness), neck injury or back injury, must be immediately reported to the nurse or athletic trainer, then a 911 call shall be made and then the parents/guardians of the student shall be contacted.

2. In all cases of serious head, neck or back injury, the coach or faculty advisor must immediately contact the building principal, who shall be responsible for contacting the Director of Pupil Services/Special Education, the Superintendent, and other appropriate staff members.

3. The after-hours contact information of the building Principal, the Director of Pupil Services/Special Education and Superintendent shall be provided to all coaches and faculty advisors.

Revision History:

March 16, 2015

Legal

1. 24 P.S. 1601-C et seq
2. 22 PA Code 4.27
3. 34 CFR 106.41
4. Pol. 103
5. Pol. 103.1
6. 24 P.S. 511
7. Pol. 204
8. Pol. 218
10. 24 P.S. 5333
11. Pol. 123.1
12. Pol. 123.2
13. 22 PA Code 12.1
14. 22 PA Code 12.4
15. 24 P.S. 1603-C
16. 24 P.S. 5323
- 24 P.S. 5321 et seq
- 24 P.S. 5331 et seq
- 34 CFR 106.41

POLNEWH123ARATT1.pdf (43 KB)

POLNEWH123ARATT2.pdf (7 KB)

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	100 Programs
Title	Concussion Management
Code	123.1
Status	Policy Committee Review
Adopted	March 4, 2013
Last Revised	February 28, 2019

Proposed deletions: ~~strike through~~

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

I. Purpose

- A. The Board recognizes the importance of ensuring the safety of students participating in the District's athletic programs.
- B. This policy has been developed to provide guidance for prevention, detection and treatment of concussions sustained by students while participating in an athletic activity.

II. Definitions

- A. For purposes of this policy, "**appropriate medical professional**" shall mean any or all of the following:[\[1\]](#)
 1. A licensed physician who is trained in the evaluation and management of concussions.
 2. A licensed or certified health care professional trained in the evaluation and management of concussions and designated by a licensed physician trained in the evaluation and management of concussions.
 3. A licensed psychologist neuropsychologically trained in the evaluation and management of concussions or who has postdoctoral training in neuropsychology and specific training in the evaluation and management of concussions.
- B. For the purposes of this policy, "**athletic activity**" shall mean any or all of the following:[\[1\]](#)
 1. Interscholastic athletics.[\[2\]](#)
 2. An athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with the District, including cheerleading, club-sponsored sports activities and sports activities sponsored by school-affiliated organizations.[\[3\]](#)

3. Noncompetitive cheerleading that is sponsored by or associated with the school.[3]
4. Practices, interschool practices and scrimmages for all athletic activities.[2][3]
5. Physical Education classes.
6. Recess activities.

III. Delegation of Responsibility

~~B.~~ **A.** The Superintendent or the Superintendent's designee shall develop procedures to implement this policy, which shall include protocols for concussion management.

IV. Guidelines

A. The District shall hold an informational meeting prior to the start of each athletic season for all competitors regarding concussions and other head injuries, the importance of proper concussion management, and how preseason baseline assessments can aid in the evaluation, management and recovery process.

B. In addition to annual mandatory attendance by student athletes prior to participation, such meetings may include parents/guardians, coaches, other appropriate school officials, physicians, neuropsychologists, athletic trainers and physical therapists.[4]

C. Additional Procedures for Student and Student-Athlete's Injuries Involving Prevention and Treatment of Head, Brain, Neck and Back Injuries

~~1. The District shall require the parent/guardian of any student participating in an athletic activity to sign and return to the student's school an acknowledgment of receipt and review of the concussion and traumatic brain injury information sheet which is administered to student athletes every school year.~~

~~A.~~ **1.** Each school year, prior to participation in an athletic activity, every student athlete and every student athlete's parent/guardian shall sign and return the acknowledgement of receipt and review of the Concussion and Traumatic Brain Injury Information Sheet.[4]

2. This form will be developed, approved and required by P.I.A.A.

~~2.~~ **3.** The athletic training staff shall keep head coaches informed of student-athlete injury status.

D. Pre-Testing/Baseline Testing for Student Athletes

1. The District uses the Immediate Post Concussion Assessment and Cognitive Testing (ImPACT) Concussion Management System, which is a twenty (20) minute computerized baseline evaluation of a student's neurocognitive state that tracks memory, reaction time, brain processing speed, concentration, and visual motor skills.

~~1.~~ **2.** The ImPACT test is mandatory and free to District student athletes in all sports.

~~2.~~ **3.** Students may also receive baseline testing from their own personal physician, which the District will consider and may accept, if provided by the student or the student's parent/guardian, as part of the District's determination for return-to-play.

4. The ImPACT test is not a diagnostic tool, but it does provide objective data. It is a return-to-play manager that provides data that physicians and athletic trainers can revisit for comparative purposes in the event of a concussion.

5. Students will be tested prior to the start of their first competitive team at NHS.

6. Students participating in District-sponsored athletics will also be tested in grades 7, 9, and 11 and prior to the start of their first competitive team at NHS.

7. There will be a post-injury test given after the diagnosis of a concussion or traumatic brain injury as well as prior to their return to competition.

8. This test can be given at NHS or through the student's physician.

E. Mandatory Reporting

1. The District requires that coaches, athletic directors, and parents/guardians report student athlete injuries involving head, brain, neck, and back to the building principal as soon as possible after any necessary steps have been taken to stabilize and secure the necessary medical assistance for the student.

2. Parents/guardians will be asked to report any injuries involving head, brain, neck and back, including concussions, which their children may have experienced while participating in out-of-school activities.

3. This information is critical concerning the District's ability to accurately evaluate a student in the event of a repeat injury involving head, brain, neck and back.

4. It also allows the District to accurately monitor the student in regard to any future, critical symptoms.

5. Any such information provided by parents/guardians must be immediately shared with the coach and the athletic trainer and must be provided to the school nurse as soon as possible.

E. Evaluation and Management

1. A student who, as determined by a game official, coach from the student's team, certified athletic trainer, licensed physician, licensed physical therapist or other official designated by the District, exhibits signs or symptoms of a concussion or traumatic brain injury while participating in an Athletic Activity shall be removed by the coach from participation at that time.

2. Head Injuries

a. Coach or athletic trainer must remove a student from the Athletic Activity as well as any other activities that may pose a risk for the student pending further notice.

b. If the student is not conscious, the coach or athletic trainer must contact 911 immediately and then notify the parents/guardians of the student.

c. If the student is conscious, the athletic trainer checks for signs or symptoms of a concussion or traumatic brain injury using a District-approved head injury evaluation form.

d. Where no athletic trainer is available, the team coach may perform this task.

i. If there are no symptoms, the athletic trainer may allow the student to return to the contest or activity. Where no athletic trainer is available, the team coach should make this determination.

F. Removal From Play

1. A student who, as determined by a game official, coach from the student's team, certified athletic trainer, licensed physician, licensed physical therapist or other official designated by the District, exhibits signs or symptoms of a concussion or traumatic brain injury while participating in an athletic activity shall be removed from participation at that time.^[4]

2. Coach or athletic trainer must remove a student from the Athletic Activity as well as any other activities that may pose a risk for the student pending further notice.

3. If the student is not conscious, the coach or athletic trainer must contact 911 immediately and then notify the parents/guardians of the student.

4. If the student is conscious, the athletic trainer checks for signs or symptoms of a concussion or traumatic brain injury using a District-approved head injury evaluation form.

a. Where no athletic trainer is available, the team coach may perform this task.

5. If there are no symptoms, the athletic trainer may allow the student to return to the contest or activity.

a. In accordance with IV.G, below, where no athletic trainer is available, the team coach should make this determination.

6. If there are signs or symptoms of a concussion or traumatic brain injury, including a loss of consciousness, the student cannot return to the Athletic Activity and the coach or athletic trainer contacts the student's parents/guardians.

a. Parents/guardians are provided a head injury fact sheet.

b. Parents/guardians are encouraged to seek medical attention.

G. Return to Play

1. The coach shall not return a student to participation **play** until the student is evaluated and cleared for return to participation **play** in writing by an appropriate medical professional.

a. The Board may designate specific appropriate medical professional(s) to provide written clearance for return to participation **play.**^[4]

2. Student cannot return to the Athletic Activity until an Appropriate Medical Professional trained in the evaluation and management of concussions evaluates the student and provides written clearance to return.

3. After obtaining the written clearance from an Appropriate Medical Professional, and signed written permission of the student's parents/guardians,

the student will be approved to begin a gradual return to play.

4. Gradual return to play shall be in the following order:

a. Low levels of physical activity.

i. This includes walking, light jogging, light stationary biking, and light weightlifting (lower weight, higher reps; no bench, no squat).

b. Moderate levels of physical activity with body/head movement.

i. This includes moderate jogging, brief running, moderate- intensity stationary biking, and moderate-intensity weightlifting (reduced time and/or reduced weight from typical routine).

c. Heavy non-contact physical activity.

i. This includes sprinting/running, high intensity stationary biking, regular weightlifting routine, and non-contact sport-specific drills.

d. Full contact in controlled practice.

e. Full contact in game play.

H. Training

1. All coaches shall annually, prior to coaching an athletic activity, complete a concussion management certification training course offered by the Centers for Disease Control and Prevention, the National Federation of State High School Associations, or another provider approved by the Department of Health.[\[4\]](#)

2. A coach cannot coach an athletic activity until the coach completes the training course.

I. Penalties

1. A coach found in violation of the provisions of this policy related to removal from play and return to play shall be subject to the following penalties:[\[4\]](#)

a. For a **first** violation, suspension from coaching any athletic activity for the remainder of the season.

b. For a **second** violation, suspension from coaching any athletic activity for the remainder of the season and for the next season.

c. For a **third** violation, permanent suspension from coaching any athletic activity.

V. Record Keeping

A. The athletic trainer shall keep accurate and complete records regarding ImpACT base-line testing, injuries, evaluations, symptoms, recovery periods, ImpACT re-testing, communications with parents/guardians, communications with medical doctors, and any other pertinent information related to the student.

VI. Employee Disciplinary Conferences

A. Any District employee who fails to follow the procedures contained herein in relation to student injuries involving head, brain, neck and back will be subject to disciplinary consequences as appropriate and/or as allowed under any applicable Collective Bargaining Agreement.

B. A District employee's direct supervisor will be responsible for both investigating any alleged failure of an employee to act in compliance with this administrative regulation and for implementing any appropriate disciplinary consequences, which may include warnings, suspensions, and/or termination.

VII. Acknowledgement by Parents/Guardians

A. No student shall be permitted to participate in any District Athletic Activity unless the student's parents/guardians acknowledge in writing that they have received a copy of this policy.

B. It shall be the obligation of the Director of Athletics to ensure that these signed acknowledgments have been obtained.

Revision History:

February 28, 2019

Legal	1. 24 P.S. 5322
	2. Pol. 123
	3. Pol. 122
	4. 24 P.S. 5323
	24 P.S. 5321 et seq

Last Modified by Policy Staff on May 1, 2019



Book	Policy Manual
Section	100 Programs
Title	Sudden Cardiac Arrest
Code	123.2
Status	Policy Committee Review
Adopted	October 2, 2012
Last Revised	December 3, 2012

Proposed deletions: ~~strike through~~

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

I. Authority

A. The Board recognizes the importance of ensuring the safety of students participating in the District's athletic programs.

B. This policy has been developed to provide guidance for prevention and recognition of sudden cardiac arrest in student athletes.[\[1\]](#)

II. Definition

A. For purposes of this policy, "Sudden Cardiac Arrest" ("SCA") is defined as when the heart stops beating, suddenly and unexpectedly.

1. SCA is not a heart attack.

2. SCA is a malfunction of the heart's electrical system causing the heart to suddenly stop beating.

B. For purposes of this policy, "athletic activity" shall mean all of the following:[\[2\]](#)

1. Interscholastic athletics.[\[3\]](#)

2. An athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with the school, including cheerleading, club-sponsored sports activities and sports activities sponsored by school-affiliated organizations.[\[4\]](#)

3. Noncompetitive cheerleading that is sponsored by or associated with the school.[\[4\]](#)

4. Practices, interschool practices and scrimmages for all athletic activities.[\[4\]](#)[\[3\]](#)

III. Delegation of Responsibility

A. Each school year, prior to participation in an athletic activity, every student athlete and every student athlete's **athlete's** parent/guardian shall sign and return the acknowledgement of receipt and review of the Sudden Cardiac Arrest Symptoms and Warning Signs Information Sheet.[\[5\]](#)

IV. Guidelines

A. The District may hold an informational meeting prior to the start of each athletic season for all competitors regarding the symptoms and warning signs of sudden cardiac arrest.

1. In addition to the student athletes, such meetings may include parents/guardians, coaches, other appropriate school officials, physicians, pediatric cardiologists, and athletic trainers.[\[5\]](#)

B. Removal From Play

1. A student who, as determined by a game official, coach from the student's team, certified athletic trainer, licensed physician, or other official designated by the District, exhibits warning signs or symptoms of sudden cardiac arrest while participating in an athletic activity shall be removed by the coach from participation at that time.[\[5\]](#)

2. Any student known to have exhibited signs or symptoms of sudden cardiac arrest prior to or following an athletic activity shall be prevented from participating in athletic activities until cleared by a physician to return to play.

C. Return To Play

1. The coach shall not return a student to ~~participation~~ **play** until the student is evaluated and cleared for return to ~~participation~~ **play** in writing by a licensed physician, certified registered nurse practitioner or cardiologist.[\[5\]](#)

D. Training

1. All coaches shall annually, prior to coaching an athletic activity, complete the sudden cardiac arrest training course offered by a provider approved by the PA Department of Health. [\[5\]](#)

2. A coach cannot coach an athletic activity until the coach completes the training course.

E. Penalties

1. A coach found in violation of the provisions of this policy related to removal from play and return to play shall be subject to the following penalties:[\[5\]](#)

a. For a **first** violation, suspension from coaching any athletic activity for the remainder of the season.

b. For a **second** violation, suspension from coaching any athletic activity for the remainder of the season and for the next season.

c. For a **third** violation, permanent suspension from coaching any athletic activity.

Revision History:

December 3, 2012

Legal

1. 24 P.S. 5331 et seq
2. 24 P.S. 5332
3. Pol. 123
4. Pol. 122
5. 24 P.S. 5333
- Pol. 822

Last Modified by Policy Staff on May 1, 2019



Book	Policy Manual
Section	200 Pupils
Title	HIV Infection
Code	203.1
Status	Policy Committee Review
Adopted	January 22, 2002
Last Revised	June 2, 2014

Proposed deletions: ~~strike through~~

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

I. Purpose

A. The Board is committed to providing a safe, healthy environment for its students and employees.

B. The purpose of this policy shall be to safeguard the health and well-being of students and staff while protecting the rights of the individual.

~~B.~~ **C.** This policy is based on current evidence that HIV Infection is not normally transmissible by students who are infected within the school setting, except as noted in this policy.

II. Definitions

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

~~A.~~ **1.** "AIDS" - **means** Acquired Immune Deficiency Syndrome.[\[1\]](#)

~~B.~~ **2.** "HIV Infection" - refers to the disease caused by the HIV or human immunodeficiency virus.

~~C.~~ **3.** ~~"Infected students"~~ **Students who are infected** - refers to students who are infected **with HIV/AIDS**, including those who are asymptomatic.

III. Authority

A. This policy shall apply to all students in all programs conducted by the District.

B. The Board directs that the established Board policies and administrative regulations governing attendance and school rules relative to illnesses and other diseases among students shall also apply to students who are infected.[\[2\]](#)[\[3\]](#)

C. The Board shall not require routine screening tests for HIV Infection in the school setting, nor will such tests be a condition for school attendance.

IV. Delegation of Responsibility

- A. The Superintendent or **the Superintendent's** designee shall be responsible for developing and releasing all information concerning HIV Infection and students who are infected.
- B. All ~~district~~ **District** employees shall strive to maintain a respectful school climate and to prohibit physical or verbal harassment of any individual or group, including students who are infected.[4]
- C. Building principals shall notify students, parents/guardians and employees about current Board policies concerning HIV Infection and shall provide reasonable opportunities to discuss the policy and related concerns.

V. Guidelines

A. Attendance

1. Students who are infected have the same right to attend school and receive services as other students and shall be subject to the same policies and administrative regulations.

2. HIV Infection shall not factor into decisions concerning educational programs, privileges or participation in any school-sponsored activity.[5][6][7]

~~2.~~ 3. School authorities shall determine the educational placement of students who are infected on a case-by-case basis by following Board policies and administrative regulations established for students with chronic health problems and students with disabilities.

~~3.~~ 4. When a ~~student who is infected's~~ parents/guardians **the parents/guardians of students who are infected** voluntarily disclose information regarding the student's condition, the ~~district~~ **District** employee who receives the information shall obtain the written consent of the parents/guardians to disclose the information to members of the District Team.[8]

~~4.~~ 5. A District Team comprised of the Superintendent or **the Superintendent's** designee, building principal, and the school nurse, the student's parents/guardians, and attending physician shall evaluate the **educational placement of the** student who is infected.

a. Placement decisions shall be based on the student's need for accommodations or services.

~~5.~~ 6. First consideration must be given to maintaining the student who is infected in a regular assignment.

a. Any decision for an alternative placement must be supported by specific facts and data.

~~6.~~ 7. A student who is infected who is unable to attend school, as determined by a medical examination, shall be considered for homebound instruction or an alternative placement.[9][10][11][12]

~~7.~~ 8. A student who is infected may be excused from school attendance if the parent/guardian seeks such excusal based on the advice of medical or psychological experts treating the student.[9][13][3]

~~8. 9. A student who is infected's~~ **The** placement **of a student who is infected** shall be reassessed if there is a change in the student's need for accommodations or services.

B. Confidentiality

1. District employees who have knowledge of **a condition of a** student who is infected's ~~condition~~ shall not disclose any information without prior written consent of the student's parents/guardians, consistent with the requirements of the Pennsylvania Confidentiality of HIV-Related Information Act. [\[8\]](#)
2. All health records, notes and other documents referring to a **condition of a** student who is infected's ~~condition~~ shall be secured and kept confidential. [\[14\]](#)[\[8\]](#)

C. Infection Control

1. All employees shall be required to consistently follow infection control/universal precautions in all settings and at all times, including playgrounds and school buses.
- 2.** 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.
- ~~2. 3.~~ The school district **District** shall maintain reasonably accessible equipment and supplies necessary for infection control.

D. Staff Development

1. The district **District** shall provide opportunities for employees to participate in inservice education on HIV Infection.
2. Designated district **District** employees may receive additional, specialized training appropriate to their positions and responsibilities.

E. Prevention Education

1. The goals of HIV Infection prevention education shall be to promote healthy living and discourage the behaviors that put people at risk of acquiring HIV Infection.
- 2.** Prevention education shall be taught at every **developmentally appropriate** grade levels as part of the curriculum, ~~be appropriate to students' developmental maturity,~~ and include accurate information about reducing the risk of HIV Infection. [\[15\]](#)
- ~~2. 3.~~ Prior to HIV Infection instruction in the schools, the district **District** shall inform parents/guardians that curriculum outlines and materials used in the instruction shall be available for review. [\[16\]](#)[\[15\]](#)[\[17\]](#)
3. A student shall be excused from HIV Infection education when the instruction conflicts with the religious beliefs or principles of the student or parents/guardians, upon the written request of the parents/guardians. [\[16\]](#)[\[15\]](#)[\[18\]](#)

Revision History:

June 2, 2014

Legal

1. 35 P.S. 7603
2. Pol. 203
3. Pol. 204
4. Pol. 248
5. 24 P.S. 1327
6. Pol. 103
7. Pol. 103.1
8. 35 P.S. 7607
9. 24 P.S. 1329
10. 22 PA Code 11.25
11. Pol. 117
12. Pol. 124
13. 24 P.S. 1330
14. 24 P.S. 1409
15. 22 PA Code 4.29
16. 22 PA Code 4.4
17. Pol. 105.1
18. Pol. 105.2
- 24 P.S. 1301
- 35 P.S. 7601 et seq

Last Modified by Policy Staff on April 9, 2019



Book	Policy Manual
Section	200 Pupils
Title	Student Accident Insurance
Code	211
Status	Policy Committee Review
Adopted	March 29, 1993

Proposed deletions: ~~strike through~~

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

I. Purpose

A. The Board recognizes the need for insurance coverage for unforeseen accidents which may occur to students in the course of attendance at school or student participation in the athletic and extracurricular programs of the schools.

II. Authority

A. A group personal accident insurance plan may be made available to pupils at the beginning of each school year.

~~B. Enrollment in this plan shall be voluntary for all pupils, except those engaging in any program of interscholastic athletics or inter-school sports.~~

~~C. These incidents shall not be covered under the School District liability policy unless the injury is a direct result of school district~~ **District** negligence.

~~B. All pupils engaging in any form of interscholastic athletics shall, as a prerequisite to such participation in either practice or games, enroll in the student accident insurance program.~~

~~C. D. Exception to this enrollment may be made only when parents~~ **Parents of participants in interscholastic athletics who wish to waive participation in the accident insurance must** submit a signed waiver that payment of medical expenses will be borne by personal, presently owned insurance plans covering the pupil, or by personal resources of a parent or guardian.

E. This waiver must be presented at the beginning of the school term when the insurance is made available.

Last Modified by Policy Staff on May 1, 2019



Book	Policy Manual
Section	200 Pupils
Title	Bullying/Cyberbullying
Code	249
Status	Policy Committee Review
Adopted	November 17, 2008
Last Revised	June 20, 2016

Proposed deletions: ~~strike through~~

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

I. Purpose

A. The Board is committed to providing a safe, positive learning environment for ~~district~~ **District** students and employees.

B. The Board recognizes that ~~BULLYING~~ **bullying** creates an atmosphere of fear and intimidation, that may detract from the safe environment and emotional well-being necessary for student learning, and may lead to more serious violence.

C. ~~Therefore, the~~ **The** Board prohibits bullying by ~~district~~ **District** students, ~~district~~ **District** employees, or volunteers.

II. Definitions

A. **"Bullying"** means an intentional electronic, written, verbal or physical, social, or emotional act or series of acts directed at any student or employee, which occurs in a school setting that is severe, persistent or pervasive.

1. Bullying involves a real or perceived power imbalance.

2. A power imbalance may be caused by one's physical size, one's ability to communicate, and/or one's ability to advocate for him/herself.

B. Acts of bullying include, but are not limited to **any of the following**:[\[1\]](#)

1. Substantial interference with a student's education.

2. Creation of a threatening environment.

3. Substantial disruption of the orderly operation of the school.

4. Physical or verbal attacks.

~~C. **Bullying**, as defined in this policy, includes cyberbullying.~~

C. "Cyberbullying," shall mean the use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature.

D. **"School setting"** means in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.^[1]

1. If bullying occurs outside of the school setting, incidents should be reported to law enforcement.

III. Authority Guidelines

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

B. The Board encourages any student, employee, or volunteer who ~~has been bullied~~ **believes they or others have been bullied and any witness, or anyone who has become aware of bullying**, to promptly report such incidents to any administrator or district **District** employee, ~~or through the Safe to Say Program or other anonymous reporting mechanism.~~

C. Students are encouraged to use the District's report form, available from the building principal, or to put the complaint in writing; however, oral complaints shall be accepted and documented.

1. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of a violation of this policy.

~~E. D.~~ The Board directs that **verbal and written** complaints of bullying shall be investigated promptly, and **appropriate** corrective **or preventative** action be taken when allegations are verified **substantiated**.

E. The Board directs that any complaint of bullying brought pursuant to this policy shall also be reviewed for conduct which may not be proven to be bullying under this policy but merits review and possible action under other Board policies.

F. No reprisals or retaliation shall occur against the reporter as a result of good faith reports of bullying.

G. Discrimination/Discriminatory Harassment

1. Every report of alleged bullying that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination and discriminatory harassment shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer.

2. If, in the course of a bullying investigation, potential issues of discrimination or discriminatory harassment are identified, the Compliance Officer shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged bullying.^{[2][3]}

~~E. H.~~ Confidentiality

1. 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.

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

I. Retaliation

1. Reprisal or retaliation relating to reports of bullying or participation in an investigation of allegations of bullying is prohibited and shall be subject to disciplinary action.

V. Guidelines

~~A.~~ **J.** The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.^{[1][4][5]}

~~B.~~ **K.** This policy shall be accessible in every classroom.

L. The policy shall be posted in a prominent location within each school building and on the district **District** website.

~~C.~~ **M.** Education

1. The district **District** shall develop and implement bullying prevention and intervention processes **programs and activities**.

2. Such processes **programs and activities** shall provide district **District** staff, parents, and students with appropriate training for effectively responding to, intervening in, and reporting incidents of bullying to promote a healthy and safe environment.^{[1][6][7][8]}

N. Any staff member who receives a complaint of bullying/cyberbullying should report the matter to the building principal or the principal's designee.

O. If the complaint comes to the District from a witness, the alleged victim and/or the alleged victim's parent(s)/guardian(s) should be contacted immediately to determine what has occurred.

P. Investigation

1. The Superintendent or the Superintendent's designee or other appropriate central administrator is to be notified and will conduct the investigation whenever an incident of bullying/cyberbullying is reported.

2. Legal counsel should be consulted to determine whether legal counsel should be involved and, if so, to what extent.

3. Any complaint where the nature of the alleged wrongdoing is such that there may be an expulsion if the allegations are found to be true should be shared

with the central administration and reviewed by legal counsel.

4. Upon receipt of a complaint of bullying/cyberbullying, the building principal or designee will investigate the complaint promptly.

5. Confidentiality of all parties will be maintained as may be consistent with the District's legal and investigative obligations.

6. Such investigation may include some, but not necessarily all, of the following steps based on the particular allegations:

a. Identifying and interviewing the complainant.

b. Identifying and interviewing the individual(s) accused to have participated in the alleged bullying/cyberbullying.

c. Identifying and interviewing any witnesses to the alleged bullying/cyberbullying.

d. Review of any physical evidence or documents relating to alleged bullying/cyberbullying.

e. Review of any other relevant evidence produced by the complainant or the accused individual(s).

f. Review of any other reasonable investigation the building principal deems necessary.

7. A report of bullying/cyberbullying must be investigated even if the reporter stated that the reporter does not want the District to do anything.

8. Some bullying/cyberbullying might also constitute sexual harassment, racial intimidation or ethnic intimidation.

9. To the extent that the nature of the bullying/cyberbullying may constitute one (1) or more of those things, the policies and administrative regulations pertaining to those subjects must be followed.

D- Q. Discipline Consequences for Violations

1. A substantiated charge against a district **District** staff member shall subject such staff member to disciplinary action, up to and including discharge.[7]

2. A substantiated charge against a district **District** student shall subject such student to disciplinary action, consistent with the Student Code of Conduct, and may include educational activities and/or counseling services.[1][5][9]

3. If it is concluded that a student knowingly has made false accusations, such student shall be subject to disciplinary action, consistent with the Student Code of Conduct as outlined in Policy 218 and the attachments for Policy 218.[5]

R. When appropriate, the Superintendent or the Superintendent's designee shall report a bullying/cyberbullying incident to the local police department that has jurisdiction over the school's property.

IV. Delegation of Responsibility

A. Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying.

B. The Superintendent or his/her **the Superintendent's** designee shall develop administrative regulations to implement this policy.

C. The Superintendent or his/her **the Superintendent's** designee, in cooperation with other appropriate administrators, shall review this policy annually and recommend necessary revisions to the Board.[\[1\]](#)

D. District administration shall annually provide the following information with the Safe School Report:[\[1\]](#)

1. Board's Bullying Policy.
2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention or education programs.

Revision History:
June 20, 2016

Legal	1. 24 P.S. 1303.1-A
	2. Pol. 103
	3. Pol. 103.1
	4. 22 PA Code 12.3
	5. Pol. 218
	6. 20 U.S.C. 7118
	7. 24 P.S. 1302-A
	8. Pol. 236
	9. Pol. 233
	Pol. 113.1

Last Modified by Policy Staff on May 1, 2019



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

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.[1][2][3][4][5][6][7][8][9][10][11][12][13][14][15][16][17][18][19]

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.

H. The District shall provide students with educational programs and curriculum which develop student understanding and appreciation of diversity and which

promote opportunities to bridge understanding between students of different cultural, ethnic, racial, religious and gender groups.

II. 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.

B. 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.

III. 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. If the building principal is the subject of the complaint, refer the complainant to the Compliance Officer to carry out these responsibilities.
 - 1. Inform the complainant about this policy including the right to an investigation of both oral and written complaints of discrimination.
 - 2. Seek to obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18).
 - 3. 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. 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. 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. Immediately notify the Compliance Officer of the complaint. 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. 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. 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. Notify the complainant and the accused of the progress at appropriate stages of the procedure.

IV. Guidelines

A. 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. 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.
3. 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.

Revision History:

July 15, 2013

February 28, 2019

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)

Last Modified by Policy Staff on May 9, 2019



Book	Policy Manual
Section	300 Employees
Title	Employment of Superintendent/ Assistant Superintendent
Code	302
Status	Policy Committee Review
Adopted	December 16, 2013
Last Revised	February 17, 2015

Proposed deletions: ~~strike through~~

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

I. Purpose

A. The Board places the primary responsibility and authority for the administration of the ~~district~~ **District** in the Superintendent and Assistant Superintendent.

B. ~~Therefore,~~ **The** selection of a Superintendent ~~or Assistant Superintendent~~ is critical to the effective leadership and management of the ~~district~~ **District**.[\[1\]](#)

II. Authority

A. During the last year of the Superintendent's term, ~~or any other time~~ the position of Superintendent becomes vacant, the Board shall meet to appoint, by a majority vote of all members of the Board, a properly qualified ~~district~~ **District** Superintendent.

B. The appointed Superintendent shall enter into a written contract with the Board for a term of three (3) to five (5) years.[\[2\]](#)[\[3\]](#)[\[4\]](#)

~~B. An Assistant Superintendent shall be appointed by a majority vote of all members of the Board upon nomination of the Superintendent. An Assistant Superintendent may serve through the term of the Superintendent or enter into a contract for a term of three (3) to five (5) years.~~
[\[2\]](#)[\[3\]](#)[\[5\]](#)[\[6\]](#)

C. At a regular Board meeting occurring at least 150 days prior to the expiration date of the Superintendent's ~~or an Assistant Superintendent's~~ term of office, the Board meeting agenda shall include an item requiring affirmative action by five (5) or more Board members to notify the Superintendent ~~or Assistant Superintendent~~ that the Board intends to retain him/her **the Superintendent** for a further term of three (3) to five (5) years or that other candidates will be considered for the office. If the Board fails to take such action, the current Superintendent ~~or Assistant Superintendent~~ shall continue in office for a term similar in length to that which s/he **the Superintendent** is currently serving.[\[4\]](#)[\[6\]](#)

D. Whenever the Board finds it impossible or impractical to immediately fill a vacancy in the office of Superintendent or Assistant Superintendent, the Board may appoint an acting Superintendent ~~or Assistant Superintendent~~ to serve not longer than one (1) year from the time of appointment.[\[7\]](#)

III. Guidelines

A. Recruitment and Assessment of Candidates

1. The Board shall actively seek candidates who meet the qualifications and requirements for the position of Superintendent ~~and/or Assistant Superintendent~~.

~~2.~~ **2.** ~~It~~ **The Board** may be aided in this task by a committee of Board members and/or the services of professional consultants and the counsel of the retiring Superintendent.

~~2.~~ **3.** When undertaking a search to fill the position of Superintendent ~~or Assistant Superintendent~~, recruitment procedures shall be prepared and may include the following:

a. Preparation of a job description for the position, written in accordance with the requirements of federal and state laws and regulations.[\[8\]](#)

b. Preparation of written qualifications, in addition to applicable state requirements, for all applicants.[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)

c. Preparation of informative materials describing the ~~school-district~~ **District**, the Superintendent/~~Assistant Superintendent~~ position, and the district's **District's** educational goals.

d. Opportunity for selected applicants to visit the ~~district~~ **District** schools, meet with internal staff and external stakeholders at the Board's invitation.

~~3.~~ **4.** Recruitment, screening and evaluation of candidates shall be conducted in accordance with Board policy, Board established leadership criteria and state and federal law.[\[8\]](#)

~~4.~~ **5.** The Board shall determine prior to interviewing finalists which expenses associated with such interviews will be reimbursed by the ~~school-district~~ **District**.

~~5.~~ **6.** A candidate's misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal **of candidacy** by the Board.

B. Pre-Employment Requirements

1. The ~~district~~ **District** shall conduct an employment history review in compliance with state law prior to issuing an offer of employment to a candidate.

2. Failure to accurately report required information shall subject the candidate to discipline up to, and including, denial of employment or termination if already hired, ~~and may subject the candidate to civil and criminal penalties.~~

3. The ~~district~~ **District** may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment and may report the information as permitted by law.[\[14\]](#)

~~2.~~ **4.** A candidate shall not be employed until the individual has complied with the mandatory background check requirements for criminal history and child abuse and the

district **District** has evaluated the results of that screening process.[\[15\]](#)[\[16\]](#)

~~3.~~ **5.** Each candidate shall report, on the designated form, all arrests and convictions as specified on the form.

a. Candidates shall likewise report arrests and/or convictions that occur subsequent to initially submitting the form.

b. Failure to accurately report such arrests and convictions may subject the individual to denial of employment, **or** termination if already hired, ~~and/or criminal prosecution.~~[\[16\]](#)

~~4.~~ **6.** Before entering the duties of the office, the Superintendent or Assistant Superintendent shall take and subscribe to the oath of office prescribed by law.[\[17\]](#)

~~5.~~ **7.** After receiving a conditional offer of employment but prior to beginning employment, the candidate shall undergo medical examinations, as required by law and as the Board may require, at the candidate's expense.[\[18\]](#)

C. Employment Contracts

1. An individual shall not be employed as Superintendent ~~or Assistant Superintendent~~ unless ~~s/he has signed~~ **without** an employment contract expressly stating the terms and conditions of employment.

2. The written contract shall:[\[4\]](#)

a. Contain the mutual and complete agreement between the Superintendent ~~or Assistant Superintendent~~ and the Board with respect to the terms and conditions of employment.

b. Consistent with state certification requirements, specify the duties, responsibilities, job description and performance expectations, including performance standards and assessments as required by law.[\[19\]](#)[\[20\]](#)[\[21\]](#)[\[22\]](#)[\[23\]](#)

c. Incorporate all provisions relating to compensation and benefits to be paid to or on behalf of the Superintendent ~~or Assistant Superintendent~~.[\[6\]](#)[\[24\]](#)

d. Specify the term of employment and state that the contract shall terminate immediately, except as otherwise provided by law, upon the expiration of the term unless the contract is allowed to renew automatically as required by law.[\[4\]](#)

e. Specify the termination, buyout and severance provisions, including all postemployment compensation and the period of time in which the compensation shall be provided.

i. Termination, buyout and severance provisions may not be modified during the course of the contract or in the event a contract is terminated prematurely.

f. Contain provisions relating to outside work that may be performed, if any.[\[25\]](#)[\[26\]](#)

g. State that any modification to the contract must be in writing.

h. State that the contract shall be governed by the laws of the Commonwealth.

- i. Limit compensation for unused sick leave in employment contracts for Superintendents ~~and/or Assistant Superintendents~~ who have no prior experience as a ~~district~~ **District** superintendent ~~or assistant superintendent~~ to the maximum compensation for unused sick leave under the school ~~district's~~ **District's** administrative compensation plan in effect at the time of the contract.
- j. Limit transferred sick leave from previous employment to not more than thirty (30) days for Superintendents ~~and/or Assistant Superintendents~~ who have no prior experience as a ~~district~~ **District** superintendent ~~or assistant superintendent~~.
- k. Specify postretirement benefits and the period of time in which the benefits shall be provided.

D. Removal/Severance

- 1. A Superintendent ~~or Assistant Superintendent~~ may be removed from office and have their contracts terminated, after a hearing, by a majority vote of all members of the Board and in accordance with law.
- 2.** The Board shall publicly disclose at the next regularly scheduled meeting the removal from office of a Superintendent ~~or Assistant Superintendent~~.[\[27\]](#)[\[28\]](#)
- ~~2-~~ **3.** Any negotiated severance of employment prior to the end of the term of the Superintendent's ~~or Assistant Superintendent's~~ specified contract term shall be limited to either:[\[4\]](#)
 - a. The equivalent of one (1) year's compensation and benefits due under the contract, if the severance agreement takes effect two (2) or more years prior to the end of the contract term; or
 - b. The equivalent of one-half (1/2) of the total compensation and benefits due under the contract for the remainder of the term, if the severance agreement takes effect less than two (2) years prior to the end of the contract term.

Revision History:

February 17, 2015

Legal

1. 24 P.S. 1001
2. 24 P.S. 508
3. 24 P.S. 1071
4. 24 P.S. 1073
5. 24 P.S. 1076
6. 24 P.S. 1077
7. 24 P.S. 1079
8. Pol. 104
9. 24 P.S. 1002
10. 24 P.S. 1003
11. 24 P.S. 1078
12. 22 PA Code 49.41
13. 22 PA Code 49.42
14. 24 P.S. 111.1
15. 23 Pa. C.S.A. 6344
16. 24 P.S. 111
17. 24 P.S. 1004
18. Pol. 314
19. 24 P.S. 1073.1
20. 24 P.S. 1081
21. 24 P.S. 1082
22. Pol. 003
23. Pol. 312
24. 24 P.S. 1075
25. 24 P.S. 1007
26. 24 P.S. 1008
27. 2 Pa. C.S.A. 551 et seq
28. 24 P.S. 1080
- 18 Pa. C.S.A. 9125
- 22 PA Code 8.1 et seq
- 22 PA Code 49.171
- 22 PA Code 49.172
- 23 Pa. C.S.A. 6301 et seq
- 24 P.S. 108
- 24 P.S. 1418
- 28 PA Code 23.43
- 28 PA Code 23.44
- 28 PA Code 23.45
- 42 U.S.C. 12101 et seq

Last Modified by Policy Staff on May 1, 2019



Book	Policy Manual
Section	300 Employees
Title	Employment of Long Term Substitutes
Code	305
Status	Policy Committee Review
Adopted	February 17, 2015

Proposed deletions: ~~strike through~~

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

I. Authority

A. Qualified and competent long term substitutes for professional and support employees shall be employed by the ~~district~~ **District** in order to provide continuity in the educational programs, operations and services of the schools.

B. The Board shall approve the ~~a~~ recommended long term substitute employees and his/her **the** position. ~~[1][2][3][4]~~

II. Guidelines

~~C. Approval shall normally be given to the candidates for employment recommended by the Superintendent.~~

~~D. A.~~ Utilization of long term substitutes prior to approval by the Board is authorized when their use is required to maintain continuity in the educational program and services of the ~~district~~ **District** and the candidate has satisfied legal pre-employment requirements.

1. Retroactive approval shall be recommended to the Board at the next regular Board meeting.

~~E. B.~~ A candidate's misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the Board.

~~F. C.~~ Pre-Employment Requirements

1. The ~~district~~ **District** shall conduct an employment history review in compliance with state law prior to issuing an offer of employment to a candidate.

2. The employment history review shall remain valid as long as the candidate continues to be employed by the ~~district~~ **District**.

3. Failure to accurately report required information shall subject the candidate to discipline up to, and including, denial of employment or termination if already hired, ~~and may subject the candidate to civil and criminal penalties.~~

~~4.~~ **4.** The ~~district~~ **District** may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment and may report the information as permitted by law.[\[9\]](#)

~~2.~~ **5.** A candidate shall not be employed until the individual has complied with the mandatory background check requirements for criminal history and child abuse and the ~~district~~ **District** has evaluated the results of that screening process.[\[6\]](#)[\[10\]](#)

~~3.~~ **6.** Each candidate shall report, on the designated form, arrests and convictions as specified on the form.

a. Candidates shall likewise report arrests and/or convictions that occur subsequent to initially submitting the form.

b. Failure to accurately report such arrests and convictions may subject the individual to denial of employment, termination if already hired, ~~and/or criminal prosecution.~~[\[6\]](#)[\[9\]](#)

~~4.~~ **7.** A candidate for employment in the ~~district~~ **District** shall not receive a recommendation for employment without evidence of his/her **a** certification when such certification is required.[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)

~~G.~~ **D.** Compensation

1. A long term substitute employed for an employee on leave for a specified period shall be compensated at a per diem rate based on the salary scale set by the ~~EBA~~ **collective bargaining agreement in place at the time.**

2. The Superintendent or **the Superintendent's** designee shall develop administrative regulations regarding employment of long term substitutes.[\[4\]](#)

~~II.~~ **Delegation of Responsibility**

~~A.~~ **E.** The administration may seek recommendations from former employers and others to assess the candidate's qualifications.

1. Such recommendations and references shall be retained confidentially and for official use only.

Legal

1. 24 P.S. 406
2. 24 P.S. 1101
3. 24 P.S. 1106
4. 24 P.S. 1148
6. 24 P.S. 111
9. 24 P.S. 111.1
10. 23 Pa. C.S.A. 6344
11. 22 PA Code 49.1 et seq
12. 24 P.S. 1109
13. 24 P.S. 1201
14. 24 P.S. 2070.2
- 24 P.S. 108
- 22 PA Code 49.1 et seq
- 22 PA Code 8.1 et seq
- 23 Pa. C.S.A. 6301 et seq
- Pol. 000
- Pol. 104

Last Modified by Policy Staff on May 1, 2019



Book	Policy Manual
Section	300 Employees
Title	Employment of Extended School Year (ESY) Staff
Code	306
Status	Policy Committee Review
Adopted	February 17, 2015
Last Revised	April 20, 2015

Proposed deletions: ~~strike through~~

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

I. Authority

A. The Board directs that qualified and competent professional and support employees be employed to provide the ~~district's~~ **District's** Extended ~~school-year~~ **School Year** program.

B. The Board shall approve the ~~extended-year~~ **Extended School Year** program and employment parameters. Compensation for an extended year program shall be provided according to the language in the current Collective Bargaining Agreement when appropriate. [\[1\]](#)
[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)

~~C. Approval shall normally be given to the candidates recommended by the responsible administrator and approved by the Superintendent.~~

~~D.~~ **C.** An employee's misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the Board.

~~E.~~ **D. Pre-Employment Requirements**

1. The ~~district~~ **District** shall conduct an employment history review in compliance with state law prior to issuing an offer of employment to a candidate.

2. Failure to accurately report required information shall subject the candidate to discipline up to, and including, denial of employment or termination if already hired, ~~and may subject the candidate to civil and criminal penalties.~~

3. The ~~district~~ **District** may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment and may report the information as permitted by law. [\[10\]](#)

~~2.~~ **4.** A candidate shall not be employed until the individual has complied with the mandatory background check requirements for criminal history and child abuse and the ~~district~~ **District** has evaluated the results of that screening process. [\[7\]](#)[\[11\]](#)

~~3.~~ **5.** Each candidate shall report, on the designated form, arrests and convictions as specified on the form.

a. Candidates shall likewise report arrests and/or convictions that occur subsequent to initially submitting the form.

b. Failure to accurately report such arrests and convictions may subject the individual to denial of employment; **or** termination if already hired; ~~and/or criminal prosecution.~~ [\[7\]](#)

~~4.~~ **6.** A candidate for employment in the ~~district~~ **District** shall not receive a recommendation for employment without evidence of his/her **a** certification when such certification is required. [\[3\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)

~~II.~~ Delegation of Responsibility

~~A.~~ **E.** The Superintendent or **the Superintendent's** designee shall develop administrative regulations **policies** or procedures to recruit, screen and recommend candidates for extended school-year **Extended School Year** employment.

F. Only those candidates, who are best qualified to perform the duties of the position, as determined by the administration, shall be recommended.

~~B.~~ **G.** Vacancies for extended school-year **Extended School Year** employment shall be made known to ~~district~~ **District** personnel so that they may apply for such positions.

C. Recommendations from former employers and others may be sought to assess the candidate's qualifications.

1. Such recommendations and references shall be retained confidentially and for official use only.

Revision History: **April 20, 2015**

Legal	1. 24 P.S. 406
	2. 24 P.S. 508
	3. 24 P.S. 1109
	4. 24 P.S. 1146
	5. 24 P.S. 1901
	6. Pol. 124
	7. 24 P.S. 111
	10. 24 P.S. 111.1
	11. 23 Pa. C.S.A. 6344
	12. 22 PA Code 49.1 et seq
	13. 24 P.S. 1201
	14. 24 P.S. 2070.2
	24 P.S. 108
	Pol. 104



Book	Policy Manual
Section	300 Employees
Title	Suspensions/Furloughs
Code	311
Status	Policy Committee Review
Adopted	March 3, 2014

Proposed deletions: ~~strike through~~

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

I. Authority

A. The Board is responsible for maintaining appropriate numbers of administrative, professional and support employees to effectively manage and operate the ~~district~~ **District** and its schools. This policy establishes the manner in which necessary reductions of staff shall be accomplished. [\[1\]\[2\]\[3\]](#)

B. ~~The Board has the authority and responsibility to determine how suspensions of district employees shall be made when necessary, in accordance~~ **In the exercise of its authority to reduce staff through suspensions (furloughs) and elimination of positions, the Board shall give primary consideration to the staffing needs of the District, the effect upon the educational program and the financial stability of the District, and shall ensure compliance** with law, regulations, collective bargaining agreements, individual contracts and Board resolutions. [\[4\]\[5\]\[6\]](#)

C. The Board shall not prevent any professional employee from engaging in another occupation during the period of suspension. [\[5\]](#)

D. Nothing in this policy shall be construed to limit the cause for which a temporary professional employee, or any employee other than a professional employee, may be suspended. [\[5\]](#)

II. Delegation of Responsibility

~~B.~~ **A. The Superintendent or the Superintendent's designee shall consult with the District solicitor as necessary to** ensure that reduction of staff is implemented in accordance with applicable laws. [\[4\]\[5\]](#)

~~A.~~ **B. The Superintendent or the Superintendent's designee shall be responsible for the continuous review of** ~~The~~ **the** efficiency and effectiveness of ~~district~~ **District** organization and staffing, **and** ~~shall be under continuing review, and present~~ recommendations for ~~abolishing positions and reallocating duties shall be presented~~ **reduction in staff** for Board consideration when ~~the Superintendent considers such actions~~ **are deemed** to be in the best interests of the ~~district~~ **District**.

C. Data necessary for computation of each noncertificated administrative and support employee's seniority status shall be recorded and maintained.[\[7\]](#)[\[8\]](#)

D. Certificated administrative and professional employees shall be suspended for causes consistent with law in inverse order of seniority in the ~~district~~ **District**.

E. Reinstatements from a list of suspended professional employees shall be made on the basis of their seniority within the ~~district~~ **District**.[\[4\]](#)[\[5\]](#)

~~E.~~ **F.** The ~~district~~ **District** shall realign its professional staff to ensure that more senior employees are provided with the opportunity to fill positions for which they are certified and which are being filled by less senior employees.

1. Such realignment, however, will not be construed to require curriculum changes or department revisions.[\[5\]](#)

~~F.~~ **G.** Certificated administrative and tenured professional employees have the right to a Local Agency Law hearing, and the decision to suspend shall be considered an adjudication for the purpose of that hearing.[\[5\]](#)[\[9\]](#)

~~G.~~ **H.** Temporary professional employees are entitled to a Local Agency Law hearing at the request of the employee.[\[9\]](#)

I. Noncertificated administrative and support employees may be entitled to a Local Agency Law hearing prior to suspension, at the employee's request.

J. A collective bargaining agreement may provide for suspension procedures that differ from this policy.

1. In the event that such a condition exists, procedures must be adapted to the provisions of the collective bargaining agreement for bargaining unit personnel.

III. Guidelines

A. Employees Other Than Professional Employees and Temporary Professional Employees

1. The employment status of employees other than professional employees and temporary professional employees may be terminated or temporarily suspended whenever deemed necessary in the best interests of the School District, subject to limitations and procedures provided for in collective bargaining agreements, if any.

B. Temporary Professional Employees

1. The employment status of a temporary professional employee may be nonrenewed when the employee's position has been eliminated or when the conditions for which professional employees may be suspended otherwise exist, subject to limitations and procedures provided for in collective bargaining agreements, if any.

C. Professional Employees

1. The necessary number of professional employees may be suspended for the following reasons:[\[4\]](#)

a. Substantial decrease in student enrollment in the District.

b. Curtailment or alteration of the educational program as a result of substantial decline in class or course enrollments or to conform with standards of organization or educational activities required by law or recommended by the Pennsylvania Department of Education. Such curtailment or alteration must be recommended by the Superintendent, agreed to by the Board, and approved by the Pennsylvania Department of Education. If not prevented by an existing or future provision of a collective bargaining agreement or employment contract, such a suspension may be effectuated without approval of the Pennsylvania Department of Education provided that, where an educational program is altered or curtailed, the District shall notify the Pennsylvania Department of Education of such action.

c. Consolidation of schools, whether within the District, through a merger of Districts, or as a result of Joint Board agreements, when such consolidation makes it unnecessary to retain the full staff of professional employees.

d. When new School Districts are established as the result of reorganization of School Districts and such reorganization makes it unnecessary to retain the full staff of professional employees.

e. Economic reasons that require a reduction in professional employees; however, the District is prohibited from using an employee's compensation in the suspension determination. A Superintendent knowingly in violation of this prohibition shall have a letter from the Secretary of Education placed in the Superintendent's permanent employee record.

D. Economic Suspension Requirements

1. The Board may suspend professional employees for economic reasons if all of the following apply:[\[4\]](#)

a. The Board approves the proposed suspensions by a majority vote of all school directors at a public meeting.

b. No later than sixty (60) days prior to the adoption of the final budget, the Board adopts a resolution of intent to suspend professional employees in the following fiscal year, setting forth:

i. The economic conditions necessitating the proposed suspensions and how the economic conditions will be alleviated by the proposed suspensions, including:

aa. The total cost savings expected from the proposed suspensions.

bb. A description of other cost-saving actions taken by the Board, if any.

cc. The projected District expenditures for the following fiscal year with and without the proposed suspensions.

dd. The projected total District revenues for the following fiscal year.

ii. The number and percentage of employees to be suspended who are:

aa. Professional employees assigned to provide instruction directly to students.

bb. Administrative staff.

cc. Professional employees who are not assigned to provide instruction directly to students and who are not administrative staff.

iii. The impact of the proposed suspensions on academic programs to be offered to students following the proposed suspensions, as well as the impact on academic programs to be offered to students if the proposed suspensions are not undertaken, compared to the current school year, and the actions if any, that will be taken to minimize the impact on student achievement.

E. Professional Employees Assigned to Provide Instruction Directly to Students

1. Suspensions, due to economic reasons, of professional employees assigned to provide instruction directly to students may be approved by the Board only if the Board also suspends at least an equal percentage proportion of administrative staff, except when all of the following apply: [\[4\]](#)

a. The Secretary of Education determines that the District's operations are already sufficiently streamlined or that the suspension of administrative staff would cause harm to the school stability and student programs.

b. The Secretary of Education submits the determination to the State Board of Education.

c. The State Board of Education approves the determination by a majority of its members.

2. The Board may choose to exempt from this requirement any five (5) administrative positions, one of which shall be the Business Manager or another staff member with the primary responsibility of managing the District's business operation. [\[4\]](#)

F. Order of Suspensions

1. Data necessary for computation of each professional employee's performance rating and seniority status shall be recorded and maintained to ensure compliance with the required order for suspensions. [\[7\]](#)[\[8\]](#)

G. Performance Evaluation Rating

1. Professional employees shall be suspended, within the area of certification required by law for the professional employee's current position, in the following order based on the two (2) most recent annual performance evaluations: [\[5\]](#)[\[7\]](#)[\[8\]](#)

a. Consecutive unsatisfactory ratings.

b. One (1) unsatisfactory rating and one (1) satisfactory rating.

c. Consecutive satisfactory ratings which are either consecutive ratings of proficient, or a combination of one (1) proficient or distinguished rating and one (1) needs improvement rating.

d. Consecutive satisfactory ratings which are consecutive distinguished, or a combination of one (1) rating of proficient and one (1) rating of distinguished.

H. Seniority

1. When the number of professional employees within each certification area receiving the same performance rating is greater than the number of suspensions, professional employees with the least seniority within each certification area shall be suspended before employees with greater seniority having the same performance rating.[\[5\]](#)

2. In addition, professional employees shall be realigned to ensure that employees with more seniority have the opportunity to fill other positions within the District for which they are certificated and which are currently filled by less senior employees with the same or lower overall performance rating.

3. Seniority shall continue to accrue during a suspension and all approved leaves of absence.[\[5\]](#)

4. When there is or has been a consolidation of schools, departments or programs, all professional employees shall retain the seniority rights they had prior to the reorganization or consolidation.[\[5\]](#)

I. Reinstatement

1. Suspended professional employees, or professional employees demoted for reasons of this policy, shall be reinstated within the area of certification required by law for the vacancy being filled in the District, in the inverse order by which they were suspended and on the basis of their seniority within the District.[\[5\]](#)

2. No new appointment shall be made while there is a suspended or demoted professional employee available who is properly certificated to fill such vacancy.[\[5\]](#)

3. Positions from which professional employees are on approved leaves of absence shall be considered temporary vacancies.[\[5\]](#)

~~H.~~ **4. To be considered available for reinstatement, suspended certificated administrative and professional employees shall must annually report in writing to the Board their current address and intent to accept the same or similar position when offered.**[\[5\]](#)

5. A suspended professional employee enrolled in a college program during a period of suspension and who is recalled shall be given the option of delaying a return to service until the end of the current semester.[\[5\]](#)

J. Local Agency Law Hearings

1. The decision to suspend a professional employee shall be considered an adjudication for the purposes of the Local Agency Law, and a professional employee subject to such a decision shall have the right to a Local Agency Law hearing before the Board, if a hearing is requested within ten (10) days after being notified of suspension.[\[5\]](#)[\[9\]](#)

2. A decision to nonrenew the employment of a temporary professional employee whose position has been eliminated or who is being nonrenewed for reasons for which professional employees may be suspended, shall be considered an adjudication for purposes of the Local Agency Law, and the

employee shall be entitled to a Local Agency Law hearing, if a hearing is requested within ten (10) days after being notified of the decision to nonrenew.
[9]

Revision History:

N/A

Legal

1. 22 PA Code 4.4
2. 24 P.S. 1106
3. 24 P.S. 406
4. 24 P.S. 1124
5. 24 P.S. 1125.1
6. 24 P.S. 524
7. 24 P.S. 1123
8. Pol. 313
9. 2 Pa. C.S.A. 551 et seq

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Performance Assessment of Superintendent/ Assistant Superintendent
Code	312
Status	Policy Committee Review
Adopted	December 15, 2014

Proposed deletions: ~~strike-through~~

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

I. Authority

A. The Board shall conduct a formal written performance assessment of the Superintendent ~~and Assistant Superintendent~~ annually as required by law.

B. A timeframe for the assessment shall be included in the employment contract.[\[1\]](#)

~~B.~~ **C.** The employment contract shall include objective performance standards mutually agreed to in writing by the Board and the Superintendent ~~and by the Board and the Assistant Superintendent.~~

D. The objective performance standards may be based upon any or all of the following:[\[1\]](#)

1. Achievement of annual measurable objectives established by the ~~district~~ **District.**
2. Achievement on Pennsylvania System of School Assessment (PSSA) tests.
3. Achievement on Keystone Exams.
4. Student growth as measured by the Pennsylvania Value-Added Assessment System.
5. Attrition rates or graduation rates.
6. Financial management standards.
7. Standards of operational excellence.

8. Any additional criteria deemed relevant and mutually agreed to by the Board and Superintendent ~~or Assistant Superintendent~~.

~~C.~~ **E.** The mutually agreed upon performance standards shall be posted on the ~~district~~ **District** website.[\[1\]](#)

~~D.~~ **F.** Upon completion of the annual performance assessment, the date of the assessment and whether ~~or not~~ the Superintendent ~~and Assistant Superintendent~~ have met the agreed upon objective performance standards shall be posted on the ~~district~~ **District** website.[\[1\]](#)

Legal

1. 24 P.S. 1073.1

24 P.S. 1080

Pol. 302

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	600 Finances
Title	Federal Fiscal Compliance
Code	626
Status	Policy Committee Review
Adopted	January 23, 2008
Last Revised	May 5, 2014

Proposed deletions: ~~strike through~~

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

I. Authority

A. The Board shall review and approve all applications for federal funds submitted by the district **District**.

II. Definitions

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

1. "Contract" means a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term as used here does not include a legal instrument, even if the entity considers it a contract, when the substance of the transaction meets the definition of a federal program award or subaward. (2 CFR 200.22).

2. "Contractor" means an entity that receives a contract, as defined in law and regulations, by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. (2 CFR 200.23).

3. "Pass-through entity" means a non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program. The district serves as the pass-through entity in cases where it awards federal funding to a subrecipient as defined in this procedure. (2 CFR 200.74).

4. "Subaward" means an award provided by a pass-through entity to a subrecipient in order to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract. (2 CFR 200.92).

5. "Subrecipient" means a non-federal entity that receives a subaward to carry out part of a federal program; but does not include an individual that is a beneficiary of such program. (A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.) (2 CFR 200.93).

6. "Applicable credits" refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award.

7. "Direct costs" means costs that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

8. "Indirect costs" means costs incurred for a common or joint purpose benefiting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved.

9. "Micro-purchase" means a purchase of equipment, supplies or services for use in federally funded programs using simplified acquisition procedures, the aggregate amount of which does not exceed a base amount of \$3,500. The micro-purchase dollar threshold is adjusted periodically by the federal government, and the threshold most recently established and published in the Federal Register shall apply if other than \$3,500.(48 CFR Subpart 2.1).

a. The micro-purchase maximum for federal purposes is lower than the amount below which the School Code allows purchase for nonfederal purposes to be made without obtaining at least three (3) written or telephonic quotes or using formal competitive bidding.

10. "Small purchase procedures" are those relatively simple and informal procurement methods for securing equipment, services, or supplies that cost more than the amount qualifying as a micro-purchase and do not cost \$19,400 or more.

11. "Domestic commodity or product" means: (7 CFR Sec. 210.21, 220.16).

a. An agricultural commodity that is produced in the United States; and

b. A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

III. Guidelines

A. Expenditures must be aligned with approved budgeted items. Any changes or variations from the state-approved budget and grant application need prior approval from the state.

B. All costs supported by federal education funds must meet the standards outlined in EDGAR, 2 CFR Part 3474 and 2 CFR Part 200, Subpart E, which are listed below.

1. The Director of Elementary and Secondary Education must consider these factors when making an allowability determination.

2. Part 200 sets forth general cost guidelines that must be considered, as well as rules for specific types of items, both of which must be considered when determining whether a cost is an allowable expenditure of federal funds.

3. The expenditure must also be allowable under the applicable program statute (e.g., Title I of the Elementary and Secondary Education Act (ESEA), or the Carl D. Perkins Career and Technical Education Act (Perkins)), along with accompanying program regulations, nonregulatory guidance and grant award notifications.

4. Whichever allowability requirements are stricter will govern whether a cost is allowable.

5. General allowability determination factors include the following:

a. Be Necessary and Reasonable for the performance of the federal award.

i. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made.

a. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices.

ii. When determining reasonableness of a cost, consideration must be given to:

a. Whether the cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the federal award.

b. The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state and other laws and regulations; and terms and conditions of the federal award.

c. Market prices for comparable goods or services for the geographic area.

d. Whether the individual incurring the cost acted with prudence in the circumstances considering responsibilities to the district, its employees, its students, the public at large, and the federal government.

e. Whether the district significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the federal award's cost. (2 CFR Sec. 200.404).

iii. Whether a cost is necessary will be determined based on the needs of the program.

a. Specifically, the expenditure must be necessary to achieve an important program objective.

b. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need, and can prove it.

1. For example, the school entity may deem a language skills software program necessary for a limited English proficiency program.

c. When determining whether a cost is necessary, consideration may be given to:

- 1. Whether the cost is needed for the proper and efficient performance of the federal award program.**
- 2. Whether the cost is identified in the approved budget or application.**
- 3. Whether there is an educational benefit associated with the cost.**
- 4. Whether the cost aligns with identified needs based on results and findings from a needs assessment.**
- 5. Whether the cost addresses program goals and objectives and is based on program data.**

b. Allocable to the federal award.

i. A cost is allocable to the federal award if the goods or services involved are chargeable or assignable to the federal award in accordance with the relative benefit received.

a. This means that the federal grant program derived a benefit in proportion to the funds charged to the program. (2 CFR Sec. 200.405)

1. For example, if fifty percent (50%) of a teacher's salary is paid with grant funds, then that teacher must spend at least fifty percent (50%) of his/her time on the grant program.

c. Consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the school entity.

d. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the federal award.

e. Consistent treatment.

i. A cost cannot be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.

f. Adequately documented. All expenditures must be properly documented.

g. Be calculated in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in Part 200.

h. Not included as a match or cost-share, unless the specific federal program authorizes federal costs to be treated as such.

i. Some federal program statutes require the nonfederal entity to contribute a certain amount of nonfederal resources to be eligible for the federal program.

i. Be the net of all applicable credits.

i. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges.

ii. To the extent that such credits accruing to or received by the state relate to the federal award, they shall be credited to the federal award, either as a cost reduction or a cash refund, as appropriate. (2 CFR Sec. 200.406).

6. Selected Items of Cost

a. Subpart E of Part 200 sets forth principles to be applied in establishing the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost), at 2 CFR Sec. 200.420-200.475.

b. These specific cost items are listed in the chart below along with the citation to the section of Subpart E addressing the allowability of that item.

c. These principles are in addition to the other general allowability standards, and apply whether a particular item of cost is properly treated as direct cost or indirect (F&A) cost.

d. Meeting the specific criteria for a listed item does not by itself mean the cost is allowable, as it may be unallowable under other standards or for other reasons, such as restrictions contained in the terms and conditions of a particular grant or restrictions established by the state or in Board policy. If an item is unallowable for any of these reasons, federal funds cannot be used to purchase it.

e. District personnel responsible for spending federal grant funds and for determining allowability must be familiar with and refer to the Part 200 selected items of cost section.

f. These rules must be followed when charging these specific expenditures to a federal grant.

g. When applicable, employees must check costs against the selected items of cost requirements to ensure the cost is allowable, and also check state, district and program-specific rules.

i. The selected item of cost addressed in Part 200 includes the following (in alphabetical order):

a. Advertising and public relations costs: 2 CFR § 200.421

b. Advisory councils: 2 CFR § 200.422

c. Alcoholic beverages: 2 CFR § 200.423

d. Alumni/ae activities: 2 CFR § 200.424

e. Audit services: 2 CFR § 200.425

f. Bad debts: 2 CFR § 200.426

g. Bonding costs: 2 CFR § 200.427

h. Collection of improper payments: 2 CFR § 200.428

- i. Commencement and convocation costs: 2 CFR § 200.429**
- j. Compensation – personal services: 2 CFR § 200.430**
- k. Compensation – fringe benefits: 2 CFR § 200.431**
- l. Conferences: 2 CFR § 200.432**
- m. Contingency provisions: 2 CFR § 200.433**
- n. Contributions and donations: 2 CFR § 200.434**
- o. Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements: 2 CFR § 200.435**
- p. Depreciation: 2 CFR § 200.436**
- q. Employee health and welfare costs: 2 CFR § 200.437**
- r. Entertainment costs: 2 CFR § 200.438**
- s. Equipment and other capital expenditures: 2 CFR § 200.439**
- t. Exchange rates: 2 CFR § 200.440**
- u. Fines, penalties, damages and other settlements: 2 CFR § 200.441**
- v. Fund raising and investment management costs: 2 CFR § 200.442**
- w. Gains and losses on disposition of depreciable assets: 2 CFR § 200.443**
- x. General costs of government: 2 CFR § 200.444**
- y. Goods and services for personal use: 2 CFR § 200.445**
- z. Idle facilities and idle capacity: 2 CFR § 200.446**
- aa. Insurance and indemnification: 2 CFR § 200.447**
- bb. Intellectual property: 2 CFR § 200.448**
- cc. Interest: 2 CFR § 200.449**
- dd. Lobbying: 2 CFR § 200.450**
- ee. Losses on other awards or contracts: 2 CFR § 200.451**
- ff. Maintenance and repair costs: 2 CFR § 200.452**
- gg. Materials and supplies costs, including costs of computing devices: 2 CFR § 200.453**
- hh. Memberships, subscriptions, and professional activity costs: 2 CFR § 200.454**
- ii. Organization costs: 2 CFR § 200.455**

jj. Participant support costs: 2 CFR § 200.456

kk. Plant and security costs: 2 CFR § 200.457

ll. Pre-award costs: 2 CFR § 200.458

mm. Professional services costs: 2 CFR § 200.459

nn. Proposal costs: 2 CFR § 200.460

oo. Publication and printing costs: 2 CFR § 200.461

pp. Rearrangement and reconversion costs: 2 CFR § 200.462

qq. Recruiting costs: 2 CFR § 200.463

rr. Relocation costs of employees: 2 CFR § 200.464

ss. Rental costs of real property and equipment: 2 CFR § 200.465

tt. Scholarships and student aid costs: 2 CFR § 200.466

uu. Selling and marketing costs: 2 CFR § 200.467

vv. Specialized service facilities: 2 CFR § 200.468

ww. Student activity costs: 2 CFR § 200.469

xx. Taxes (including Value Added Tax): 2 CFR § 200.470

yy. Termination costs: 2 CFR § 200.471

zz. Training and education costs: 2 CFR § 200.472

aaa. Transportation costs: 2 CFR § 200.473

bbb. Travel costs: 2 CFR § 200.474

ccc. Trustees: 2 CFR § 200.475

7. Helpful Questions for Determining Whether Costs are Allowable

a. In addition to applying the cost principles and standards described above, District staff involved in expending federal funds should ask the following questions when assessing the allowability of a particular cost:

i. Is the proposed cost allowable under the relevant program?

ii. Is the proposed cost consistent with an approved program plan and budget?

iii. Is the proposed cost consistent with program specific fiscal rules? For example, the school entity may be required to use federal funds only to supplement the amount of funds available from nonfederal (and possibly other federal) sources, or only as a match for funds from nonfederal sources.

iv. Is the proposed cost consistent with EDGAR?

v. Is the proposed cost consistent with specific conditions imposed on the grant (if applicable)?

vi. Is the proposed cost consistent with the underlying needs of the program? For example, program funds must benefit the appropriate population of students for which they are allocated. This means that, for instance, funds allocated under Title III of the Elementary and Secondary Education Act (ESEA) governing language instruction programs for Limited English Proficient (LEP) students must only be spent on LEP students and cannot be used to benefit non-LEP students.

vii. Will the cost be targeted at addressing specific areas of weakness that are the focus of the program, as indicated by available data?

b. Any questions related to specific costs should be forwarded to the Director of Elementary and Secondary Education who shall consult with the school solicitor for clarification as appropriate.

C. Cash Management – Federal Programs

1. Generally, the District receives payment from the Pennsylvania Department of Education (PDE) on a reimbursement basis.

2. In some circumstances, the District may receive an advance of federal grant funds.

3. This section addresses responsibilities of the District and District staff under those alternative payment methods.

4. In either case, the district shall maintain accounting methods and internal controls and procedures that assure those responsibilities are met.

5. Payment Methods

a. Reimbursements

i. The District will initially charge federal grant expenditures to nonfederal funds.

ii. The Business Administrator will request reimbursement for actual expenditures incurred under the federal grants quarterly.

iii. Such requests shall be submitted with appropriate documentation and signed by the requestor.

iv. Requests for reimbursements will be approved by the Business Administrator.

v. Reimbursement will be submitted on the appropriate form to the PDE portal.

vi. All reimbursements are based on actual disbursements, not on obligations. PDE will process reimbursement requests within the timeframes required for disbursement.

vii. Consistent with state and federal requirements, the District will maintain source documentation supporting the federal expenditures

(invoices, time sheets, payroll stubs, etc.) and will make such documentation available for PDE to review upon request.

viii. Reimbursements of actual expenditures do not involve interest calculations.

b. Advances

i. When the District receives advance payments of federal grant funds, it must minimize the time elapsing between the transfer of funds to the district and the expenditure of those funds on allowable costs of the applicable federal program. (2 CFR Sec. 200.305(b)).

ii. The District shall attempt to expend all advances of federal funds within seventy-two (72) hours of receipt.

iii. When applicable, the District shall use existing resources available within a program before requesting additional advances. Such resources include program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds. (2 CFR Sec. 305(b)(5)).

iv. The District shall hold federal advance payments in insured, interest-bearing accounts.

v. The District is permitted to retain for administrative expense up to \$500 per year of interest earned on federal grant cash balances.

a. Regardless of the federal awarding agency, interest earnings exceeding \$500 per year shall be remitted annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. (2 CFR Sec. 200.305(b)(9)).

vi. Pursuant to federal guidelines, interest earnings shall be calculated from the date that the federal funds are drawn down from the G5 system until the date on which those funds are disbursed by the district.

a. Consistent with state guidelines, interest accruing on total federal grant cash balances shall be calculated on cash balances per grant and applying the actual or average interest rate earned.

b. Remittance of interest shall be responsibility of the Business Administrator.

D. Administration of Federal Funds (Type of Costs, Obligations and Property Management)

1. The District establishes and maintains Board policies and procedures on administration of federal funds in federal programs as required by the Uniform Grant Guidance and other federal, state and local laws, regulations and requirements.

2. The District's financial management system includes internal controls and grant management standards in the following areas.

3. Direct and Indirect Costs

a. Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs. (2 CFR Sec. 200.405, 200.413).

b. Identification with the federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs.

c. Direct and indirect costs shall be determined in accordance with law, regulations, the terms and conditions of the federal award, and the district's negotiated indirect cost rate.

d. The District shall develop an indirect cost rate proposal and cost allocation plan in accordance with law, regulations and the terms and conditions of the federal award.

4. Timely Obligation of Funds

a. "Obligations," for the purposes of this policy, are orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the District during the same or a future period.

b. The following illustrates when funds must be obligated under federal regulations:

i. Acquisition of property: On the date on which the district makes a binding written commitment to acquire the property.

ii. Personal services by a District employee: When the services are performed

iii. Personal services by a contractor who is not a District employee: On the date on which the district makes a binding written commitment to obtain the services

iv. Public utility services: When the district receives the services

v. Travel: When the travel occurs

vi. Rental of property: When the district uses the property

vii. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 CFR Part 200, Subpart E - Cost Principles: On the first day of the project period

c. All obligations must occur between the beginning and ending dates of the federal award project, which is known as the period of performance.

d. The period of performance is dictated by law and regulations and will be indicated in the federal award.

e. Specific requirements for carryover funds may be specified in the federal award and must be adhered to by the district. (2 CFR Sec. 200.77, 200.309).

f. The District will handle obligations and carry over of state-administered and direct grants in accordance with state and federal law and regulations, and the terms and conditions of the federal award.

g. Carryover will be calculated and documented by the Business Administrator.

h. The District may exercise an extension of the period of performance under a direct grant in accordance with law, regulations and the terms and conditions of the federal award when written notice is provided to the federal awarding agency at least ten (10) calendar days prior to the end of the period of performance. (2 CFR Sec. 200.308(d)(2)).

i. The Business Administrator will decide when an extension of the period of performance is necessary and will recommend that the Superintendent approve this process.

j. The Business Administrator will develop the required written notice, including the reasons for the extension and revised period of performance; the notice will be issued no later than ten (10) calendar days prior to the end of the currently documented period of performance in the federal award.

k. The District must seek approval from the federal awarding agency for an extension of the period of performance when the extension is not contrary to federal law or regulations, and the following conditions apply:

i. The terms and conditions of the federal award prohibit the extension;

ii. The extension requires additional federal funds; or

iii. The extension involves any change in the approved objectives or scope of the project. (2 CFR Sec. §200.308)

l. The Business Administrator will determine when an extension must be requested for approval by the federal awarding agency, draft the written request and notify the Superintendent of the requested extension.

5. Management of Property Acquired With Federal Funds

a. Contract and Purchasing Administration: The District maintains internal controls, administrative regulations and procedures to ensure that contractors deliver goods and services in accordance with the terms, conditions and specifications of the designated contract, purchase order or requisition.

b. Property Classifications: Property shall be classified as equipment, supplies, computing devices and capital assets as defined and specified in accordance with law, regulations and Board policy. (Pol. 622)

c. Inventory Control/Management: All property purchased with federal funds, regardless of cost, will be inventoried as a safeguard.

i. Inventory will be received by the department or program requesting the item; designated staff will inspect the property, compare it to the applicable purchase order or requisition, and ensure it is appropriately logged and tagged in the district's property management system.

ii. Items acquired will be physically labeled by source of funding and acquisition date.

iii. Inventory records of equipment and computing devices must be current and available for review and audit, and include the following information:

a. Description of the item, including any manufacturer's model number.

b. Manufacturer's serial number or other identification number.

c. Identification of funding source.

d. Acquisition date and unit cost.

e. Source of items, such as company name.

f. Percentage of federal funds used in the purchase.

g. Present location, use, condition of item, and date information was reported.

h. Pertinent information on the ultimate transfer, replacement or disposition of the item and sale price of the property.

iv. Inventory will be updated as items are sold, lost or stolen, or cannot be repaired, and new items are purchased.

d. Physical Inventory: Physical inventory of property will be completed by designated District staff in accordance with applicable federal and state law and regulation and Board policy. (Pol. 622, 706).

i. The physical inventory of items will be conducted annually, and the results will be reconciled with the inventory records and reported to the federal awarding agency.

e. Maintenance: The District establishes adequate maintenance procedures to ensure that property is maintained in good condition in accordance with law, regulation and Board policy. (Pol. 704, 708, 710).

f. Safeguards: The District ensures that adequate safeguards are in place to prevent loss, damage or theft of property:

i. Any loss, damage or theft will be reported to the Business Administrator, and investigated and fully documented, and may be reported to local law enforcement.

ii. If stolen items are not recovered, the District will submit copies of the investigative report and insurance claim to the federal awarding agency.

iii. The District may be responsible for replacing or repairing lost, damaged, destroyed or stolen items.

iv. Replaced equipment is property of the originally funded program and should be inventoried accordingly.

v. District property may only be loaned in accordance with Board policy and administrative regulations. (Pol. 707, 708, 710).

g. Disposition of Property Acquired with Federal Funds: When the District determines that real property, including land, land improvements structures and accessories thereto, acquired under a federal award is no longer needed for the originally authorized purpose, the District must obtain disposition instructions from the federal awarding agency or pass-through entity administering the program, in accordance with applicable law and regulations. (2 CFR Sec. 200.311).

i. When the District determines that equipment or supplies acquired under a federal award are no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the Director of Elementary and Secondary Education will contact the federal awarding agency or pass-through entity administering the program to obtain disposition instructions, based on the fair market value of the equipment or supplies.

ii. Generally, items with a fair market value of \$5,000 or less that are no longer effective may be retained, sold, purged, or transferred to the district. For items with a fair market value greater than \$5,000, the federal awarding agency is entitled to the federal share of the current market value or sales proceeds.

iii. If the District will be replacing the equipment or supplies, the district may use the existing equipment or supplies as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

iv. The Director of Elementary and Secondary Education will be responsible for contacting the federal awarding agency and determining the process for disposition of equipment or supplies.

v. The District may use the following methods in disposing of unnecessary equipment or supplies acquired with federal funds:

a. Public auction and/or online sale – generally conducted by a licensed auctioneer.

b. Salvage – scrap sold to local dealers.

c. Negotiated sale – normally used when disposing of items of substantial value.

d. Sealed bid – normally used for items of substantial value or unique qualities.

e. Pre-priced sale – large quantities of obsolete or surplus equipment or supplies may be sold by this method.

f. Donation to charitable organizations, for equipment or supplies with little to no value.

g. Disposition to trash for equipment or supplies with no value.

vi. The Director of Elementary and Secondary Education will be responsible for maintaining records of obsolete and surplus property.

disposed of, and will report to the federal awarding agency when required.

E. Procurement – Federal Programs

1. Responsibility for Purchasing

a. The Board has outlined standard District purchasing responsibility, methods of purchasing, price quotations and bid requirements in the following Board policies and their accompanying administrative regulations or procedures:

i. Policy 610. Purchases Subject to Bid/Quotation

ii. Policy 611. Purchases Budgeted

iii. Policy 612. Purchases Not Budgeted

iv. Policy 613. Cooperative Purchasing

2. Purchase Methods

a. When a request for purchase of equipment, supplies or services has been submitted and approved as outlined below, the procurement method to be used will be determined based on the total cost of the purchase as further outlined below.

b. This procedure outlines how the cost thresholds for determining when the quote or formal bidding procedures that are required by state law as reflected in Policy 610 must be modified when making purchases for federally funded purposes to which the Uniform Grant Guidance or USDA regulations apply, to comply with both state and federal requirements.

c. At each point where requirements for food service-related procurement under USDA regulations differ, a note will refer to the Food Service Program Notes at the end of this procedure. Final determination of which purchasing procedures are to be applied is delegated to the Business Administrator under the authority of the Board.

d. Standard Procurement Documents and Purchase Request Process

i. The district shall use purchase orders for purchase requests in accordance with the applicable purchase method.

ii. The district shall use electronic purchasing records, which are pre-numbered and are accessible to designated purchasing staff in the Business Office.

e. Purchase requests by an employee must be submitted to the building administrator or immediate supervisor.

f. Purchase of all budgeted items or items approved by an administrator or supervisor must be initiated by use of a purchase order or requisition submitted to the Business Administrator.

g. Purchase orders and requisitions shall contain information including, but not limited to:

i. Description of the services to be performed or goods to be delivered.

ii. Location of where services will be performed or goods will be delivered.

iii. Appropriate dates of service or delivery.

h. Documentation on purchase orders and requisitions shall be maintained in accordance with the District's Records Management Policy and records retention schedule. (Pol. 800)

i. Contracts shall be reviewed by the Business Administrator prior to submission to the Board for approval.

j. Contracts to which the Uniform Grant Guidance apply shall contain the clauses specified in Appendix II to 2 CFR Part 200 (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards), when applicable.

3. Micro-Purchases Not Requiring Quotes or Bidding (up to \$3,500)

a. The micro-purchase method is used in order to expedite the completion of its lowest dollar small purchase transactions and minimize the associated administrative burden and cost. Procurement by micro-purchase is the acquisition of equipment, supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold.

b. To the extent practicable, the District distributes micro-purchases equitably among qualified suppliers when the same or materially interchangeable products are identified and such suppliers offer effectively equivalent rates, prices and other terms.

c. The Business Administrator will be responsible to determine the equitable distribution of micro-purchases.

d. Micro-purchases may be awarded without soliciting competitive quotations if the District considers the price to be reasonable.

i. The District will maintain evidence of this reasonableness in the records of all micro-purchases.

ii. Reasonable means that sound business practices were followed and the purchase is comparable to market prices for the geographic area. Such determinations of reasonableness may include comparison of the price to previous purchases of the same item or comparison of the price of items similar to the item being purchased.

e. Even if the cost of a purchase qualifies it as a micro-purchase, bidding or small purchase procedures may be used optionally when those procedures may result in cost savings.

4. Small Purchase Procedures (between \$3,500 and \$19,400)

a. Small purchase procedures cannot be used for purchases of equipment or supplies or for construction, repair or maintenance services costing \$19,400 or more because the School Code requires formal competitive bidding at that level of cost.

b. The base amount at which bidding is required under state law is adjusted for inflation annually, and the amount most recently established

and published in the Pennsylvania Bulletin shall apply if other than \$19,400. (24 P.S. Sec. 120).

c. Because state law does not require bidding for the purchase of services other than construction, maintenance or repairs on school facilities regardless of total cost, small purchase procedures, including a request for proposal (RFP) procedure, may be used for procurement of such other services except when the estimated total cost will be at or over the federal threshold at which formal competitive bidding is required (\$150,000).

d. If small purchase procedures are used, written or telephonic price or rate quotations are obtained from at least three (3) qualified sources and records of quotes are maintained as provided in Policy 610. (Pol. 610).

5. Formal Competitive Bidding (\$19,400 or more).

a. Publicly Solicited Sealed Competitive Bids

i. For purchases of equipment or supplies, or of services for construction, maintenance or repairs of school facilities, sealed competitive bids are publicly solicited and awarded to the lowest responsive and responsible bidder as provided in Policy 610 when the total cost is estimated to be \$19,400 or more. (Pol. 610).

ii. The amount at which formal competitive bidding is required by federal regulations is much higher than the base amount at which the School Code requires competitive bidding.

a. The lower base amount specified by the School Code, as annually adjusted, is used to determine when bidding will be used for purchases of equipment or supplies, or for obtaining services for construction, maintenance or repairs on school facilities. (24 P.S. Sec. 120).

iii. State law does not require bidding for the purchase of services other than construction, maintenance or repairs on school facilities regardless of total cost. For procurement of such other services for federally funded purposes to which the Uniform Grant Guidance applies, formal competitive bidding will be used when the estimated total cost will be at or over the federal threshold of \$150,000.

iv. The federal competitive bidding dollar threshold is adjusted periodically by the federal government, and the threshold most recently established and published in the Federal Register shall apply if other than \$150,000. (48 CFR Subpart 2.1).

v. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest.

vi. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. Any or all bids may be rejected if there is a sound documented reason.

6. Competitive Proposals

a. State law does not require public school entities to solicit competitive bids for services other than construction, repairs or

maintenance of school facilities, for which competitive bidding is required if the cost will be a base amount of \$19,400 or more. State law allows competitive proposals relating to work on facilities in lieu of bidding only in the context of guaranteed energy savings contracts.

b. Federal regulations allow the use of competitive proposals as an alternative when formal bidding would otherwise be required only to procure architectural and engineering services. Other types of services for federally funded purposes to which the Uniform Grant Guidance applies, professional or otherwise, must be procured using competitive bidding when the cost would meet or exceed the federal threshold for competitive bidding (\$150,000).

c. In the case of services other than for construction, repairs or maintenance of school facilities costing less than that threshold, the district may use small purchase procedures or micro-purchase procedures as applicable based on total cost.

d. A request for proposal (RFP) process can also meet or exceed the small purchase competition requirements under state law and Policy 610 for the acquisition of services other than for construction, repairs or maintenance of school facilities, and can be used if the total cost will be less than \$150,000.

e. When permitted, the technique of competitive proposals is normally conducted with more than one (1) source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded.

f. Competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation.

g. The District shall comply with other applicable state and federal law and regulations, Board policy and administrative regulations regarding purchasing; the District may consult with the school solicitor or other qualified counsel in determining the required process for purchasing through competitive proposals when necessary.

h. If this method is used, the following requirements apply:

i. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.

ii. Proposals must be solicited from an adequate number of qualified sources.

iii. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

iv. Competitive proposals shall be evaluated by the Business Administrator and Director of Elementary and Secondary Education based on factors including but not limited to:

a. Cost.

b. Experience of contractor.

c. Personnel qualifications.

d. Financial stability.

e. Understanding of District needs.

v. Evaluations shall be completed in a timely manner, documented and shall be reviewed by the Business Administrator.

vi. Contract/Price Analysis

a. The District performs a cost or price analysis in connection with every procurement action in excess of \$150,000, including contract modifications. (2 CFR Sec. 200.323(a)).

b. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

c. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Business Administrator must come to an independent estimate prior to receiving bids or proposals. (2 CFR Sec. 200.323(a)).

d. As part of the analysis, the Business Administrator will enact established business practices which may include evaluation of similar prior procurements and a review process.

e. When performing a cost analysis, the Business Administrator negotiates profit as a separate element of the price.

f. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. (2 CFR Sec. 200.323(b)).

7. Noncompetitive Proposals (Sole Sourcing)

a. Procurement by noncompetitive proposals means procurement through solicitation of a proposal from only one (1) source and may be used only when one or more of the following circumstances apply:

i. The item is available only from a single source.

ii. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. An emergency exists whenever the time required for the Board to act in accordance with regular procedures would endanger life or property or threaten continuance of existing school classes.

iii. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District.

iv. After solicitation of a number of sources, the district determines the competition is inadequate.

b. The District will document the grounds for using the noncompetitive method in lieu of an otherwise required competitive method of procurement, which may include written confirmation from the contractor as the sole source of the item. Documentation must be submitted to and maintained by the Business Office.

c. All noncompetitive proposals will ultimately be approved by the Board. The district may utilize legal advice from the solicitor regarding noncompetitive proposals.

d. A cost or price analysis will be performed for noncompetitive proposals when the price exceeds \$150,000.

e. Purchase Cards

i. The District 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 contractor payment.

ii. Procurement cards may be used for purchases under federal programs.

iii. The use of procurement cards is governed by Board policy 625 Procurement Cards and established administrative regulations. (Pol. 625).

f. Full and Open Competition

i. All procurement transactions must be conducted in a manner providing full and open competition consistent with 2 CFR Sec. 200.319.

ii. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

iii. Some of the situations considered to be restrictive of competition include but are not limited to:

a. Placing unreasonable requirements on firms in order for them to qualify to do business.

b. Requiring unnecessary experience and excessive bonding.

c. Noncompetitive pricing practices between firms or between affiliated companies.

d. Noncompetitive contracts to consultants that are on retainer contracts.

e. Organizational conflicts of interest.

f. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement.

g. Any arbitrary action in the procurement process.

iv. EDGAR further requires the following to ensure adequate competition.

g. Minority Businesses, Women’s Business Enterprises, Labor Surplus Area Firms

i. The District must take necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible.

ii. Affirmative steps must include: (2 CFR Sec. 200.321).

a. Placing qualified small and minority business and women’s business enterprises on solicitation lists.

b. Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources.

c. Dividing total purchasing requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business and women’s business enterprises.

d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women’s business enterprises.

e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

f. Requiring the prime contractor, if subcontracts are let, to take the affirmative steps listed above.

h. Geographical Preferences Prohibited

i. The District must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.

ii. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

i. Prequalified Lists

i. The District must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the district must not preclude potential bidders from qualifying during the solicitation period.

j. Solicitation Language

i. The District must ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition.

ii. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

iii. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement.

iv. The specific features of the named brand which must be met by offers must be clearly stated; and identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

k. Avoiding Acquisition of Unnecessary or Duplicative Items

i. The District must avoid the acquisition of unnecessary or duplicative items.

ii. Additionally, consideration must be given to consolidating or breaking out procurements to obtain a more economical purchase; and, where appropriate, an analysis must be made of leases versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

iii. These considerations are given as part of the process to determine the allowability of each purchase made with federal funds.

l. Use of Intergovernmental Agreements and Cooperative Purchasing

i. To foster greater economy and efficiency, the District enters into state and local intergovernmental agreements where appropriate for cooperative purchasing or use of common or shared goods and services, as permitted by the Intergovernmental Cooperation Act and the Commonwealth Procurement Code. (Pol. 613; 53 Pa. C.S. Ch. 23; 62 Pa. C.S. Ch. 19).

ii. When procuring supplies or services for federally funded purposes to which the Uniform Grant Guidance applies, the district shall verify that the organization conducting the procurement pursuant to such

agreements complies with the applicable requirements and standards of the Uniform Grant Guidance as outlined in this procedure.

m. Use of Federal Excess and Surplus Property

i. The District considers the use of federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

n. Debarment and Suspension

i. The District awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

ii. The District may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$25,000 the District verifies that the contractor with whom the District intends to do business is not excluded or disqualified. (2 CFR Part 200, Appendix II, and 2 CFR Sec. 180.220 and 180.300).

iii. All successful contractors must provide written certification that they have not been suspended or debarred from federal projects.

iv. The Business Administrator will be responsible for verification.

a. Such verification may include accessing the online federal System for Award Management (SAM) to determine whether any relevant party is subject to any suspension or debarment restrictions.

o. Maintenance of Procurement Records

i. The District must maintain records sufficient to detail the history of all procurements.

ii. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.

iii. Maintenance of records of procurement will be governed by Board policy 800 Records Management and established administrative regulations. (Pol. 800).

p. Time and Materials Contracts

i. The District may use a time and materials type contract only:

a. after a determination that no other contract is suitable; and

b. if the contract includes a ceiling price that the contractor exceeds at its own risk.

ii. Time and materials type contract means a contract whose cost to the district is the sum of: the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

iii. Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency.

iv. Each contract must set a ceiling price that the contractor exceeds at its own risk.

v. The District must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

g. Settlements of Issues Arising Out of Procurements

i. The District alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements.

ii. These issues include, but are not limited to, source evaluation, protests, disputes, and claims.

iii. These standards do not relieve the district of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

h. Protest Procedures to Resolve Dispute

i. The District maintains protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

ii. Protest procedures will be acted on in accordance with current state law and regulations, established district administrative regulations and the advice of the solicitor. (Pol. 610).

i. Food Service Program

i. Exemption from Bidding for Perishable Food Items

a. The School Code exempts purchases of perishable food items from bidding requirements.

b. Bidding for perishable food items is required only if the cost would be at or over the federal threshold at which formal competitive bidding is required (\$150,000). Small purchase procedures may be used for purchases below \$150,000, or micro-purchase procedures for purchases below \$3,500. Use of bidding should be considered as an option if it is feasible and likely to result in cost savings.(24 P.S. Sec. 504(d)).

ii. Geographic Preferences

a. The District is permitted to apply a geographic preference when procuring unprocessed locally grown or locally raised

agricultural products. When a geographic preference is applied, the district has discretion to determine the local area to which the geographic preference option will be applied.

b. Unprocessed locally grown or locally raised agricultural products means only those agricultural products that retain their inherent character.

c. The effects of the following food handling and preservation techniques shall not be considered as changing an agricultural product into a product of a different kind or character:

1. cooling;

2. refrigerating;

3. freezing;

4. size adjustment made by peeling, slicing, dicing, cutting, chopping, shucking, and grinding; forming ground products into patties without any additives or fillers;

5. drying/dehydration;

6. washing;

7. packaging (such as placing eggs in cartons), vacuum packing and bagging (such as placing vegetables in bags or combining two (2) or more types of vegetables or fruits in a single package);

8. the addition of ascorbic acid or other preservatives to prevent oxidation of produce; butchering livestock and poultry;

9. cleaning fish; and the pasteurization of milk. (7 CFR Sec. 210.21, 215.14a, 220.16)

iii. Buy American

a. The District shall purchase, to the maximum extent practicable, domestic commodities or products for food service purposes.

iv. Mandatory Contract Clauses

a. The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts: (7 CFR Sec. 210.21, 215.14a, 220.16)

1. Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority;

b. The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or

1. The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification;

c. The contractor's determination of its allowable costs must be made in compliance with the applicable departmental and program regulations and Office of Management and Budget cost circulars;

d. The contractor must identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit. If approved by the state agency, the school food authority may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually;

e. The contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract; and

f. The contractor must maintain documentation of costs and discounts, rebates and other applicable credits, and must furnish such documentation upon request to the school food authority, the state agency, or the department.

v. Contracts with Food Service Management Companies

a. Procedures for selecting and contracting with a food service management company (FSMC) shall comply with guidance provided by the Pennsylvania Department of Education, Division of Food and Nutrition, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts. (7 CFR Sec. 210.16, 210.19, 210.21, 215.14a, 220.16).

vi. Pre-Plated Meals

a. Procedures for selecting and contracting with contractors of pre-plated meals shall comply with guidance provided by the Pennsylvania Department of Education, Division of Food and Nutrition, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts. (7 CFR Sec. 210.16, 210.19, 210.21, 220.16).

F. Grant Subrecipient Monitoring Procedures – Federal Programs

1. In the event the District disperses federal funds received through a federal award to other entities and assigns responsibilities to the outside entity to conduct a portion of the work, the District shall be responsible for determining, on a case-by-case basis, whether the agreement with such entity places the outside entity in the role of a subrecipient receiving a subaward of federal funding, or the role of a contractor.

2. If the District grants subawards of federal funding to other entities as subrecipients, the District shall be responsible for:

a. Evaluating the entity for risk of noncompliance to determine appropriate monitoring practices.

b. Monitoring the subrecipient entity's implementation to ensure compliance with federal, state and local laws, conditions of the federal funding award, and Board policy and procedures.

c. Notifying the subrecipient entity of identified deficiencies found during the monitoring process and ensuring that identified deficiencies are corrected.

d. Documenting and retaining records on subrecipient identification, notification, evaluation, monitoring and corrective actions taken.

3. The District shall notify subrecipients that they have been identified as a subrecipient and that the funding qualifies as a subaward.

4. The District shall provide the subrecipient with the following information as specified at 2 CFR Sec. 200.331(a) regarding the federal funding award, and any subsequent changes:

a. Federal Award Identification information, including:

i. Subrecipient name (which must match the name associated with its unique entity identifier);

ii. Subrecipient's unique entity identifier;

iii. Federal Award Identification Number (FAIN);

iv. Federal Award Date (see §200.39 federal award date) of award to the recipient by the federal agency;

v. Subaward Period of Performance Start and End Date;

vi. Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient;

vii. Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation;

viii. Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;

ix. Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);

x. Name of federal awarding agency, pass-through entity, and contact information for awarding official of the pass-through entity;

xi. CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each federal award and the CFDA number at time of disbursement;

xii. Identification of whether the award is R&D; and

xiii. Indirect cost rate for the federal award (including if the de minimis rate is charged per §200.414 Indirect (F&A) costs);

b. All requirements imposed by the pass-through entity on the subrecipient so that the federal award is used in accordance with federal statutes, regulations and the terms and conditions of the federal award;

c. Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the federal awarding agency including identification of any required financial and performance reports;

d. An approved federally recognized indirect cost rate negotiated between the subrecipient and the federal government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient (in compliance with this part), or a de minimis indirect cost rate as defined in §200.414 Indirect (F&A) costs, paragraph (f);

e. A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part; and

f. Appropriate terms and conditions concerning closeout of the subaward.

5. Evaluation of Risk

a. The District shall evaluate each subrecipient's risk of noncompliance with law, regulations and the terms and conditions of the subaward to determine appropriate monitoring practices. (2 CFR 200.331).

b. The Business Administrator or the Business Administrator's designee shall be responsible for evaluating risk based on the following factors:

i. The subrecipient's prior experience with the same or similar subawards;

ii. The results of previous audits, including whether the subrecipient receives a single audit and the extent to which the same or similar subaward has been audited;

iii. Whether the subrecipient has new personnel, or new or substantially changed systems and processes;

iv. The extent and results of any federal award agency's monitoring of the subrecipient.

c. The Business Administrator or the Business Administrator's designee shall request adequate documentation from the subrecipient to conduct the evaluation of risk; such documentation may include, but shall not be limited to audit reports, financial reports and policies and procedures as specified in the legal agreement or contract.

d. Based on the results of the risk evaluation, the District may consider imposing specific conditions on implementation of the subaward, in accordance with applicable law and regulations. (2 CFR 200.207, 200.331).

6. Monitoring

a. The District shall monitor the implementation and activities of each subrecipient as necessary to ensure that the subaward is used for authorized purposes, in accordance with law, regulations and the terms and conditions of the subaward. The district shall notify subrecipients of monitoring requirements, and may provide technical assistance to subrecipients in complying with monitoring requirements.

b. As part of the monitoring process, the District shall complete the following steps: (2 CFR 200.331).

i. Review financial and performance reports required by the District.

ii. Follow-up and ensure that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the subaward detected during monitoring through audits, on-site reviews and other means.

iii. Issue a management decision for audit findings pertaining to the subaward provided to the subrecipient, in accordance with applicable law and regulations. (2 CFR 200.521).

c. The Director of Elementary and Secondary Education or the Director of Elementary and Secondary Education's designee shall be responsible for monitoring of subrecipients.

d. Monitoring activities may include, but shall not be limited to:

i. Review of progress reports, financial reports and data quality.

ii. On-site visits.

iii. Review of federal or state debarment lists.

iv. Review of other agreed-upon procedures specified in the legal agreement or contract. (2 CFR 200.425).

e. The District shall verify that subrecipients are audited as required by applicable law and regulations. (2 CFR 200.331, 2 CFR 200.500-200.521, Pol. 619).

f. Follow-Up Actions

i. The Business Administrator or the Business Administrator's designee shall provide subrecipients with written documentation detailing their monitoring results and listing any identified deficiencies. The district shall consider whether the results of monitoring indicate the need to revise existing district policy and procedures. (2 CFR 200.331).

ii. The District shall require subrecipients to take immediate action on issues involving ineligible or illegal use of federal funding, and notify the district of corrective action taken.

iii. The District shall require subrecipients to develop a corrective action plan to address other identified deficiencies or noncompliance issues; such plan shall be submitted to the District as specified in the agreed-upon procedures, and the District shall evaluate and monitor the activities taken by the subrecipient under the corrective action plan.

iv. The District may provide technical assistance and/or training to subrecipients in complying with corrective action requirements.

v. The Business Administrator or the Business Administrator's designee shall maintain all documentation on monitoring of subrecipients and corrective action taken during the monitoring process.

vi. The District shall report issues of noncompliance to the appropriate federal agency where required by law, regulations, or requirements of the federal funding program.

g. Remedies for Noncompliance

i. When monitoring activities identify issues of noncompliance that are not addressed through corrective action, the district may take the following actions: (2 CFR 200.331, 200.338).

a. Impose specific conditions on the subrecipient, in accordance with applicable law and regulations. (2 CFR 200.207).

b. Temporarily withhold cash payments, in accordance with applicable law and regulations.

c. Disallow or deny use of funds for all or part of the cost of the activity or action not in compliance.

d. Wholly or partially suspend or terminate the agreement for the federal award.

e. Recommend that the federal agency initiate suspension and debarment proceedings.

f. Withhold further awards or agreements for the project or program.

g. Take other remedies legally available, in consultation with the school solicitor or other qualified counsel.

h. Record Retention

i. The Director of Elementary and Secondary Education shall ensure that all documentation regarding subrecipient identification, notification, evaluation, monitoring activities and corrective action is maintained in accordance with Board policy and procedures. (Pol. 800).

ii. Records shall be retained in accordance with applicable law, regulations, specific requirements of the federal program and the district's records retention schedule. (2 CFR 200.333-200.337, Pol. 800).

II. **IV. Delegation of Responsibility**

A. The Board designates the Head of Federal Programs as the district ~~District~~ contact for all federal programs and funding. **When determining how the District will spend its grant funds, the Director of Elementary and Secondary Education will review the proposed cost to determine whether it is an allowable use of federal grant funds before obligating and spending those funds on the proposed good or service.**

B. The Superintendent or **the Superintendent's** designee shall develop administrative regulations **procedures** governing the procurement, use, management and disposal of goods, materials and equipment purchased with federal grant funds.

C. At a minimum, the administrative regulations shall provide procedures **shall** to ensure:

1. Expenditures of federal grant funds are completed in accordance with federal requirements.
2. Title to and control of location, custody and security of equipment and/or property purchased with federal funds are maintained.
3. The Business Administrator shall track and document all federal programs expenditures and verify budgetary information required for those programs.
4. All District employees paid with federal funds shall document the time they expend towards federal programs, in accordance with law.

Revision History:

May 5, 2019

Legal	20 U.S.C. 6301-6514
	20 U.S.C. 7901

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Reporting of Arrests and Convictions
Code	317.1
Status	
Adopted	April 21, 2014
Last Revised	February 16, 2016
Last Reviewed	February 16, 2016

Proposed deletions: ~~strike through~~

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

~~I. Purpose~~

~~A. The Board expects all administrative, professional and support employees to conduct themselves in a manner consistent with applicable law.~~

~~II. Guidelines~~

~~A. Employees shall report to the Superintendent or designee on the designated form, within seventy-two (72) hours of the occurrence, an arrest or conviction required to be reported by law.[1]~~

~~B. An employee shall be required to submit a current criminal history background check report if the Superintendent or designee has a reasonable belief that the employee was arrested or has been convicted of an offense required to be reported by law, and the employee has not notified the Superintendent or designee. Failure to accurately report such arrests and convictions may, depending on the nature of the offense, subject the employee to disciplinary action up to and including termination and criminal prosecution.[1]~~

~~III. Delegation of Responsibility~~

~~A. The Superintendent or designee shall develop administrative regulations to implement this policy.~~

Legal	1. 24 P.S. 1111
	Pol. 317

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Creating a Position
Code	301
Status	Policy Committee Review
Adopted	December 16, 2013

Proposed deletions: ~~strike through~~

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

I. Authority

A. Positions for administrative, professional and support employees shall be established by the Board in order to provide the effective leadership and management necessary to operate ~~district~~ **District** schools and to provide quality educational programs and services, consistent with the needs of the schools and the resources of the community.

B. The need for creating positions shall be determined by the Board, based on the recommendation of the Superintendent.

~~C.~~ The Board reserves for itself the final determination of the number and type of staff positions deemed necessary for effective management of the ~~district~~ **District** and operation of the schools.~~[1][2][3][4]~~

~~D.~~ **D.** The initial salary or salary range for a new position shall be determined by the Board when creating the position, based upon the recommendation of the Superintendent and supporting documentation.~~[5]~~

~~E.~~ **E.** In the exercise of its authority to create a new position, the Board shall give primary consideration to the following:

1. Effective management of ~~district~~ **District** programs.
2. Number of students enrolled.
3. Special needs of students.
4. Operational needs of the ~~district~~ **District**.
5. Financial resources of the school community.

~~F.~~ **F.** The Superintendent shall be responsible for recommending a new or additional administrative, professional or support position.

II. **Delegation of Responsibility Guidelines**

A. Recommendations for a new or additional position shall include:

1. Job description clearly stating the duties for which the position was created.
2. Title that conforms with the appropriate certificate if certification is required.
3. Supporting data and other rationale relevant to the recommendation.

B. The Board may, through the Superintendent, seek the advice of administrative staff when creating a new position or increasing the number of employees in existing positions.

C. The Superintendent or **the Superintendent's** designee shall be responsible to maintain a comprehensive and up-to-date job description for all positions in the ~~district~~ **District**.

D. Job descriptions shall be prepared in accordance with relevant federal and state laws and regulations.[6]

Legal

1. 24 P.S. 1001
2. 24 P.S. 1106
3. 24 P.S. 1107
4. 22 PA Code 4.4
5. Pol. 328
6. Pol. 104
- 24 P.S. 1075

Last Modified by Policy Staff on May 1, 2019



Book	Policy Manual
Section	300 Employees
Title	Student Teachers/Interns
Code	307
Status	Policy Committee Review
Adopted	December 16, 2013
Last Reviewed	September 21, 2015

Proposed deletions: ~~strike through~~

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

I. Authority

- A. The Board encourages cooperation with colleges and universities within the state to assist in the training of student teachers and interns.
- B. The Board establishes that ~~district~~ **District** schools shall accept student teachers and interns from accredited institutions with which the ~~district~~ **District** has a cooperative agreement approved by the Board.[\[1\]](#)
- C. The Board directs that student teachers and interns shall not be accepted into ~~district~~ **District** schools unless they have complied with the mandatory background check requirements for criminal history and child abuse and the ~~district~~ **District** has evaluated the results of those screening processes.[\[2\]](#)[\[3\]](#)

II. Delegation of Responsibility

- A. The Superintendent or **the Superintendent's** designee shall be responsible to assign student teachers and interns to the schools.
- B. The Superintendent or **the Superintendent's** designee shall ensure distribution of student teachers throughout the ~~district~~ **District** so that no single group of students or teachers will be subject to excessive student teacher classroom hours.
- C. Student teachers and interns shall comply with the health examination requirements of the state and Board policy applicable to district staff.[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)
- D. While serving in ~~district~~ **District** schools, student teachers and interns shall be responsible for their conduct to the supervising teacher/administrator and building principal.
- E. Arrest or Conviction Reporting Requirements

1. Prior to being accepted into ~~district~~ **District** schools, student teachers and interns shall report, on the designated form, arrests and convictions as specified on the form. Student teachers and interns shall likewise report arrests and/or convictions that occur subsequent to initially submitting the form.[2]
2. While serving in ~~district~~ **District** schools, student teachers and interns shall use the designated form to report to the Superintendent or **the Superintendent's** designee, within seventy-two (72) hours of the occurrence, an arrest or conviction required to be reported by law.[2]
3. While serving in ~~district~~ **District** schools, a student teacher or intern shall be required to report to the Superintendent or **the Superintendent's** designee, in writing, within seventy-two (72) hours of notification, that s/he **the student teacher or intern** has been listed as a perpetrator in the Statewide database, in accordance with the Child Protective Services Law.[9]
4. A student teacher or intern shall be required to submit a current criminal history background check report if the Superintendent or **the Superintendent's** designee has a reasonable belief that the student teacher or intern was arrested or has been convicted of an offense required to be reported by law, and the student teacher or intern has not notified the Superintendent or **the Superintendent's** designee.[2]
5. Failure to accurately report such arrests and convictions may subject the student teacher or intern to disciplinary action up to and including dismissal from the program and criminal prosecution.[2][9]

III. Guidelines

A. F. Observers

1. Student teachers, interns and faculty of other educational institutions shall be offered the opportunity to visit ~~district~~ **District** schools and observe classes.
- 2.** Such observers must be treated as any other visitor and shall be under the direct supervision of the principal or designee.[10]

NOTES:-

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~~Chapter 8 of the State Board of Regulations has not been updated since August of 1990 and does not reflect current statutory requirements.~~

~~SC 111.1. Employment History Review does not apply to student teachers.~~

~~PSBA Revision 2/15 © 2015 PSBA~~

Legal

1. 24 P.S. 510
2. 24 P.S. 111
3. 23 Pa. C.S.A. 6344
4. 24 P.S. 1418
5. 28 PA Code 23.43
6. 28 PA Code 23.44
7. 28 PA Code 23.45
8. Pol. 314
9. 23 Pa. C.S.A. 6344.3
10. Pol. 907
- 22 PA Code 8.1 et seq
- 23 Pa. C.S.A. 6301 et seq

Last Modified by Policy Staff on May 1, 2019



Book	Policy Manual
Section	300 Employees
Title	Exit Interview
Code	308.1
Status	Policy Committee Review
Adopted	March 3, 2014

Proposed deletions: ~~strike through~~

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

I. Purpose

A. The purpose of this policy is to provide a formal, systematic process for administrative, professional and support employees to share their opinions about the policies, procedures and working environment of the ~~district~~ **District upon leaving employment in the District.**

B. Procedure

1. All employees who leave the ~~district~~ **District**, whether through retirement, resignation or termination shall receive a written exit survey to complete and return to the human resources office.

2. Employees shall also have the option of a face-to-face exit interview.

~~2-~~ **3.** Information obtained through the exit survey and/or exit interview will be shared with the Superintendent or **the Superintendent's** designee, who shall prepare a system-wide summary of information annually and track patterns and trends in responses.

4. Confidential information about individual staff shall not be reported publicly.

II. Authority

A. The Board may request a report from the Superintendent on the summary of information provided on the written exit surveys and/or the exit interviews.

III. Guidelines

A. To improve Human Resources practices and make the District a better place to work, the District's Human Resources Office will seek the comments of outgoing employees through an exit survey and exit interview.

B. The information employees provide during the exit interview will be summarized and reported to the Superintendent.

1. Employee responses will be kept confidential and will not be placed in the employee personnel file.

C. All employees who are leaving employment with the District will be asked to complete an Exit Interview Survey.

1. An exit interview survey instrument shall include questions in the following areas:

- ~~1.~~ **a.** Reason(s) for ending employment **employment** with the district **District**.
- ~~2.~~ **b.** Job satisfaction.
- ~~3.~~ **c.** Supervisory practices.
- ~~4.~~ **d.** Nonstructured responses.

~~B.~~ **2.** All persons leaving employment with the district **District** shall receive an Exit Interview Survey Form from the human resources office by mail to the person's last known address with a self-addressed envelope with postage and a letter of instruction requesting its completion and return.

a. If an employee voluntarily leaves employment with the district **District**, the survey shall be mailed to the employee within five (5) business days of the employee's last day of employment or Board approval of the employee's resignation at a public meeting, whichever occurs later.

b. If an employee is terminated, the survey shall be mailed to the employee within five (5) business days of the conclusion of termination proceedings, including all appeal periods.

D. All employees will be offered an exit interview.

~~C.~~ **1.** In all cases, the employee shall be offered an exit interview with:

- ~~(1)~~ **a.** his/her **the employee's** administrative supervisor (i.e. professional staff with their building principal, support staff with immediate supervisor, business office with Director of Business Administration, administrators with Superintendent and Superintendent with Board members;
- ~~(2)~~ **b.** the Human Resources Director;
- ~~(3)~~ **c.** the Board, or a committee thereof; or
- ~~(4)~~ **d.** the Superintendent.

2. At the exit interview, the items on the survey will be discussed for clarification only. ~~The exit interview will not be scheduled until after the employee's last day of employment, Board approval of the employee's resignation at a public meeting or the conclusion of termination proceedings, including all appeal periods, whichever occurs later.~~

~~D.~~ **3.** The Superintendent will be present at all exit interviews with the Board, or a committee thereof.

~~E.~~ **4.** The solicitor and security personnel may also be present at exit interviews with the Board, or a committee thereof, at the Board's discretion.

5. Conducting the Exit Interview

a. To encourage an open and honest discussion:

- i. The interview should be informal**
- ii. It should be seen as a positive, information gathering practice**
- iii. It should be in a room free from disruption**
- iv. The employee should be assured that any issue(s) raised will be treated confidentially**
- v. Ask standard questions – probe for further information or ask for examples to justify any comments made**
- vi. The completed form should be signed at the end of the meeting to confirm the comments recorded are true and accurate**

E. The purpose of the exit survey and interview process is to:

- 1. Provide a means by which the District may identify workplace, organizational or human resources factors that may have contributed to an employee's decision to leave employment thus improving the District's ability to respond to employee issues and retain staff.**
- 2. Identify issues that could prove problematic after the employee has left and how these could be addressed in order to improve management practices and policies.**
- 3. Obtain information for potential unemployment claims.**
- 4. Inform the employee of terms and conditions of employment affected by the separation (re-employment rights; health coverage, retirement, etc.).**
- 5. Foster good public relations by collecting information that might be constructive to develop the District's positive image, correcting misinformation and modifying negative attitudes.**
- 6. Help monitor recruitment effectiveness, reduce unsatisfactory turnover and identify any other specific problems(s).**

F. Employees are encouraged to complete completes Exit Interview Survey Form, and sign the Exit Interview Acknowledgment form.s upon leaving employment with the District.

G. Final time sheets, if any, are to be turned in to a supervisor.

H. The employee's supervisor is to notify I.T. to deactivate computer, security access and Email account.

~~I. Payroll Office completes COBRA forms to continue health benefits when applicable.~~

I. Employees are to return all District assets.

- 1. The Human Resources Office is to complete "Employee Exit Checklist and Property Collection" form on employee's last day of employment with District.**

Legal

24 P.S. 510

[POLNEWH308_1AR2.pdf \(10 KB\)](#)

[POLNEWH308_1AR4.pdf \(13 KB\)](#)

[POLNEWH308_1AR1.pdf \(16 KB\)](#)

[POLNEWH308_1AR3.pdf \(13 KB\)](#)

Last Modified by Policy Staff on May 3, 2019



Book	Policy Manual
Section	300 Employees
Title	Employment Contract/Board Resolution
Code	308
Status	
Adopted	December 16, 2013

Proposed deletions: ~~strike through~~

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

I. Authority

A. The Board has the authority under law to prescribe employment conditions for ~~district~~ **District** personnel.[\[1\]](#)[\[2\]](#)[\[5\]](#)[\[8\]](#)[\[9\]](#)

B. For the mutual benefit and protection of the ~~district~~ **District** and its employees, the Board directs that, as the policy of this ~~school-district~~ **District**:

1. Professional employees, as defined in the School Code, shall sign an employment contract upon employment, which shall continue in force unless terminated by the employee by written resignation presented **at least** sixty (60) days in advance or terminated by the Board in accordance with law.

2. The contract shall specify those issues required by law.[\[4\]](#)[\[5\]](#)

~~2-~~ **3.** Temporary professional employees, upon attaining tenure status, shall sign a contract for professional employees.[\[6\]](#)[\[7\]](#)

~~3-~~ **4.** Noncertificated administrative and support employees shall be employed through a contract or Board resolution.[\[2\]](#)[\[8\]](#)

C. The Board shall be notified promptly of any misunderstanding arising from the application of a given contract or resolution, or any error in salary paid to the employee.

D. Willful misrepresentation of facts material to employment and determination of salary shall be considered cause for dismissal of the employee.

II. Guidelines

A. The contract or Board resolution may include: the beginning compensation; term of employment and work period for which compensation will be paid; a statement of fringe benefits entitlement; and a statement of seniority rights, if any.

B. The terms of a collective bargaining agreement may supersede the specifics of an individual employee contract or Board resolution in certain areas or conditions of employment.

C. Non-Union Support Staff

1. The confidential employees will receive all benefits as designated in the current support staff contract and their Salary and Benefit Plan.

Legal

1. 24 P.S. 406
2. 24 P.S. 510
4. 24 P.S. 1101
5. 24 P.S. 1121
6. 24 P.S. 1108
7. Pol. 313
8. 24 P.S. 1089
- 24 P.S. 1073
9. 24 P.S. 1109.2

Last Modified by Policy Staff on May 1, 2019



Book	Policy Manual
Section	300 Employees
Title	Assignment and Transfer
Code	309
Status	
Adopted	March 3, 2014
Last Revised	February 17, 2015

Proposed deletions: ~~strike through~~

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

I. Authority

- A. The assignment and transfer of administrative, professional and support employees within the ~~district~~ **District** shall be determined by the management, supervisory, instructional and operational needs of the schools and the ~~school-district~~ **District**.
- B. The Board shall approve the initial assignment of all employees at the time of employment and when such assignments involve a transfer from one building or supervisor to another.[\[1\]](#)[\[2\]](#)

II. Delegation of Responsibility

- A. The Superintendent or **the Superintendent's** designee shall provide a system of assignment or reassignment for ~~district~~ **District** employees that includes consideration of requests for voluntary transfers.
- B. The Superintendent, in considering any assignment or transfer, shall assure that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field or inexperienced teachers.[\[3\]](#)
- C. Vacancies shall be publicized to all appropriate employees.
- D. Before new employees are sought, requests for transfer to a vacant position will be considered.
- E. The request of an employee who voluntarily requests reassignment or transfer shall be considered to the extent that the transfer does not conflict with the educational program and operation of the ~~school-district~~ **District**.
- F. Employees shall be informed of their initial assignments no later than August 15th ~~proceeding~~ **preceeding** the school year in which the assignment will be effective.

G. This policy shall not prevent reassignment of an employee during the school year for good cause, as determined by the **Superintendent or the Superintendent's designee and approved by the** Board.

Revision History:

February 17, 2015

Legal

1. 24 P.S. 508
2. 24 P.S. 510
3. 20 U.S.C. 6312
- 22 PA Code 8.1 et seq
- 23 Pa. C.S.A. 6301 et seq
- 24 P.S. 111
- Pol. 317

Last Modified by Policy Staff on May 3, 2019



Book	Policy Manual
Section	300 Employees
Title	Abolishing a Position
Code	310
Status	Policy Committee Review
Adopted	March 3, 2014

Proposed deletions: ~~strike through~~

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

I. Authority

A. The Board is responsible for providing the administrative, professional and support staff necessary for implementation of the educational program and the effective operation of the schools, and to do so efficiently and economically.

B. The Board recognizes its responsibility to maintain positions consistent with the management, supervisory, instructional and operational needs of the schools and the school district **District**.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)

C. In the exercise of its authority to reduce staff or abolish positions, the Board shall give primary consideration to the effect upon the educational program and shall ensure that elimination of a program is approved by the Department of Education.[\[5\]](#)

D. Reduction in staff as a result of the abolishment of positions shall be in accordance with law and Board policy.[\[5\]](#)[\[6\]](#)[\[7\]](#)

E. Abolishment of positions affecting certificated administrative and professional employees may occur due to such factors as: [\[5\]](#)

1. Substantial decline in student enrollment.
2. Curtailment or alteration of a program due to a substantial decline in class or course enrollments or to conform to standards of organization or educational activities required by law or recommended by the Pennsylvania Department of Education.
3. Consolidation of schools that makes it unnecessary to retain the full staff.

E. F. Abolishment of noncertificated administrative and support positions may occur due to such factors as:

1. Substantial decline in student enrollment.
2. Changes in the district's **District's** organizational structure.

3. Changes in the district's **District's** facilities or technology.
4. Changes in the district's **District's** economic resources and tax base.

II. Delegation of Responsibility

A. The Superintendent shall recommend annually to the Board the number of staff positions needed for the district **District** to function efficiently, including recommending the abolishment of unnecessary positions.

Legal

1. 24 P.S. 406
2. 24 P.S. 524
3. 24 P.S. 1106
4. 22 PA Code 4.4
5. 24 P.S. 1124
6. 24 P.S. 1125.1
7. Pol. 311

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Evaluation of Employees
Code	313
Status	Policy Committee Review
Adopted	April 19, 1993
Last Revised	May 5, 2014

Proposed deletions: ~~strike through~~

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

I. Purpose

A. Evaluation is a continuing process in which the administrative, professional and support employees and the respective supervisors cooperatively identify strengths and weaknesses in an individual's job performance.

B. Employee evaluations shall be used to assess and improve performance, encourage professional growth, promote positive behavior, and facilitate attainment of ~~district~~ **District** goals and objectives.

II. Authority

A. The Board shall approve plans for regular, periodic evaluations of administrative, professional and support employees consistent with applicable administrative compensation plans, individual contracts, collective bargaining agreements, Board resolutions and state law and regulations. **[1][2][3][4]**

B. The Board shall be informed periodically about the results of evaluations.

II. Delegation of Responsibility

A. The Superintendent or **the Superintendent's** designee shall develop plans for the evaluation of ~~district~~ **District** employees to be submitted for Board approval.

B. The Board authorizes the Superintendent or **the Superintendent's** designee to develop a Differentiated Supervision model for professional employees in accordance with the Pennsylvania Department of Education's guidelines and in consultation with assistant administrators, supervisors, and/or principals.

C. The Superintendent or **the Superintendent's** designee shall ensure that evaluation plans are reviewed periodically and updated as necessary.

D. Evaluations shall be performed by the Superintendent or by an assistant administrator, supervisor, or principal who has supervision over the work of the employee being evaluated and is designated by the Superintendent to perform the evaluation.

III. Guidelines

A. The evaluation plan for professional employees and temporary professional employees shall utilize the appropriate state-approved rating form or an alternative rating tool approved by the Board and the Pennsylvania Department of Education.[\[2\]](#)[\[3\]](#)[\[4\]](#)

B. Professional employees are required to be evaluated at least once each year.[\[3\]](#)

C. Temporary professional employees shall be evaluated by an appropriate supervisor and notified of individual progress and status at least twice each year.

D. Professional employees and temporary professional employees shall receive an overall performance rating of one (1) of the following:

1. Distinguished – shall be considered satisfactory.
2. Proficient – shall be considered satisfactory.
3. Needs improvement – shall be considered satisfactory, except that any subsequent overall rating of “needs improvement” issued by the ~~district~~ **District** within ten (10) years of the first overall rating of “needs improvement” where the employee is in the same certification shall be considered unsatisfactory.
4. Failing – shall be considered unsatisfactory.

E. No professional employee or temporary professional employee shall be rated “needs improvement” or “failing” solely based upon student test scores.

F. No unsatisfactory rating shall be valid unless approved by the Superintendent.

G. A signed copy of the rating form shall be provided to the employee.

H. Professional employees and temporary professional employees who receive an overall performance rating of “needs improvement” or “failing” shall participate in a Performance Improvement Plan.

I. Support Staff shall be evaluated by ~~his or her~~ **a** supervisor at least once a year, usually during the month of June, except for new hires who will be evaluated just prior to the 90th day of ~~his or her~~ **the** date of hire and yearly thereafter.

J. The goals of the evaluation plan for support staff are to identify, improve and reinforce skills, attitudes and abilities which enable an employee to be effective and to identify and improve upon weaknesses which prevent an employee from effectively carrying out assigned duties.

K. The evaluation shall include entries that are based on observable and verifiable facts, note is taken of an employee’s strengths and areas of improvement.

L. Provisions for improving unsatisfactory performance by offering aid, recommending how improvement can be effected, and scheduling follow-up conference to assess change.

M. A performance improvement plan should be created by the supervisor and the manager and targets set to meet the established goals.

~~M.~~ **N.** All evaluations are to be signed by the evaluator and the employee.

O. The employee is to be given the ability to append a written statement if desired.

Revision History:

May 5, 2014

Legal

1. 24 P.S. 510
2. 24 P.S. 1108
3. 24 P.S. 1123
4. 22 PA Code 19.1
- 24 P.S. 1122
- 22 PA Code 19.1 et seq

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Physical Examination
Code	314
Status	Policy Committee Review
Adopted	April 22, 2014

Proposed deletions: ~~strike through~~

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

I. Purpose

A. In order to certify the fitness of administrative, professional and support employees to discharge efficiently the duties they will be performing and to protect the health of students and staff from the transmission of communicable diseases, physical examinations of all district **District** employees shall be required prior to beginning employment.

II. Definition

A. A **"physical examination"** shall mean a general examination by a licensed physician, certified registered nurse practitioner or a licensed physician assistant.

III. Authority

A. After receiving an offer of employment, all candidates shall undergo medical examinations, as required by law and as the Board may require, the expense for which shall be paid by the applicant.

~~B.~~ The physical examination must be completed within thirty (30) days after receiving an offer of employment.[\[1\]](#)[\[2\]](#)[\[3\]](#)

~~B.~~ ~~C.~~ The Board requires that all employees undergo a tuberculosis examination provided by the district **District** upon initial employment, in accordance with regulations of the Pennsylvania Department of Health.[\[1\]](#)[\[4\]](#)

~~C.~~ ~~D.~~ The Board may require an employee to undergo a physical examination at the Board's request.[\[1\]](#)

~~D.~~ ~~E.~~ An employee who presents a signed statement that a medical examination is contrary to his/her **the employee's** religious beliefs shall be examined only when the Secretary of Health determines that the employee presents a substantial menace to the health of others.[\[5\]](#)[\[6\]](#)

~~B.~~ ~~F.~~ Medical records of an employee shall be kept in a file separate from the employee's personnel file.[\[7\]](#)[\[3\]](#)

IV. Delegation of Responsibility

A. The results of all required medical examinations shall be made known to the Superintendent on a confidential basis and discussed with the employee.

Legal

1. 24 P.S. 1418
2. 28 PA Code 23.43
3. 42 U.S.C. 12112
4. 28 PA Code 23.44
5. 24 P.S. 1419
6. 28 PA Code 23.45
7. 42 U.S.C. 2000ff et seq
- 24 P.S. 1416
- 42 U.S.C. 12101 et seq

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	HIV Infection
Code	314.1
Status	Policy Committee Review
Adopted	April 22, 2014

Proposed deletions: ~~strike through~~

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

I. Purpose

A. The Board is committed to providing a safe, healthy environment for its students and employees and adopts this policy to safeguard the health and well-being of students and employees while protecting the rights of the individual.

B. This policy shall apply to all administrative, professional and support staff employed by the ~~district~~ **District**.

II. Definitions

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

~~A.~~ **1. "AIDS"** - Acquired Immune Deficiency Syndrome.^[1]

~~B.~~ **2. "HIV Infection"** - refers to the disease caused by the HIV or human immunodeficiency virus.

~~C.~~ **3. "Infected employee"** - refers to ~~district~~ **District** employees diagnosed as having the HIV virus, including those who are asymptomatic.

III. Authority

A. The Board directs that the established Board policies and procedures and administrative regulations relative to illnesses among ~~district~~ **District** employees shall also apply to infected employees.^{[2][3][4][5]}

B. The Board shall not require routine screening tests for HIV Infection in the school setting, nor will such tests be a condition for employment.

IV. Delegation of Responsibility

A. The Superintendent or **the Superintendent's** designee shall be responsible for developing and releasing information concerning infected employees.

- B. All ~~district~~ **District** employees shall maintain a respectful working climate and shall not participate in physical or verbal harassment of any individual or group, including infected employees.[6]
- C. Building principals shall notify ~~district~~ **District** employees, students and parents/guardians about current Board policies concerning HIV Infection and shall provide reasonable opportunities to discuss the policy and related concerns.
- D. Infected employees whose employment is interrupted or terminated shall be entitled to available medical leave and medical disability benefits.
1. Such employees shall be informed by the appropriate administrator of benefits, leave, and alternatives available to them through state and federal laws, Board policies, collective bargaining agreements, individual contracts and the retirement system.[7][3][4][5]

V. Guidelines

A. Confidentiality

1. District employees with knowledge of an infected employee's condition shall not disclose that information without prior written consent of the **infected** employee, consistent with the requirements of the Pennsylvania Confidentiality of HIV-Related Information Act.[8]

B. Infection Control

1. Universal precautions shall be followed for exposure to bodily fluids.
2. Employees shall treat all body fluids as hazardous and follow universal precautions.
- 2- 3. The ~~school-district~~ **District** shall maintain, and keep reasonably accessible, all equipment and supplies necessary for infection control.
- 3- 4. Employees shall notify the building principal and school nurse of all incidents of exposure to bodily fluids.

C. Staff Development

1. The ~~district~~ **District** shall provide opportunities for employees to participate in inservice education on HIV Infection.
2. Designated ~~district~~ **District** employees may receive additional, specialized training appropriate to their positions and responsibilities.

Legal

1. 35 P.S. 7603
2. 24 P.S. 510
3. Pol. 334
4. Pol. 335
5. Pol. 339
6. Pol. 348
7. Pol. 104
8. 35 P.S. 7607
- 35 P.S. 7601 et seq

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Conduct/Disciplinary Procedures
Code	317
Status	Policy Committee Review
Adopted	April 22, 2014
Last Revised	February 16, 2016

Proposed deletions: ~~strike through~~

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

I. Authority

A. All administrative, professional and support employees are expected to conduct themselves in a manner consistent with appropriate and orderly behavior.

B. Effective operation of ~~district~~ **District** schools requires the cooperation of all employees working together and complying with a system of Board policies, administrative regulations, rules and procedures, applied fairly and consistently.

~~B.~~ **C.** The Board requires employees to maintain professional, moral and ethical relationships with students at all times.[\[1\]](#)[\[2\]](#)

~~C.~~ **D.** The Board directs that all ~~district~~ **District** employees shall be informed of conduct that is required and is prohibited during work hours and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures.[\[3\]](#)[\[4\]](#)

~~D.~~ **E.** When demotion or dismissal charges are filed against a certificated administrative or professional employee, a hearing shall be provided as required by applicable law.

F. Noncertificated administrative and support employees may be entitled to a Local Agency Law hearing, at the employee's request.[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)

II. Delegation of Responsibility

A. All ~~district~~ **District** employees shall comply with state and federal laws and regulations, Board policies, administrative regulations, rules and procedures.

B. District employees shall endeavor to maintain order, perform assigned job functions and carry out directives issued by supervisors.[\[3\]](#)

~~B.~~ **C.** When engaged in assigned duties, ~~district~~ **District** employees shall not participate in activities that include, but are not limited to the following:

1. Physical or verbal abuse, or threat of harm, to anyone.
2. Nonprofessional relationships with students.[2]
3. Causing intentional damage to ~~district~~ **District** property, facilities or equipment.
4. Forceful or unauthorized entry to or occupation of ~~district~~ **District** facilities, buildings or grounds.
5. Use, possession, distribution, or sale of alcohol, drugs or other illegal substances.[13]
6. Use of profane or abusive language.
7. Breach of confidential information.
8. Failure to comply with directives of ~~district~~ **District** officials, security officers, or law enforcement officers.[6]
9. Carrying onto or possessing a weapon on school grounds without authorization from the appropriate school administrator.
10. Violation of Board policies, administrative regulations, rules or procedures.[6]
11. Violation of federal, state, or applicable municipal laws or regulations.[6]
12. Conduct that may obstruct, disrupt, or interfere with teaching, research, service, operations, administrative or disciplinary functions of the ~~district~~ **District**, or any activity sponsored or approved by the Board.

~~C.~~ **D.** The Superintendent or **the Superintendent's** designee shall develop and disseminate disciplinary rules for violations of Board policies, ~~administrative regulations~~, rules and procedures that provide progressive penalties, including but not limited to the following:

- 1.** verbal warning
- 2.** written warning
- 3.** reprimand
- 4.** suspension
- 5.** demotion[14]
- 6.** dismissal[6]
- 7.** pursuit of civil and criminal sanctions.

~~D.~~ **E.** Arrest or Conviction Reporting Requirements

1. Employees shall use the designated form to report to the Superintendent or **the Superintendent's** designee, within seventy-two (72) hours of the occurrence, an arrest or conviction required to be reported by law.[15][16]
2. Employees shall also report to the Superintendent or **the Superintendent's** designee, in writing, within seventy-two (72) hours of notification, that the employee has been named as a perpetrator in a founded or indicated report pursuant to the Child Protective Services Law.[17]
3. An employee shall be required to submit new criminal history background checks if the Superintendent or **the Superintendent's** designee has a reasonable belief that the

employee was arrested or has been convicted of an offense required to be reported by law, and the employee has not notified the Superintendent or designee.[\[15\]](#)

4. An employee shall be required immediately to submit a new child abuse history certification if the Superintendent or **the Superintendent's** designee has a reasonable belief that the employee was named as a perpetrator in a founded or indicated report or has provided written notice of such occurrence.[\[17\]](#)

5. Failure to accurately report such occurrences may subject the employee to disciplinary action up to and including termination and criminal prosecution.[\[15\]](#)[\[17\]](#)

~~PSBA Revision 10/15 © 2015 PSBA~~

Revision History: February 16, 2016

Legal	1. 22 PA Code 235.10
	2. Pol. 824
	3. 24 P.S. 510
	4. 24 P.S. 514
	5. 24 P.S. 1121
	6. 24 P.S. 1122
	7. 24 P.S. 1126
	8. 24 P.S. 1127
	9. 24 P.S. 1128
	10. 24 P.S. 1129
	11. 24 P.S. 1130
	12. 2 Pa. C.S.A. 551 et seq
	13. Pol. 351
	14. 24 P.S. 1151
	15. 24 P.S. 111
	16. 24 P.S. 2070.9a
	17. 23 Pa. C.S.A. 6344.3
	22 PA Code 235.1 et seq
	24 P.S. 2070.1a et seq
	23 Pa. C.S.A. 6301 et seq

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Penalties for Tardiness
Code	318
Status	Policy Committee Review
Adopted	May 5, 2014
Last Revised	June 28, 2018

Proposed deletions: ~~strike through~~

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

Proposed Additions

I. Authority

A. Punctual and reliable attendance by administrative, professional and support employees is essential for the operation of District schools.

B. A prerequisite for efficient performance of job functions by employees is the punctual commencement and proper completion of all assigned duties.[\[1\]](#)[\[2\]](#)

II. Delegation of Responsibility

A. It shall be the responsibility of the Superintendent or ~~his/her~~ **the Superintendent's** designee to assess penalties when a District employee fails to meet attendance requirements.

B. Tardiness will be recorded in minutes and hours and shall constitute half-day and full-day absences upon meeting the thresholds of 3.25 **cumulative** hours and 6.5 **cumulative** hours, respectively.

Revision History:

June 28, 2019

Legal	1. 24 P.S. 510
	2. Pol. 332

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Outside Activities
Code	319
Status	Policy Committee Review
Adopted	May 5, 2014
Last Revised	August 22, 2016

Proposed deletions: ~~strike through~~

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

I. Authority

A. The Board recognizes that administrative, professional and support employees have the right to private lives and to associate with others outside of school.

~~B. However, the~~ **The** Board has an obligation to make sure that an employee's outside activities do not affect an employee's ability to discharge assigned duties or responsibilities.

~~B. C. Therefore, when~~ **When** outside activities directly impact upon an employee's effectiveness discharging their duties or responsibilities within the District, the Board reserves the right to evaluate the effect of such outside activities on the individual's completion of responsibilities and assignments. [\[1\]](#)

~~C. D.~~ The Board does not endorse, support, or assume liability for any District employee who conducts nonschool, outside activities in which District students or employees may participate.

II. Delegation of Responsibility

A. The Superintendent or ~~his/her~~ **the Superintendent's** designee shall disseminate this policy so that employees may more easily avoid situations in which personal interests, activities, and associations may conflict with the interests of the District.

III. Guidelines

A. The following guidelines are provided for the direction of all employees:

1. ~~Do~~ **Employees shall** not utilize school materials for personal gain.

2. Copyrights to materials or equipment developed, processed or tested by District employees in the performance of assigned activities in fulfillment of the terms of their employment reside with and may be claimed by the District.

~~2.~~ **3. Do Employees shall** not use school property or school time to solicit or accept customers for private enterprises or fundraising not related to school activities.

~~3.~~ **4.** ~~Do~~ **Employees shall** not use school time for outside activities when there is no valid reason to be excused from assigned duties.

~~4.~~ **5.** ~~Do~~ **Employees shall** not tutor for compensation students assigned to ~~your~~ **the** **employee's** class without prior approval from the Superintendent which will be given only in exceptional circumstances.[2]

Revision History:

August 22, 2016

Legal

1. 24 P.S. 510

2. Pol. 116

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Freedom of Speech in Nonschool Settings
Code	320
Status	Policy Committee Review
Adopted	April 19, 1993
Last Revised	November 14, 2016

Proposed deletions: ~~strike through~~

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

I. Authority

A. The Board acknowledges the right of administrative, professional and support employees as citizens in a democratic society to speak out on issues of public concern.

B. When those issues are related to the District and its programs, however, the employee's freedom of expression must be balanced against the interests of this District.

II. Purpose

- A. The Board adopts this policy to clarify situations in which an employee's expression could conflict with the District's interests. [\[1\]](#)
- B. In situations in which a District employee is not engaged in the performance of assigned duties, ~~he or she~~ **the employee** shall:
1. Refrain from comments that would interfere with the maintenance of student discipline.
 2. Refrain from making public statements about the District known to be false or made without regard for truth or accuracy.
 3. Refrain from making threats against co-workers, supervisors or District officials.

III. Guidelines

- A. Violations of this policy shall result in appropriate disciplinary action.

Revision History:

November 14, 2016

Legal 1. 24 P.S. 510

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Political Activities
Code	321
Status	Policy Committee Review
Adopted	April 19, 1993
Last Revised	November 14, 2016

Proposed deletions: ~~strike through~~

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

I. Purpose

A. The Board recognizes and encourages the right of administrative, professional and support employees, as citizens, to engage in political activity.

B. ~~However,~~ District time, resources, property or equipment, paid for by taxpayers, may not be used for political purposes by District employees when performing assigned duties.

II. Authority

- A. The Board directs that District employees shall not engage in political activities during assigned work hours on property under the jurisdiction of the District.[\[1\]](#)
- B. The Board prohibits collection and/or solicitation of campaign funds or campaign workers by employees on school property during assigned working hours.
- C. The Board prohibits the use of students or staff being used for writing, addressing, or distributing ~~partisan~~ political materials.
- D. District employees who hold elective or appointive office are not entitled to time off from their school duties for reasons incident to such elective or appointed offices, except as such time may qualify under the leave policies of the Board or an applicable collective bargaining agreement.
- E. The following situations are exempt from the provisions of this policy:
 - 1. Discussion and study of politics and political issues when applicable to the curriculum and appropriate to classroom studies.

a. All conversations shall represent balanced views and approaches to content when practicable.

2. Conduct of student elections and connected campaigning.
3. Conduct of employee representative elections.

III. Guidelines

- A. Violations of this policy shall result in appropriate disciplinary action.

Legal

1. 24 P.S. 510

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Gifts
Code	322
Status	
Adopted	April 19, 1993
Last Revised	May 5, 2014

Proposed deletions: ~~strike through~~

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

I. Authority

A. The Board considers the acceptance of gifts by administrative, professional and support employees an undesirable practice.

B. It is the policy of the Board that staff members may accept gifts of a consumable nature and/or nominal value.

C. No other gifts may be accepted.[\[1\]](#)

II. Delegation of Responsibility

A. The Superintendent or **the Superintendent's** designee may approve acts of generosity to individual ~~district~~ **District** employees in unusual situations but shall report such instances to the Board on a timely basis.

Revision History:

May 5, 2014

Legal 1. 24 P.S. 510

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Personnel Files
Code	324
Status	
Adopted	April 19, 1993
Last Revised	May 25, 2017

Proposed deletions: ~~strike through~~

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

A. I. Authority

- A. Orderly operation of the District requires maintaining a file for the retention of all records relative to an individual's duties and responsibilities as an administrative, professional or support employee of the District.
- B. The Board requires that sufficient records be maintained to ensure an employee's qualifications for the job held; compliance with federal and state requirements and local benefit programs; conformance with Board policies, administrative regulations, rules and procedures; and evidence of completed evaluations.[\[1\]](#)

II. Delegation of Responsibility

- A. The Board delegates the establishment and maintenance of official personnel records to the Superintendent or ~~his/her~~ **the Superintendent's** designee, who ~~be~~ **is** responsible for ~~this~~ implementing this policy.

III. Guidelines

A. A central file shall be maintained; supplemental records may be maintained only for ease in data gathering.

B. Medical records shall be kept in a file separate from the employee's personnel file.[\[2\]\[3\]](#)

~~B. C.~~ Only information that pertains to the designated role of the employee and is submitted by duly authorized administrative personnel and the Board may be entered in the official personnel file.

1. A copy of each entry shall be made available to the employee, except for matters pertaining to pending litigation or criminal investigation.

~~C.~~ **D.** Personnel records shall be available to the Board but only as required in the performance of its designated functions as a Board and as approved by a majority vote of the Board.

~~D.~~ **E.** Personnel files shall be reviewed annually, and material no longer required shall be destroyed pursuant to a document retention schedule established by the Superintendent or his/her **the Superintendent's** designee.[4]

~~E.~~ **F.** Employee Access

1. Administrative, professional and support employees shall have access to their own file, except that information relative to confidential employment references/recommendations are not part of the personnel file and shall not be available for review by the employee.

[\[13\]](#)[\[14\]](#)

2. Personnel wishing to review their own records shall:[\[14\]](#)[\[15\]](#)

a. Request access in writing to the Superintendent or his/her **the Superintendent's** designee.

b. Review the record in the presence of the Human Resources administrator or his/her **the Human Resources administrator's** designee.

c. Make no alternations to the record~~7~~.

~~d.~~ **Do not** remove any material.

~~e.~~ Sign a log attached to the file indicating the date and person reviewing.

~~F.~~ **G.** Appeals

1. Personnel who choose to appeal material in their records shall make a written request to the Superintendent and shall specify:

a. Name and date.

b. Material to be appealed.

c. Reason for appeal.

2. The Superintendent shall:

a. Refer the appeal to the administrator responsible for supervising the employee.

b. Hear the appeal and make a determination.

c. Permit the addition of employee comments.

~~G.~~ **H.** Title I Schools

1. In accordance with law, the ~~district~~ **District** shall release to parents/guardians, upon request, information regarding the professional qualifications and academic degrees of any teacher providing instruction to their child at a school receiving Title I funds.[\[5\]](#)[\[6\]](#)[\[7\]](#)

[8]

2. The District shall annually notify parents/guardians at the beginning of the school year about their right to request such information.

3. The District shall notify parents/guardians of students attending Title I schools when their child has been assigned to or taught for four (4) or more consecutive weeks by a teacher who is not highly qualified, as defined by federal law.[\[5\]](#)[\[6\]](#)[\[7\]](#)

4. In accordance with federal law, the District shall release to parents/guardians, upon request, the qualifications of any paraprofessionals who provide instructional support to their child at a school receiving Title I funds.

a. The District shall annually notify parents/guardians at the beginning of the school year about their right to request such information.[\[6\]](#)[\[8\]](#)[\[9\]](#)

H. I. File Contents

1. Upon initial employment, the employee's file shall contain:

- a. Completed employment application form.
- b. Copy of certificate, where applicable.
- c. Transcripts.
- d. Recommendations.
- e. Criminal history and child abuse clearance statements.[\[10\]](#)[\[11\]](#)[\[12\]](#)

2. During the period of employment, the following additional data shall be maintained in personnel files:

- a. Rate of compensation.
- b. Completed copy of employment contract.
- c. Attainment of advanced degrees and effect on compensation.
- d. Completed evaluations.
- e. Disciplinary reports.
- f. Special awards or distinctions.
- g. All records identified in and maintained pursuant to established administrative regulations.

Revision History:
May 25, 2017

Legal

1. 24 P.S. 510
2. 42 U.S.C. 2000ff et seq
3. 42 U.S.C. 12112
4. Pol. 800
5. 22 PA Code 403.4
6. 20 U.S.C. 6311
7. 20 U.S.C. 7801
8. Pol. 304
9. 22 PA Code 403.5
10. 24 P.S. 111
11. 22 PA Code 8.1 et seq
12. 23 Pa. C.S.A. 6301 et seq
13. 43 P.S. 1321
14. 43 P.S. 1322
15. 43 P.S. 1323
- 43 P.S. 1321 et seq
- 42 U.S.C. 12101 et seq
- 8 CFR 274a.2

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Dress and Grooming
Code	325
Status	Policy Committee Review
Adopted	April 19, 1993
Last Revised	May 5, 2014

Proposed deletions: ~~strike through~~

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

I. Authority

A. Administrative, professional and support employees set an example in dress and grooming for students and the school community.

B. Employees' dress should reflect their professional status and encourage respect for authority in order to have a positive influence on the ~~district's~~ **District's** programs and operations.

~~B.~~ **C.** The Board has the authority to specify reasonable dress and grooming requirements, within law, for all ~~district~~ **District** employees to prevent an adverse impact on the educational programs and ~~district~~ **District** operations.^[1]

~~C.~~ **D.** When assigned to ~~district~~ **District** duties, employees shall be physically clean, neat, well-groomed and dressed in a manner consistent with assigned job responsibilities.

~~D.~~ **E.** Employees shall be groomed so that their hair style does not cause a safety or health hazard.

II. Delegation of Responsibility

A. If an employee feels that an exception to this policy would enable ~~him/her~~ **the employee** to carry out assigned duties more effectively, a request should be made to the immediate supervisor.

Revision History: **May 5, 2014**

Legal 1. 24 P.S. 510

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Leadership Team
Code	327
Status	Policy Committee Review
Adopted	June 2, 2014

Proposed deletions: ~~strike through~~

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

I. Authority

A. The Board recognizes the importance of maintaining an effective Leadership Team to strengthen the administration, educational programs and operation of the ~~district~~ **District**, and to establish and improve communications, decision-making, conflict resolution, and other relationships among the members of the Team.

B. The objectives of the ~~district's~~ **District's** Leadership Team are to:

1. Provide input into policies, administrative regulations, procedures and rules that directly affect management employees in the administration of the ~~school district~~ **District**.
2. Provide a means of addressing the economic and welfare concerns of management employees.

C. While the Leadership Team concept places emphasis upon shared responsibility and authority, nothing in this policy is intended to limit the responsibility and authority of the Board to make decisions, as prescribed by law.^[1]^[2]

II. Definitions

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

~~A.~~ **1. "Leadership Team Concept"** is a means whereby educational policies and administrative procedures that define the ~~district's~~ **District's** programs and operations are arrived at through shared responsibility and authority.

~~B.~~ **2. "Leadership Team"** is composed of the Superintendent and administrative, supervisory, and administrative support staff who have significant responsibilities for:

- ~~1.~~ **a.** Formulating or implementing Board policies, administrative regulations, rules, procedures, or programs.

- 2- ~~b.~~ Recommending employment, transfer, suspension, discharge, layoff, recall, promotion, assignment, compensation, or discipline of employees.
- 3- ~~c.~~ Directing and supervising other employees.
- 4- ~~d.~~ Evaluating employees.
- 5- ~~e.~~ Adjusting complaints.

€ **3. "Management Employees"** refers to members of the Leadership Team.

III. Guidelines

- A. The Leadership Team will meet on a regular basis and when requested with the Board or its representatives.
- B. Actions of all members of the Leadership Team shall be consistent with professional and ethical standards adopted by professional management associations.
- C. Leadership Team meetings shall include representatives reflective of all management employee positions and all management employees, when necessary.
- D. The Leadership Team shall address itself to appropriate concerns identified by any member of the Team.
- E. Concerns of the Leadership Team will include but not be limited to ~~district~~ **District** budget, ~~district~~ **District** curriculum, personnel management and welfare of management employees.

Legal

- 1. 24 P.S. 510
- 2. Pol. 002

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Compensation Plans/Salary Schedules
Code	328
Status	Policy Committee Review
Adopted	June 2, 2014
Last Revised	June 28, 2018

Proposed deletions: ~~strike through~~

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

I. Authority

- A. The Board shall approve compensation plans, individual contracts and salary schedules for administrative, professional and support employees.
- B. The administrative compensation plan shall be determined through a good faith, meet and discuss procedure with designated administrators upon written request of a majority of District administrators.[\[1\]](#)
- C. Salary schedules approved by the Board shall be in accordance with those specified in applicable collective bargaining agreements and/or Board resolutions.
- D. Salary schedules shall be used to set compensation for new and inexperienced employees and for experienced employees new to the District, and salary adjustments that result from earning advanced degrees while employed by the District or required by law.[\[2\]](#)[\[3\]](#)[\[1\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)
- E. All labor contracts and agreements shall be made available on the District's website at least seventy-two (72) hours prior to the Board taking action to approve said documents.

II. Delegation of Responsibility

- A. Implementation of the administrative compensation plan, individual contracts, collective bargaining agreements and Board resolutions regarding employee salaries shall be the responsibility of the Superintendent or ~~his/her~~ **the Superintendent's** designee.
- B. The Superintendent is authorized to credit past experience of a candidate when determining salary.[\[4\]](#)

III. Guidelines

- A. Administrative Employees

1. The Board shall pursue a plan of compensation, based upon responsibility and performance, which will provide fair and adequate financial incentive for all management personnel.
2. The administrative compensation plan shall include:
 - a. A description of the program for determining administrative salaries.
 - b. Salary amounts and/or salary schedules or scales.
 - c. A list of fringe benefits to be provided to administrators.

B. Professional and Support Employees

1. The Board shall include salary schedules determined through the bargaining process in all labor contracts where applicable.

Revision History:

June 28, 2018

Legal	1. 24 P.S. 1164
	2. 24 P.S. 406
	3. 24 P.S. 1075
	4. 24 P.S. 1149
	5. 24 P.S. 1077
	6. 24 P.S. 1089
	7. 24 P.S. 1141-1152
	8. 24 P.S. 1162

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Overtime
Code	330
Status	Policy Committee Review
Adopted	June 23, 2014

Proposed deletions: ~~strike through~~

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

I. Authority

- A. In order to ensure consistent treatment of all affected employees and compliance with applicable federal law regarding payment of overtime, the Board adopts this policy.
- B. In accordance with federal and state law and this policy, applicable collective bargaining agreement or individual contract, overtime shall be paid for work in excess of the established workday or workweek for each classification of support employees.[\[1\]](#)[\[2\]](#)
- C. No overtime shall be scheduled or worked without prior approval of the **employee's** immediate supervisor.
- D. Overtime will be paid at the rate of time and one-half the regular rate of pay for time worked in excess of forty (40) hours per week.[\[1\]](#)[\[2\]](#)
- E. The ~~district~~ **District** may use compensatory time off at the premium rate of one and one-half hours for each hour of accrued overtime work, or a combination of cash payment and compensatory time.
 - 1.** Compensatory time shall be scheduled within a reasonable time after a request by the employee.[\[1\]](#)
- F. For purposes of computing overtime, credit shall be given only for hours worked, as recorded in ~~district~~ **District** records and provided by law.
- G.** Time off for sick leave, personal leave, or vacation will be determined by the applicable collective bargaining agreement when computing overtime.

Legal

1. 29 U.S.C. 207
- 34 PA Code 231.41
2. 43 P.S. 333.104
- 34 PA Code 231.42
- 34 PA Code 231.43
- 43 P.S. 333.101 et seq
- 29 U.S.C. 201 et seq
- 29 CFR Part 778

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	300 Employees
Title	Job Related Expenses
Code	331
Status	Policy Committee Review
Adopted	June 23, 2014

Proposed deletions: ~~strike through~~

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

I. Authority

A. The Board shall reimburse administrative, professional and support employees for the actual and necessary expenses, including travel expenses, they incur in the course of performing services for the ~~district~~ **District**, in accordance with Board policy.[\[1\]](#)

II. Delegation of Responsibility

A. The validity of payments for job related expenses for all ~~district~~ **District** employees shall be determined by the Superintendent or **the Superintendent's** designee.

B. The Superintendent or **the Superintendent's** designee may develop ~~administrative regulations~~ **procedures** for reimbursement of travel expenses.

III. Guidelines

A. The use of a personal vehicle shall be considered a legitimate job expense if travel is among the employee's assigned schools, but not between home and school, and is authorized in advance by the Superintendent or **the Superintendent's** designee.

B. Use of a personal vehicle for approved purposes is reimbursable at the current IRS rate per mile approved by the Board.

C. Use of a personal vehicle for special or emergency purposes is a recognized part of the employee's job responsibilities.

D. Use of a personal vehicle requires that liability insurance be provided by the employee.

E. Actual and necessary expenses incurred when attending functions outside the ~~district~~ **District** shall be reimbursed to an employee if approval has been obtained in advance from the Superintendent.[\[1\]](#)

F. Attendance at approved events outside the ~~district~~ **District** shall be without loss of regular pay, unless otherwise stipulated prior to attendance.

- G. Each request shall reasonably detail the reason for the expenditure.
- H. Under normal conditions, employees traveling on official business shall provide themselves with sufficient funds of their own for ordinary expenses.
- I. Travel shall be by the most direct and economical route.
- J. For official travel by other than automobile, the ~~district~~ **District** may arrange for the purchase of transportation tickets in advance.
- K. In all instances of travel and job related expense reimbursement, full itemization of expenditures with receipts attached will be required.
- L. Those on travel shall exercise the same care in incurring expenses that they would in traveling on personal business.

Legal

1. 24 P.S. 517

Last Modified by Policy Staff on May 6, 2019



Book	Policy Manual
Section	600 Finances
Title	Conflict Of Interest
Code	630
Status	Policy Committee Review
Adopted	August 29, 2005
Last Revised	September 20, 2010

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 employees.

II. Definition

A. 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. The Superintendent shall obtain approval for other employment or enterprise for private gain from the Board. 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 ~~school district~~ **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 ~~school district~~ **District**.

b. No employee of the ~~school district~~ **District** shall act as an agent or sales representative for a business enterprise on ~~school district~~ **District** premises during the school year.

c. No employee shall engage in other work of any type where nonpublic information originating from the ~~school district~~ **District** is used.

B. Tutoring

1. Pursuant to Policy 116, the ~~district~~ **District** considers it to be a conflict of interest when a teacher tutors for compensation a student assigned to his/her ~~his/her~~ **teh teacher's** class without prior approval from the Superintendent in exceptional circumstances.[1]

C. Purchase of Materials

1. No School Board member, teacher, Superintendent or any person connected with the ~~school-district~~ **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.
2. The School Board shall not purchase books, apparatus or furniture used or to be used in the ~~school-district~~ **District** from any teacher, ~~school-district~~ **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. ~~School-district~~ **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.

Revision History: **September 20, 2010**

Legal	1. Pol. 116
	65 Pa. C.S.A. 1101 et seq

Last Modified by Policy Staff on May 3, 2019



Book	Policy Manual
Section	800 Operations
Title	Conflict of Interest
Code	827
Status	Policy Committee Review
Adopted	June 20, 2016
Last Revised	December 19, 2016

Proposed deletions: ~~strike through~~

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

I. Purpose

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

II. Definitions

A. **"Confidential information"** shall mean information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.[2]

B. **"Conflict or Conflict of interest"** shall mean use by a Board member or ~~district~~ **District** employee of the authority of ~~his/her~~ office or employment, or any confidential information received through ~~his/her~~ holding public office or employment, for the private pecuniary benefit of him/herself **a Board member or District employee**, a member of ~~his/her~~ **a Board member or District employee's** immediate family or a business with which ~~s/he~~ **a Board member or District employee** or a member of ~~his/her~~ **a Board member or District employee's** immediate family is associated.

1. The term does not include an action having a de minimis economic impact, or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the Board member or ~~district~~ **District** employee, a member of ~~his/her~~ **a Board member or District employee's** immediate family or a business with which ~~s/he~~ **a Board member or District employee** or a member of ~~his/her~~ **a Board member or District employee's** immediate family is associated.[2]

C. **"De minimis economic impact"** shall mean an economic consequence which has an insignificant effect.[2]

D. **"Financial interest"** shall mean any financial interest in a legal entity engaged in business for profit which comprises more than five percent (5%) of the equity of the business or more than five percent (5%) of the assets of the economic interest in indebtedness.[2]

E. **"Honorarium"** shall mean payment made in recognition of published works, appearances, speeches and presentations, and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in nature.

1. The term does not include tokens presented or provided which are of de minimis economic impact.[\[2\]](#)

F. **"Immediate family"** shall mean a parent, parent-in-law, spouse, child, spouse of a child, brother, brother-in-law, sister, sister-in-law, or the domestic partner of a parent, child, brother or sister.[\[2\]](#)

G. **"Business partner"** shall mean a person who, along with another person, plays a significant role in owning, managing, or creating a company in which both individuals have a financial interest in the company.

III. Delegation of Responsibility

A. Each employee and Board member shall be responsible to maintain standards of conduct that avoid conflicts of interest.

B. The Board prohibits members of the Board and ~~district~~ **District** employees from engaging in conduct that constitutes a conflict of interest as outlined in this policy.

IV. Guidelines

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

B. Additional training shall be provided to designated individuals.

~~B-~~ **C.** Disclosure of Financial Interests

1. No Board member shall be allowed to take the oath of office or enter or continue upon his/her **the Board member's** duties, nor shall s/he **the Board member** receive compensation from public funds, unless s/he **the Board member** has filed a statement of financial interests as required by law.[\[4\]](#)

2. The ~~district~~ **District** solicitor and designated ~~district~~ **District** employees shall file a statement of financial interests as required by law and regulations.[\[2\]](#)[\[3\]](#)

~~C-~~ **D.** Standards of Conduct

1. The ~~district~~ **District** maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees and Board members engaged in the selection, award and administration of contracts.[\[1\]](#)

2. No employee or Board member may participate in the selection, award or administration of a contract supported by a federal award if s/he **the employee or Board member** has a real or apparent conflict of interest as defined above, as well as any other circumstance in which the employee, Board member, any member of his/her **the employee or Board member's** immediate family, his/her **the employee or Board member's** business partner, or an organization which employs or is about to employ any of them, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.[\[1\]](#)

3. The ~~district~~ **District** shall not enter into any contract with a Board member or employee, or his/her **a Board member or employee's** spouse or child, or any business in which the person or his/her **a Board member or employee's** spouse or child is

associated valued at \$500 or more, nor in which the person or spouse or child or business with which associated is a subcontractor unless the Board has determined it is in the best interests of the ~~district~~ **District** to do so, and the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded.

a. In such a case, the Board member or employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract.[\[2\]](#)

4. When advertised formal bidding is not required or used, an open and public process shall include at a minimum:

- a. Public notice of the intent to contract for goods or services;
- b. A reasonable amount of time for potential contractors to consider whether to offer quotes; and
- c. Post-award public disclosure of who made bids or quotes and who was chosen.

5. Any Board member or employee who in the discharge of ~~his/her~~ official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of ~~his/her~~ **Board member or employee's** interest as a public record in a written statement to be attached to the Board minutes.[\[2\]](#)

6. No public official or public employee shall accept an honorarium.[\[2\]](#)

7. Board members and employees may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value.

a. Gifts of a nominal value may be accepted in accordance with Board policy.[\[1\]](#)[\[5\]](#)

~~D.~~ **E. Improper Influence**

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

2. No Board member, employee or nominee or candidate for the Board shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding of that Board member, employee or nominee or candidate that the vote, official action or judgment of the Board member, employee or nominee or candidate for the Board would be influenced thereby.[\[2\]](#)

~~E.~~ **F. Organizational Conflicts**

1. Organizational conflicts of interest may exist when due to the ~~district's~~ **District's** relationship with a subsidiary, affiliated or parent organization that is a candidate for award of a contract in connection with federally funded activities, the ~~district~~ **District** may be unable or appear to be unable to be impartial in conducting a procurement action involving a related organization.[\[1\]](#)

2. In the event of a potential organizational conflict, the potential conflict shall be reviewed by the Superintendent or **the Superintendent's** designee to determine whether it is likely that the ~~district~~ **District** would be unable or appear to be unable to be impartial in making the award.

a. If such a likelihood exists, this shall not disqualify the related organization; however, the following measures shall be applied:

~~a.~~ **i.** The organizational relationship shall be disclosed as part of any notices to potential contractors;

~~b.~~ **ii.** Any ~~district~~ **District** employees or officials directly involved in the activities of the related organization are excluded from the selection and award process;

~~c.~~ **iii.** A competitive bid, quote or other basis of valuation is considered; and

~~d.~~ **iv.** The Board has determined that contracting with the related organization is in the best interests of the program involved.

F. G. Reporting Conflicts of Interest

1. Any perceived conflict of interest that is detected or suspected by any employee or third party shall be reported to the Superintendent.

a. If the Superintendent is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Board President.

2. Any perceived conflict of interest of a Board member that is detected or suspected by any employee or third party shall be reported to the Board President.

a. If the Board President is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Superintendent, who shall report the incident to the solicitor.

3. No reprisals or retaliation shall occur as a result of good faith reports of conflicts of interest.

4. The Superintendent or **the Superintendent's** designee shall report in writing to the federal awarding agency or pass-through entity any potential conflict of interest related to a federal award, in accordance with federal awarding agency policy.[\[6\]](#)

G. H. Investigation

1. Investigations based on reports of perceived violations of this policy shall comply with state and federal laws and regulations.

a. No person sharing in the potential conflict of interest being investigated shall be involved in conducting the investigation or reviewing its results.

2. In the event an investigation determines that a violation of this policy has occurred, the violation shall be reported to the federal awarding agency in accordance with that agency's policies.

H. I. Disciplinary Actions

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

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

2. Violations of this policy may result in disciplinary action up to and including discharge, fines and possible imprisonment.

3. Disciplinary actions shall be consistent with Board policies, procedures, applicable collective bargaining agreements and state and federal laws.[7]

Revision History:

December 19, 2016

Legal

1. 2 CFR 200.318
2. 65 Pa. C.S.A. 1101 et seq
3. 51 PA Code 15.2
4. Pol. 004
5. Pol. 322
6. 2 CFR 200.112
7. Pol. 317
- Pol. 011
- Pol. 319
- Pol. 609
- Pol. 702

Last Modified by Policy Staff on May 3, 2019



Book	Policy Manual
Section	900 Community
Title	Title I Parental Involvement
Code	918
Status	Policy Committee Review
Adopted	July 21, 2003
Last Revised	November 30, 2017

Proposed deletions: ~~strike through~~

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

I. Purpose

A. The Board recognizes that parental involvement contributes to the achievement of academic standards by students participating in Title I programs.

B. The Board views the education of students as a cooperative effort among the school, parents/guardians and community.

II. Authority

A. In compliance with federal law, the Superintendent or ~~his/her~~ **the Superintendent's** designee and parents/guardians of students participating in Title I programs shall jointly develop and agree upon a written parental involvement policy.

B. When developing and implementing this policy, the District shall ensure the policy describes how the ~~district~~ **District** will:**[1]**

1. Involve parents/guardians in the joint development of the ~~district's~~ **District's** overall Title I plan and the process of school review and improvement.
2. Provide the coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance.
3. Develop activities that promote the schools' and parents'/guardians' capacity for strong parental involvement.
4. Coordinate and integrate parental involvement strategies with appropriate programs, as provided by law.
5. Involve parents/guardians in an annual evaluation of the content and effectiveness of the policy in improving the academic quality of schools served under Title I.

6. Identify barriers to participation by parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority.
7. Use findings of annual evaluations to design strategies for more effective parental involvement.
8. Involve parents/guardians in the activities of schools served under Title I.
9. The Board shall adopt and distribute the parental involvement policy, which shall be incorporated into the District's Title I plan and shall be evaluated annually, with parental involvement.[\[1\]](#)

III. Delegation of Responsibility

A. The Superintendent or his/her **the Superintendent's** designee shall ensure that the district's **District's** Title I parental involvement policy, plan and programs comply with the requirements of federal law.

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

1. Explanation of the reasons supporting their child's selection for the program.
2. Set of objectives to be addressed.
3. Description of the services to be provided.

C. The Superintendent or his/her **the Superintendent's** designee shall ensure that information and reports provided to parents/guardians are in an understandable and uniform format and in a language the parents/guardians can understand.[\[1\]](#)[\[2\]](#)

III. Guidelines

A. An annual meeting of parents/guardians of participating Title I students shall be held to explain the goals and purposes of the Title I program.

B. Parents/guardians shall be given the opportunity to participate in the design, development, operation and evaluation of the program.

C. Parents/guardians shall be encouraged to participate in planning activities, to offer suggestions, and to ask questions regarding policies and programs.[\[1\]](#)

B. D. In addition to the required annual meeting, additional parent/guardian meetings shall be held at various times of the day and evening.

1. At these meetings, parents/guardians shall be provided:[\[1\]](#)

- ~~1.~~ **a.** Information about programs provided under Title I.
- ~~2.~~ **b.** Description and explanation of the curriculum in use, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet.
- ~~3.~~ **c.** Opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children.

~~4.~~ **d.** Opportunities to submit parent/guardian comments about the program to the district level.

~~E.~~ **E.** If sufficient, Title I funding may be used to facilitate parent/guardian attendance at meetings through payment of transportation and child care costs.

~~F.~~ **F.** Opportunities shall be provided for parents/guardians to meet with the classroom and Title I teachers to discuss their child's progress.

~~G.~~ **G.** Parents/Guardians may be given guidance as to how they can assist at home in the education of their child.

~~H.~~ **H.** School-Parental Compact

1. Each school in the ~~district~~ **District** receiving Title I funds shall jointly develop with parents/guardians of students served in the program a School-Parental Compact outlining the manner in which parents/guardians, school staff and students share responsibility for improved student achievement in meeting academic standards. The compact shall:[3]

a. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment, enabling students in the Title I program to meet the district's academic standards.

b. Indicate the ways in which parents/guardians will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television watching; volunteering in the classroom; and participating, as appropriate, in decisions related to their child's education and positive use of extracurricular time.

c. Address the importance of parent-teacher communication on an ongoing basis through, at a minimum, parent-teacher conferences, frequent reports to parents/guardians, and reasonable access to staff.

Revision History:

November 30, 2017

Legal	1. 20 U.S.C. 6318
	2. Pol. 138
	3. Pol. 102
	22 PA Code 403.1

Last Modified by Policy Staff on May 3, 2019