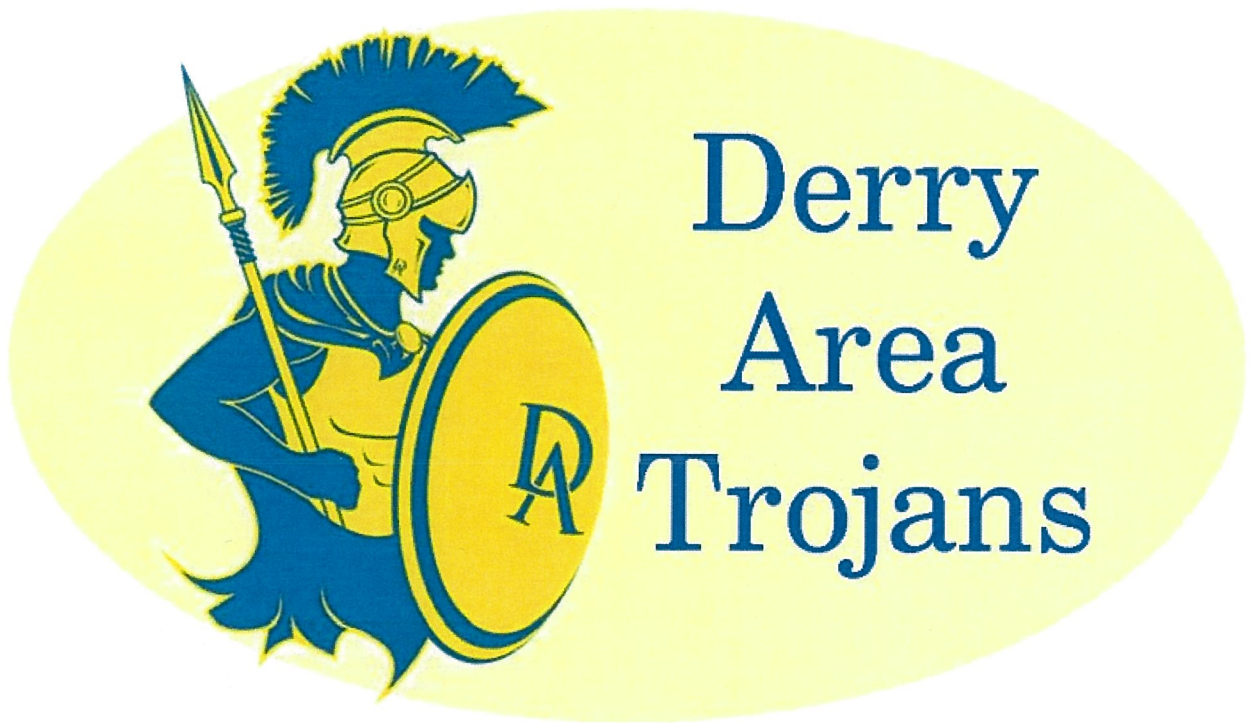


DERRY AREA SCHOOL DISTRICT  
DERRY, PENNSYLVANIA

**SUBSTITUTE AIDE/SECRETARY  
HANDBOOK**



<http://dasd.us>

2020-21

DERRY AREA SCHOOL DISTRICT  
Derry, Pennsylvania 15627-7600

Title IX Compliance Statement

The Derry Area School District does not discriminate on the basis of sex in the educational programs or activities which it operates, and is required by Title IX, not to discriminate in such a manner. The district policy, not to discriminate on the basis of sex in educational programs and activities, extends to employment in and admission to such programs and activities.

The Derry area School District does not discriminate on the basis of handicap as defined in Section 5503 of the Rehabilitation Act of 1973, in admissions, or access to, or treatment of its programs and activities.

Inquiries concerning the application of Title IX or Section 5503 of the Rehabilitation Act of 1973 may be referred to the superintendent's office at 724-694-1400.

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I

DERRY AREA SCHOOL DISTRICT

The Derry Area School District encompasses 106 square miles and includes the municipalities of New Alexandria, Derry Borough, and Derry Township. The Derry Area Schools are organized into; Grandview Elementary School (grades K-5), Middle School (grades 6-8), and a High School (grades 9-12). Total enrollment is approximately 1,874 who are served by 164 professional employees.

II

STAFF DIRECTORY

ADMINISTRATION

Superintendent	Eric Curry	(724)694-1400
Director of Elementary Education	Kris Higgs	(724)694-1354
Director of Secondary Education	Greg Ferencak	(724)694-1410
Adm. Asst./Business Affairs	Joseph A. Koluder, Jr.	(724)694-1402
High School Principal	Casey Long	(724)694-2780
Middle School Principal	Lisa A. Dubich	(724)694-8231
HS Dean of Students	Jeffrey Kelly - HS	(724)694-1475
MS Dean of Students	Sean Myers- MS	(724)694-8231
Elementary Principal	Rod Bisi	(724)694-2400
Associate EL Principal/Federal Programs Coordinator	Kara Gardner	(724)694-2400
Director of Special Services	Kathy Perry, Ed.D	(724)694-1408
School Psychologist	Cheryl Goughneour	(724)694-1427
Transportation/Athletics/School Safety Coordinator	Brett Miller	(724)694-1419

GUIDANCE COUNSELORS/SCHOOL NURSES

High School Guidance Counselor	Stephanie Hotz-Freeman	(724)694-1465
High School Guidance Counselor	Robert Neidbalsen	(724)694-1465
Middle School Guidance Counselor	Lisa Tatone	(724)694-1435
Elementary Guidance Counselor (Gr. 3-5)	Cathy White	(724)694-1358
Primary Guidance Counselor (Gr. K-2)	Shannon Shrum	(724)537-5601
High School/Middle School Nurse	Wendy Angus	(724)694-1440
Elementary Nurse - Grandview School	Kimberlee Long	(724)694-1353
K-12 Part-Time Nurse	Karen Stewart	(724) 694-1440 or
K-12 Nurse's Assistant	Krista Ahlborn	(724)694-1353

### III

#### REQUIREMENTS FOR BECOMING A SUBSTITUTE AIDE/SECRETARY

To become a substitute aide/secretary in Derry Area School District you must have completed a Substitute Aide/Secretary application and submitted it along with a **Pennsylvania State Police Criminal Records Clearance**, a **Pennsylvania Child Abuse History Clearance**, and the **FBI Federal Criminal History Record** to the school district for approval. All substitutes with an initial hire date of December 14, 2014 or later shall complete one **Act 168 Sexual Abuse/Misconduct Disclosure** form [Section 1] for their present employer(s) and one for each former employer that were school entities or where the applicant had direct contact with children. In addition, the district requires that all its employees have a **School Health** form on File with a current Tb test..

You must submit proof of completion of **Mandated Reporter training**, as per the requirements of PA Act 126 and all other required trainings as mandated by the PA Department of Education. If you have not completed this training, please contact the Office of the Assistant Superintendent for further information.

**NOTE: If, after you have been approved as a substitute aide/secretary, you should wish to have your name removed from the substitute list, please advise - in writing - to the office of the Superintendent.**

### IV

#### DISTRICT EXPECTATIONS FOR SUBSTITUTE AIDE/SECRETARY

The school district's goal in using substitute staff is to provide the least amount of disruption to students' learning process. Therefore, when you have been called to substitute, you should:

1. Be sure you know the location of the school to which you are to report.  
**Please Note: Because of the need to reserve sufficient spaces for customers of the Wage and Property Tax Offices, we ask that you park in the parking lot in back of the High School/Middle School complex or in the slots above the Administration Building when you are called to substitute in the High School/Middle School. When called to Grandview Elem. Park in the side lot on the right as you approach the school.**
2. Substitute Reporting Hours:  
Elementary 8:35 a.m. - 3:50 p.m.  
Middle School 7:37 a.m. - 2:53 p.m.  
High School 7:37 a.m. - 2:53 p.m.  
When you are called to substitute for a secretary, Frontline Education (formerly AESOP), will advise you of reporting time.
3. **Report to the school office upon arrival and departure.**

IV. DISTRICT EXPECTATIONS FOR SUBSTITUTE AIDE/SECRETARY (continued)

4. At your scheduled lunch period, you are invited to purchase a lunch in the cafeteria and eat in the area designated for staff. The price of lunch is \$4.00, w/a beverage.
5. Before you leave for the day, complete a substitute time slip and return it to the office.
6. **At the conclusion of your first day of substituting in Derry Area School District, you should report to the Payroll office (Administration building between 7 AM - 3:30 PM) to complete the necessary forms to insure proper payment for your services.**

V

REMUNERATION

Derry Area School District utilizes two types of substitute aide/secretary. Any substitute aide/secretary who is called for day-to-day vacancies will be paid at the rate of \$8.00 per hour. Full time substitutes employed by the Board are paid at a rate established by the Board of Education. Substitute aides/secretaries are paid on the 13th and 28th of each month. Please see the 2020-21 pay periods on page 5.

VI

DISTRICT POLICIES:

- A. Drug and Substance Abuse Policy - See Addendum A
- B. Weapons Policy - See Addendum B
- C. Policy for Employment of Substitute Employees - See Addendum C
- D. Tobacco Use Policy - See Addendum D
- E. Nondiscrimination/Discriminatory Harassment Policies - See Addendum E
- F. Electronic Devices - See Addendum F
- G. Maintaining Professional Adult/Student Boundaries - See Addendum G

VII  
2020-21 TIME SCHEDULE

	<b>ELEMENTARY</b>	<b>MIDDLE SCHOOL</b>	<b>HIGH SCHOOL</b>
First students arrive at school	8:45 a.m.	7:25 a.m.	7:25 a.m.
Substitute Staff to Report	8:35 a.m.	7:37 a.m.	7:37 a.m.
Staff to report	8:10 a.m.	7:15 a.m.	7:15 a.m.
Student Dismissal End of School Day	3:35 p.m.	2:53 p.m.	2:53 p.m.
Staff Departure	3:50 p.m.	2:55 p.m.	2:55 p.m.

**DERRY AREA SCHOOL DISTRICT**  
(Pay Periods)  
**PAY PERIODS**  
**2020-2021**

**July 13:** June 14 – 20, June 21 - 27

**July 28:** June 28 – Jul 4, Jul 5 – 11, Jul 12 – 18

**Aug 13:** July 19 – 25, July 26 - Aug 1

**Aug 28:** Aug 2 – 8, Aug 9 - 15

**Sept 11:** Aug 16 – 22, Aug 23 – 29

**Sept 28:** Aug 30 – Sept 5, Sept 6 – 12, Sept 13 – 19

**Oct 13:** Sept 20 – 26, Sept 27 – Oct 3

**Oct 28:** Oct 4 – Oct 10, Oct 11 – 17

**Nov 13:** Oct 18 – 24, Oct 25 – 31

**Nov 27:** Nov 1 – 7, Nov 8 – 14

**Dec 11:** Nov 15 – 21, Nov 22 – 28

**Dec 28:** Nov 29 – Dec 5, Dec 6 – 12

**Jan 13:** Dec 13 – 19, Dec 20 – 26, Dec 27 – Jan 2

**Jan 28:** Jan 3 – 9, Jan 10 – 16

**Feb 12:** Jan 17 – 23, Jan 24 – 30

**Feb 26:** Jan 31 – Feb 6, Feb 7 – 13

**Mar 12:** Feb 14 – 20, Feb 21 – 27

**Mar 26:** Feb 28 – Mar 6, Mar 7 – 13

**Apr 13:** Mar 14 – 20, Mar 21 – 27, Mar 28 – Apr 3

**Apr 28:** Apr 4 – Apr 10, Apr 11 – Apr 17

**May 13:** Apr 18 – 24, Apr 25 – May 1

**May 28:** May 2 – 8, May 9 - 15

**June 11:** May 16 – 22, May 23 – 29

**June 28:** May 30 – June 5, Jun 6 - 12,

**July 13:** Jun 13 – 19, Jun 20 – 26, Jun 27 – Jul 3

**July 28:** Jul 4 – 10, Jul 11 – 17



## School Calendar

Board Approved 3/5/2020

**DERRY AREA SCHOOL DISTRICT  
SCHOOL CALENDAR  
2020-2021**

*Derry Area School District Board of Education reserves the right to modify this calendar as necessary.*

August 2020						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

**August** 2 = 2 days

24 – In-service Day

25 – Act 80 Day

26 – In-service Day

27 – In-service Day

31 – School Begins

February 2021						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

**February** 19 = 117 days

15 – President's Day/1<sup>st</sup> Snow Make-up Day

September 2020						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

**September** 21 = 23 days

7 – Labor Day

March 2021						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**March** 22 = 139 days

12 – In-service Day/2<sup>nd</sup> Snow Make-up Day

25 – End of 3<sup>rd</sup> 9 weeks

October 2020						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**October** 22 = 45 days

9 – Act 80 Day (Fort Ligonier)

30 – End of 1<sup>st</sup> 9 weeks

April 2021						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

**April** 20 = 159 days

1 – Early Dismissal – 1:00 p.m. Secondary

1:40 p.m. Elementary

2 - 5 – Spring Recess

6 – School Resumes

November 2020						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

**November** 17 = 62 days

10 – Act 80 Day (Parent Teacher Conference)

11 – Veterans Day

25 – Early Dismissal - 1:00 p.m. Secondary  
1:40 p.m. Elementary

26 - 30 – Thanksgiving Vacation

May 2021						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

**May** 19 = 178 days

7 – Prom/In-service Day

31 – Memorial Day

December 2020						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

**December** 17 = 79 days

1 – School Resumes

23 – Early Dismissal - 1:00 p.m. Secondary  
1:40 p.m. Elementary

24 - 31 – Holiday Vacation  
(30) - Offices Open

June 2021						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

**June** 2 = 180 days

2 – Last Day of Instruction (Tentative)

10:30 a.m. Secondary Dismissal

11:00 a.m. Elementary Dismissal

16 – School Picnic – Offices closed

January 2021						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

**January** 19 = 98 days

1 – New Year's Day

4 – School Resumes

18 – Martin Luther King Day/In-service Day

19 – End of 1<sup>st</sup> Semester

July 2021						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**July**

5 – 4<sup>th</sup> of July Observed - Offices closed

	School Begins/Resumes/Ends
	Indicates no school for students/teachers
	In-service & Act 80 days (no school for students)
	Early Dismissal
	1 <sup>st</sup> 9 weeks, End of 1 <sup>st</sup> semester, 3 <sup>rd</sup> 9 weeks
	Snow Day Used

**PLEASE NOTE:**

\* Snow days exceeding two [2] will be scheduled at the end of the year.

\* Fourteen [14] hours (the equivalent of two [2] In-service Days) will be utilized for after-school meetings, tutoring, and other needs as determined by the district.



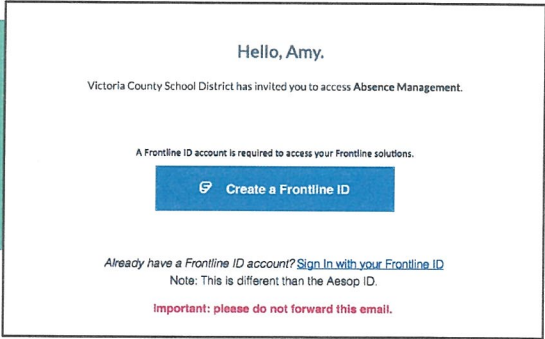
# Identity Management

Once your organization upgrades to the Frontline Insights Platform, you can begin to utilize new and improved system functionality! These new upgrades allow you to log in to all your Frontline applications with a single username and password and to access any Frontline application via a single URL.

## GETTING STARTED

On the date your district upgrades, you will receive an invitation email to create a Frontline ID account.

This new account replaces your former login credentials and allows you to collectively access all your different Frontline applications via a new, single username and password.



Click **Create a Frontline ID** within the invitation email.

This selection takes you to a Sign In page where you must create login credentials in accordance to Frontline requirements.

## CREATING AN ACCOUNT

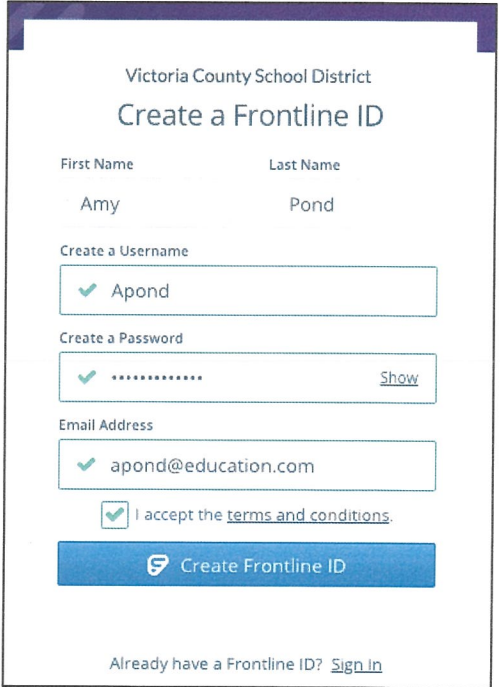
Your new username must contain 1 alphabet character and at least 4 total characters. (You can potentially use your email address, first initial and last name, or a different, district-preferred combination.)

The password must have 1 alphabet character, 1 number or special character, and 8 total characters.

Include an email address to provide a means for password recovery/verification and click the checkbox to accept the terms and conditions.

Once you are finished, click **Create Frontline ID**.

The system will prompt you to confirm your email as a final verification step. Once completed, the system enables access with your new username and password and requires these credentials for any future logins.

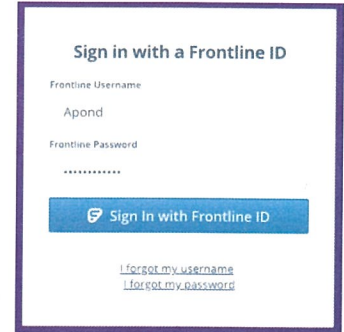




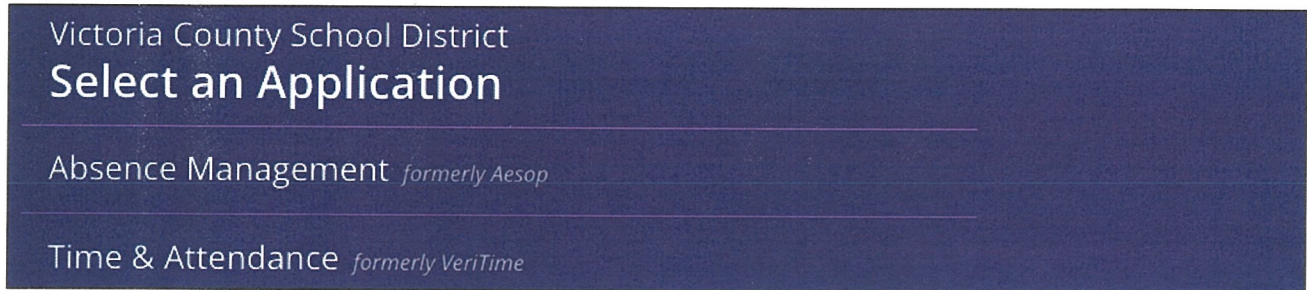
## SIGN ON PAGE

With the creation of your new Frontline ID account, you can access all your Frontline applications through a single sign-on page.

Go to [app.frontlineeducation.com](http://app.frontlineeducation.com), enter your new username and password, and click **Sign In**. The system recognizes your account configurations and presents applicable options based on your organizational setup.

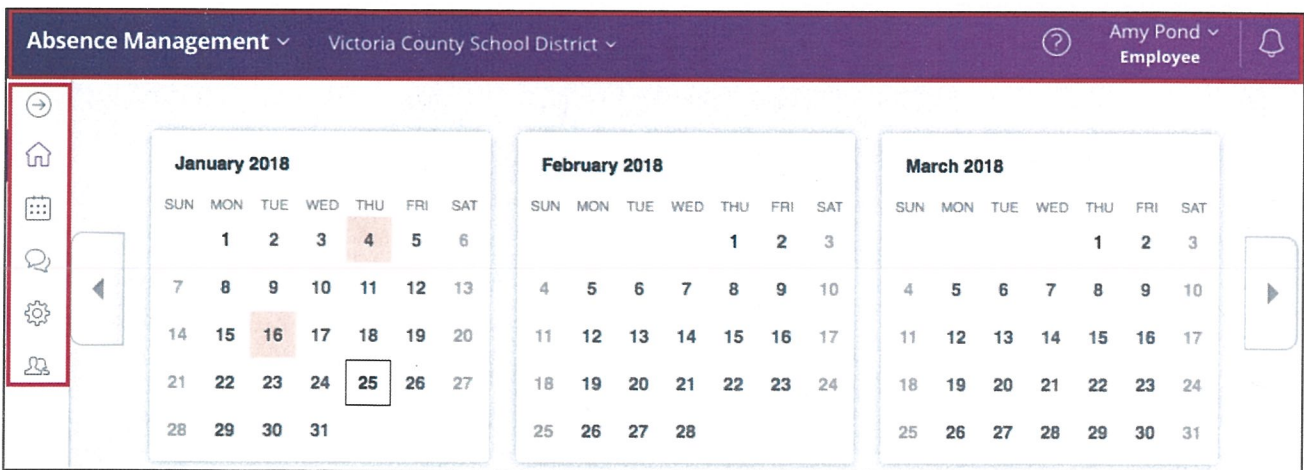


If you belong to multiple organizations, the system will prompt you to choose which organization you want to access, and once selected, you will then choose from a list of your accessible Frontline applications.



## LAYOUT

When you log in, the system will display a side navigation bar that hosts application-specific options, and you will have a series of selectable options along the top purple bar. From this top bar, you can alternate between applications/districts (if applicable), access help resources, and manage your account.

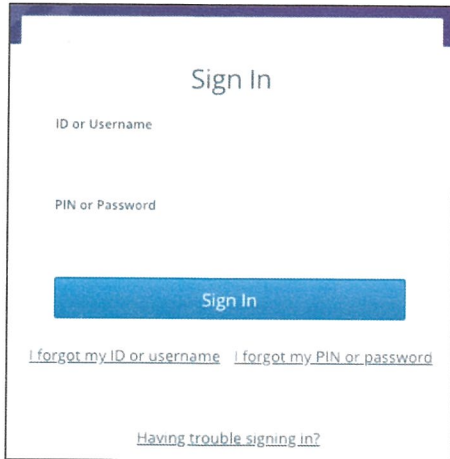


If you have any additional questions, please reference your application's Learning Center!





# Absence Management



## SIGNING IN

Type [aesoponline.com](http://aesoponline.com) in your web browser's address bar or go to [app.frontlineeducation.com](http://app.frontlineeducation.com) if you have a Frontline Account.

The Sign In page will appear. Enter your ID/username and PIN/password and click **Sign In**.

## RECOVERING CREDENTIALS

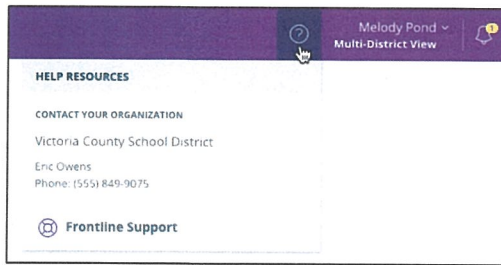
If you cannot recall your credentials, use the recovery options or click the “**Having trouble signing in?**” link for more details.

## SEARCHING FOR AVAILABLE JOBS

You can review available jobs directly on the homepage. These potential jobs appear in green on the calendar and in list form under the “Available Jobs” tab.

To accept a job, click the **Accept** button beside the absence (or click **Reject** to remove a job from the list).

Date	Time	Duration	Location	Filter
Mon, 4/30/2018	11:00 AM - 6:00 PM	1 Full Day	Victoria County School District Victoria County Community Schools	<input type="checkbox"/> Reject <input checked="" type="checkbox"/> Accept



## GETTING HELP AND TRAINING

If you have questions, want to learn more about a certain feature, or want more information about a specific topic, click **Help Resources** and select **Frontline Support**. This opens a knowledge base of help and training materials.

## ACCESSING ABSENCE MANAGEMENT ON THE PHONE

In addition to web-based, system accessibility, you can also find and accept available jobs, manage personal information, change your PIN number, and more, all on the phone.

### When You Call into Absence Management

To call, dial **1-800-942-3767**. You'll be prompted to enter your ID number (followed by the # sign), then your PIN number (followed by the # sign).

When calling the Absence Management system, you can:

- Find available jobs – **Press 1**
- Review or cancel upcoming jobs – **Press 2**
- Review or cancel a specific job – **Press 3**
- Review or change your personal information – **Press 4**

### When the Absence Management System Calls You

If an available job has not been filled by another substitute two days before the absence is scheduled to start, the system will automatically begin to call substitutes and try to fill the job.

Keep in mind, when the system calls you, it will call about one job at a time, even if you're eligible for other jobs. You can always call in (see "When You Call into Absence Management" section above) to hear a list of all available jobs.

**Note:** When the system calls, be sure to say a loud and clear "Hello" after answering the call. This will ensure that the system knows you picked up the call.

When you receive a call, you can:

- Listen to available jobs – **Press 1**
- Prevent Absence Management from calling again today – **Press 2**
- Prevent Absence Management from ever calling again – **Press 9**

If you are interested in the available job, **Press 1**. You will be asked to enter your PIN number (followed by the # sign). The Absence Management system will list the job details, and you will have the opportunity to accept or reject the job.

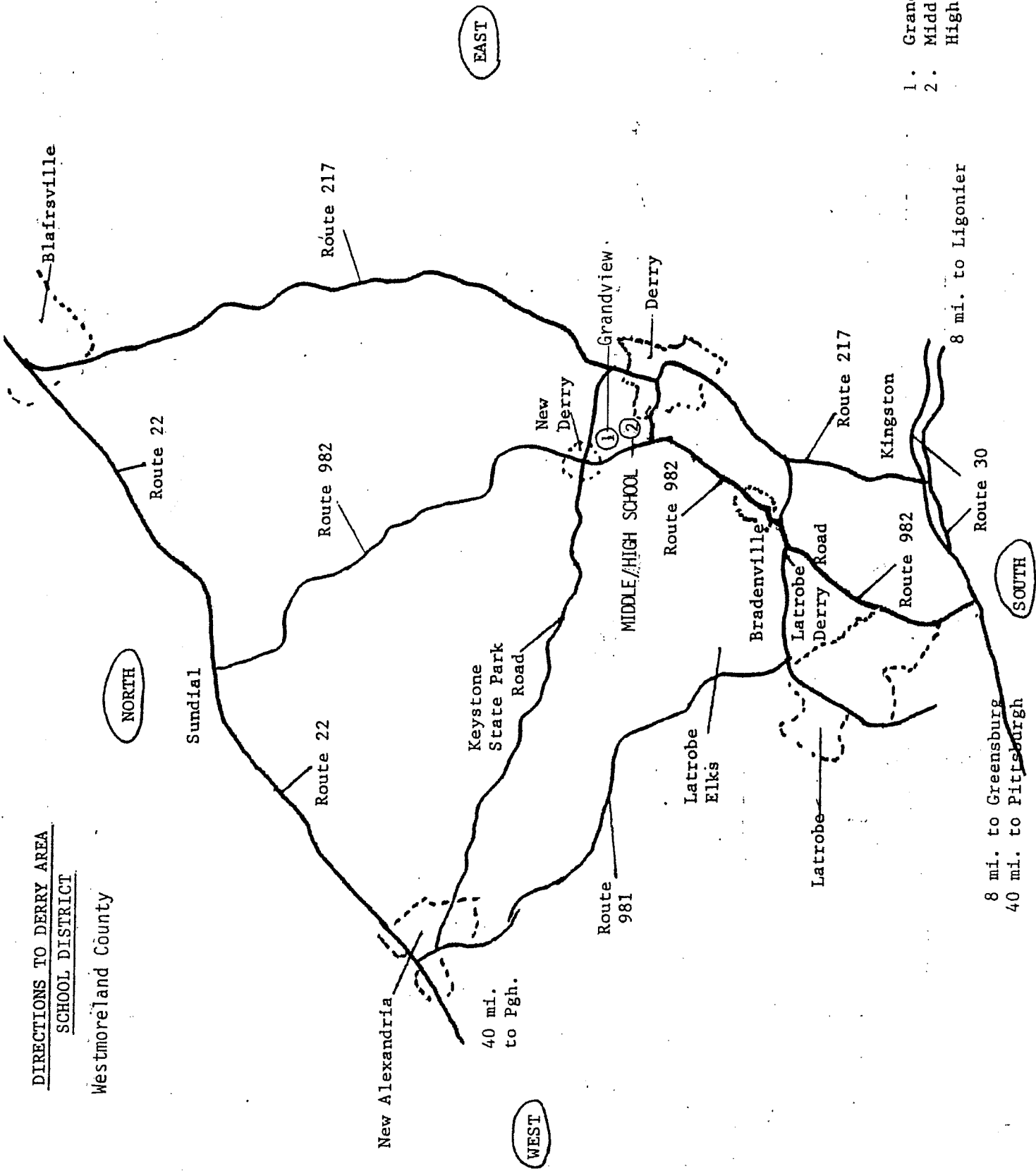




XI  
 MAP OF THE AREA  
 XI  
 MAP OF AREA

DIRECTIONS TO DERRY AREA  
SCHOOL DISTRICT

Westmoreland County



- 1. Grandview Middle School
- 2. High School

# Derry Area School District



*Home of the Trojans*

STADIUM

HORT/AG COMPLEX

GATE LOCKED

MIDDLE SCHOOL GYM

MIDDLE SCHOOL OFFICE

CAFE

NATATORIUM

HIGH SCHOOL GYM

OFFICE

XX HIGH SCHOOL

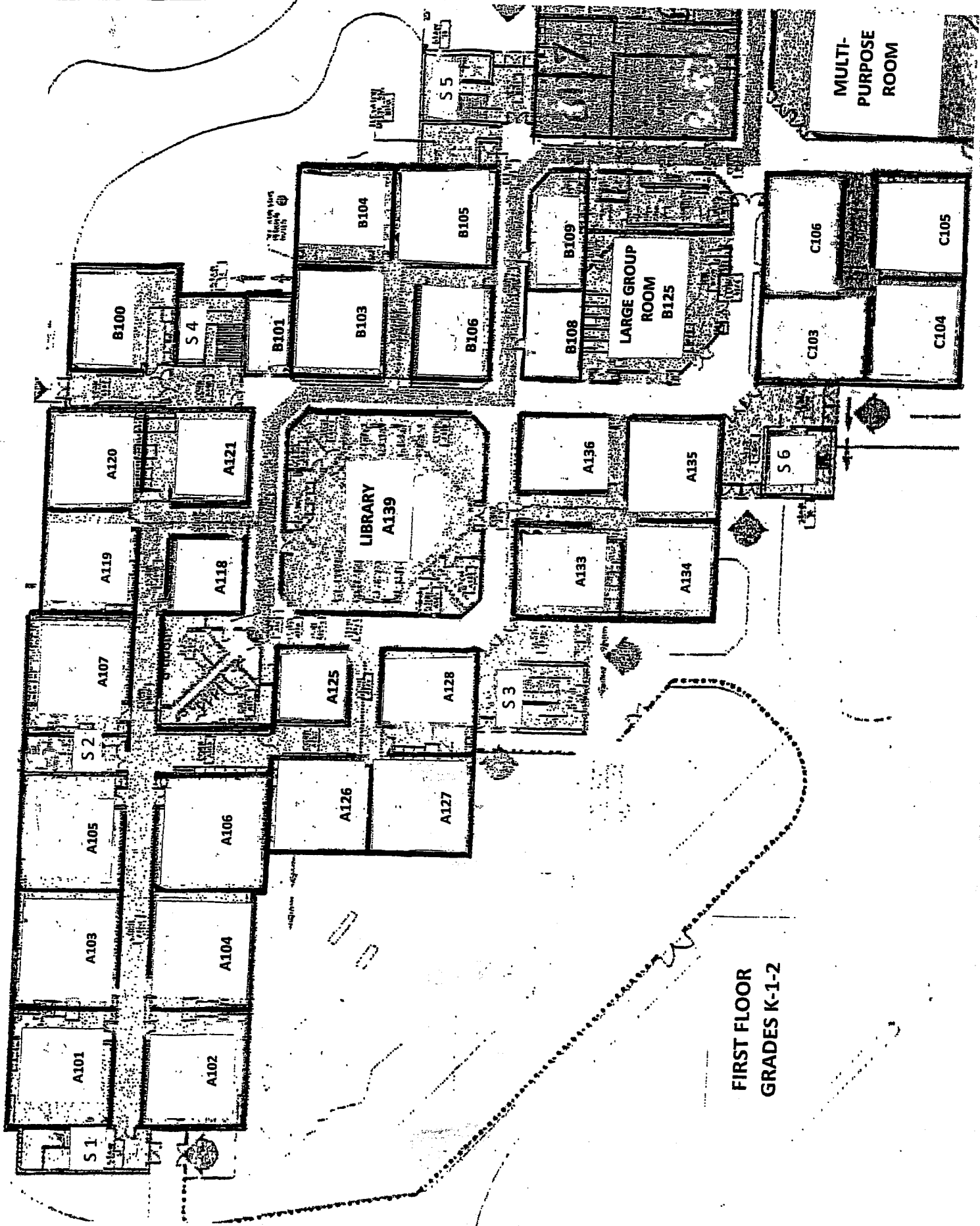
ADMINISTRATION BUILDING

TROJAN DRIVE

NORTH CHESTNUT STREET EXT.

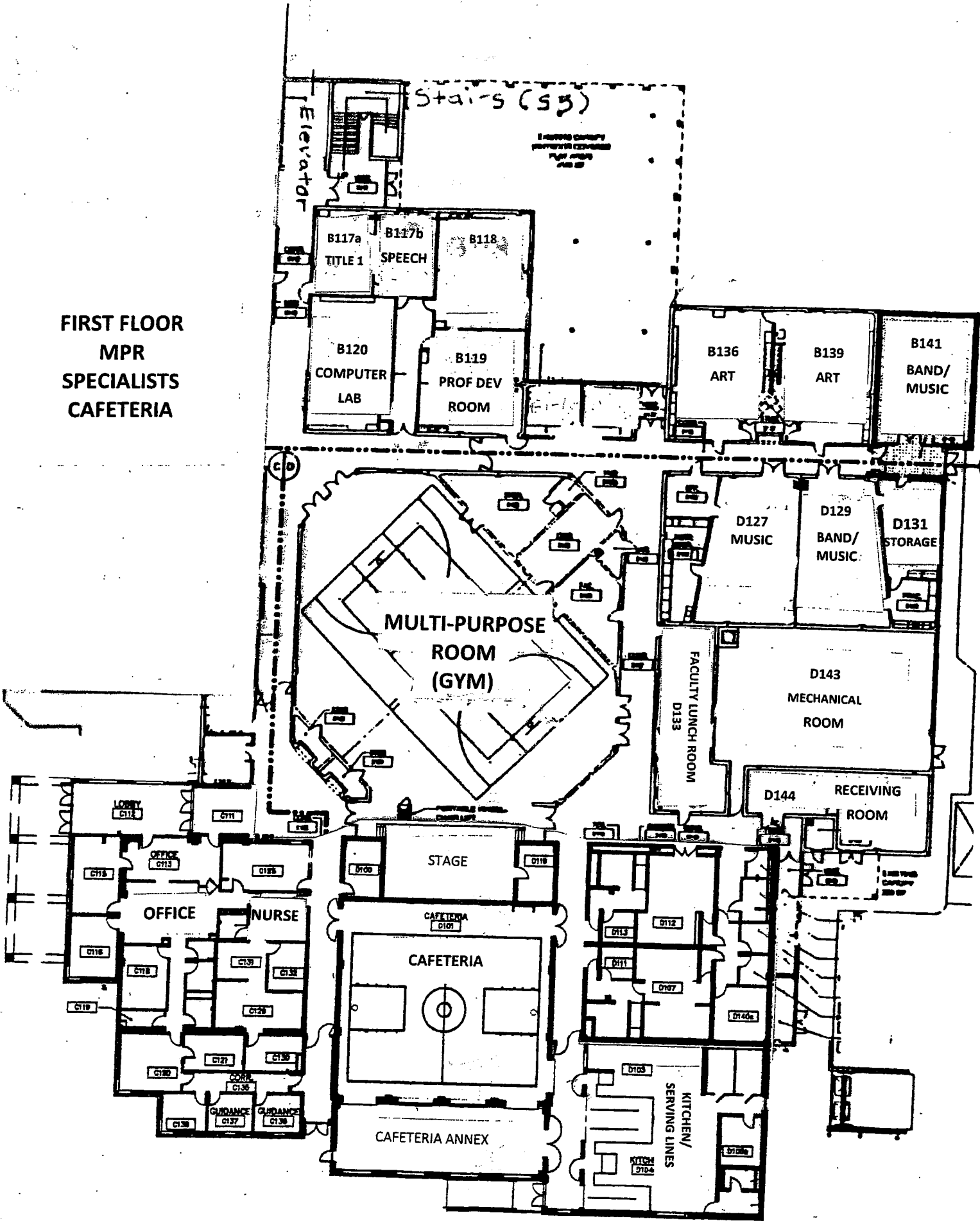
ROUTE 982



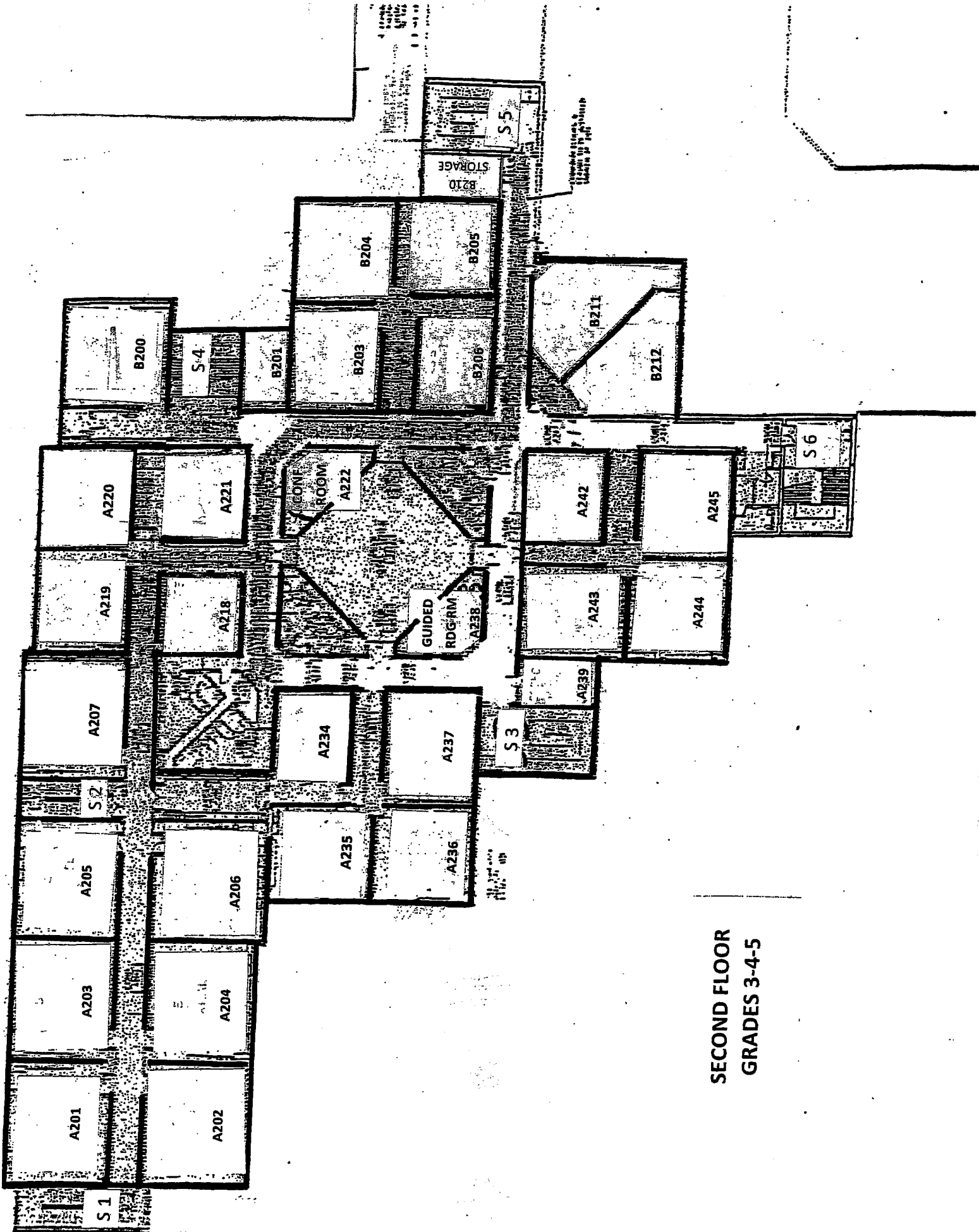


FIRST FLOOR  
GRADES K-1-2



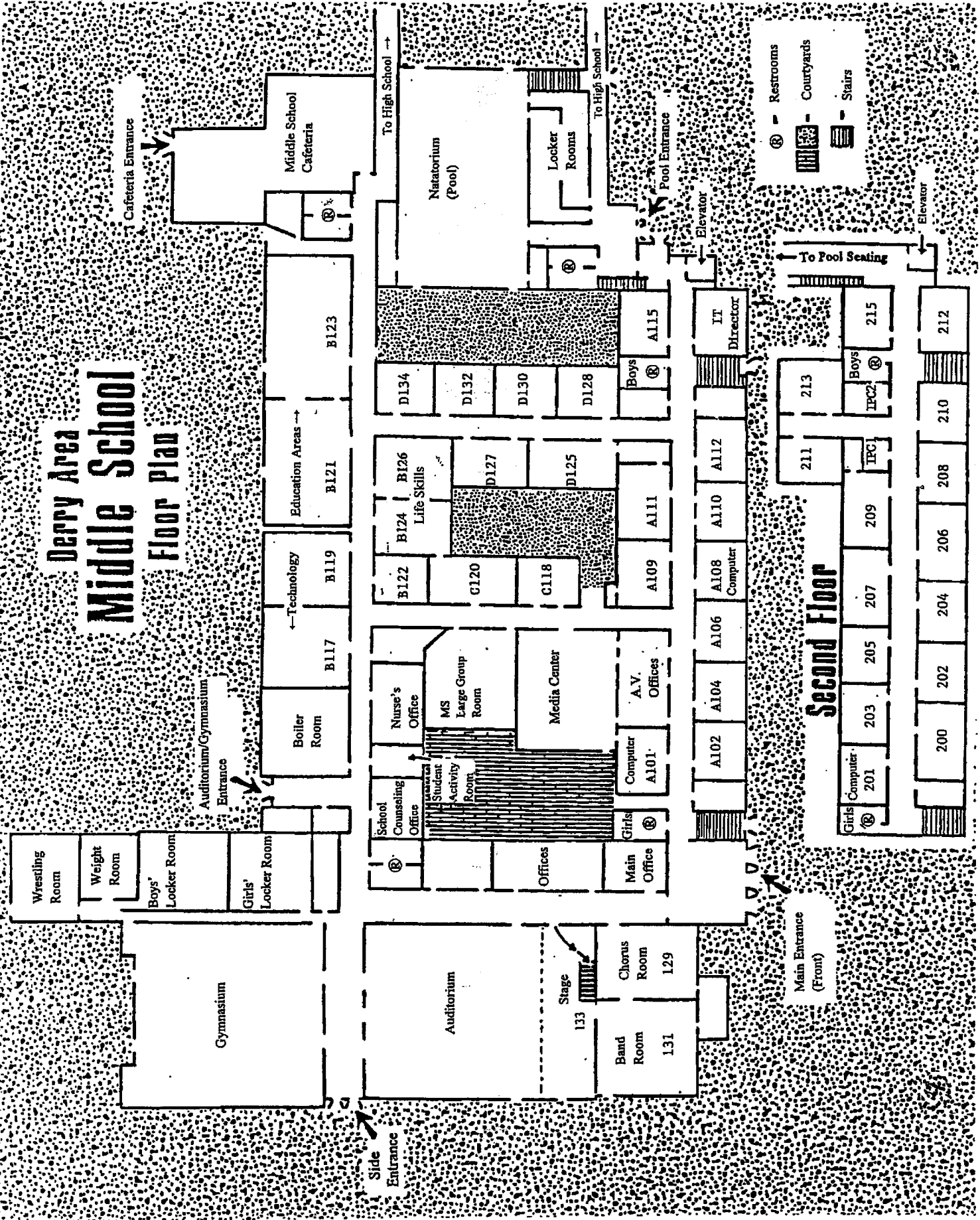


FIRST FLOOR  
MPR  
SPECIALISTS  
CAFETERIA



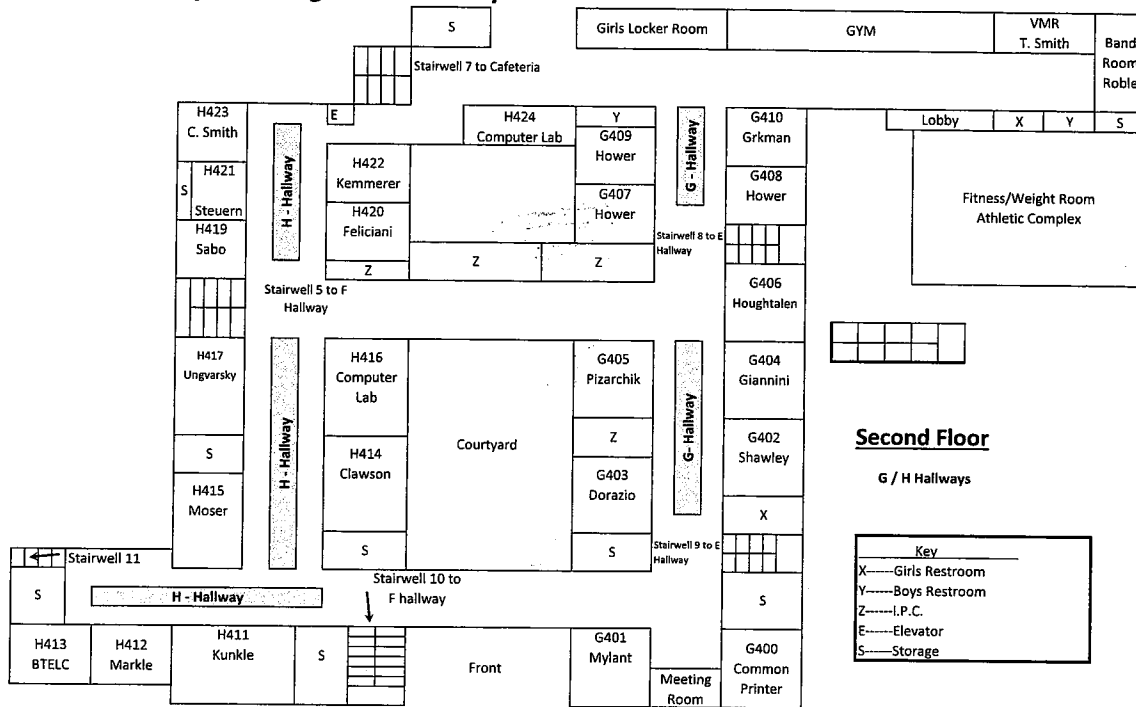
**SECOND FLOOR  
GRADES 3-4-5**

# Derry Area Middle School Floor Plan

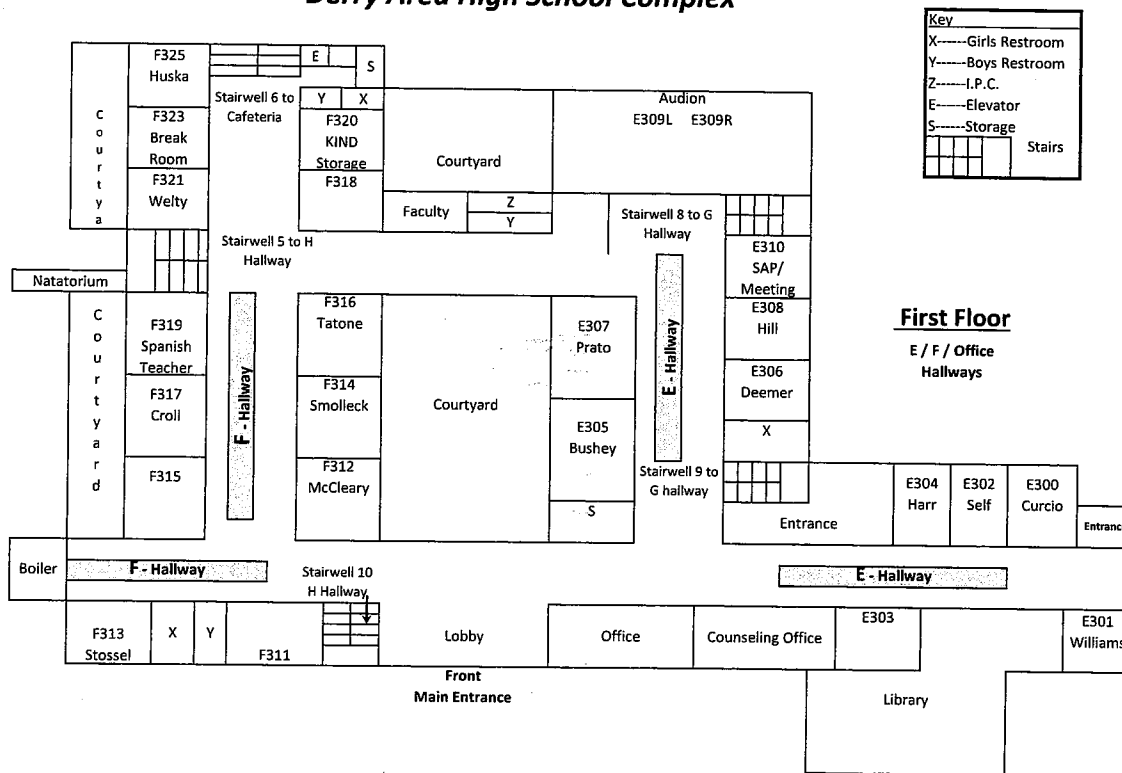


XII  
 DERRY AREA HIGH SCHOOL (Gr. 9-12)  
 HS BUILDING FLOOR PLANS

**Derry Area High School Complex**

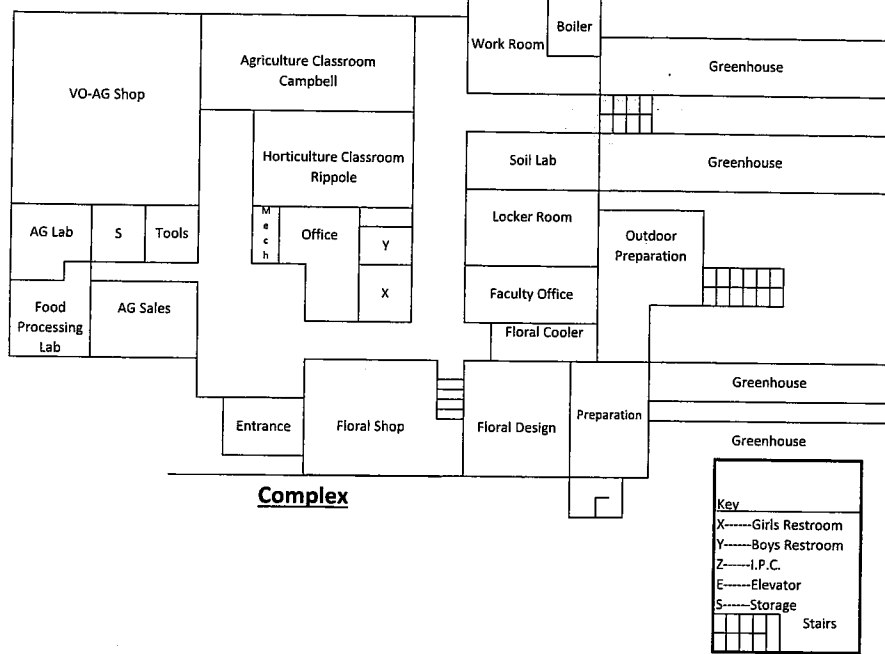


**Derry Area High School Complex**

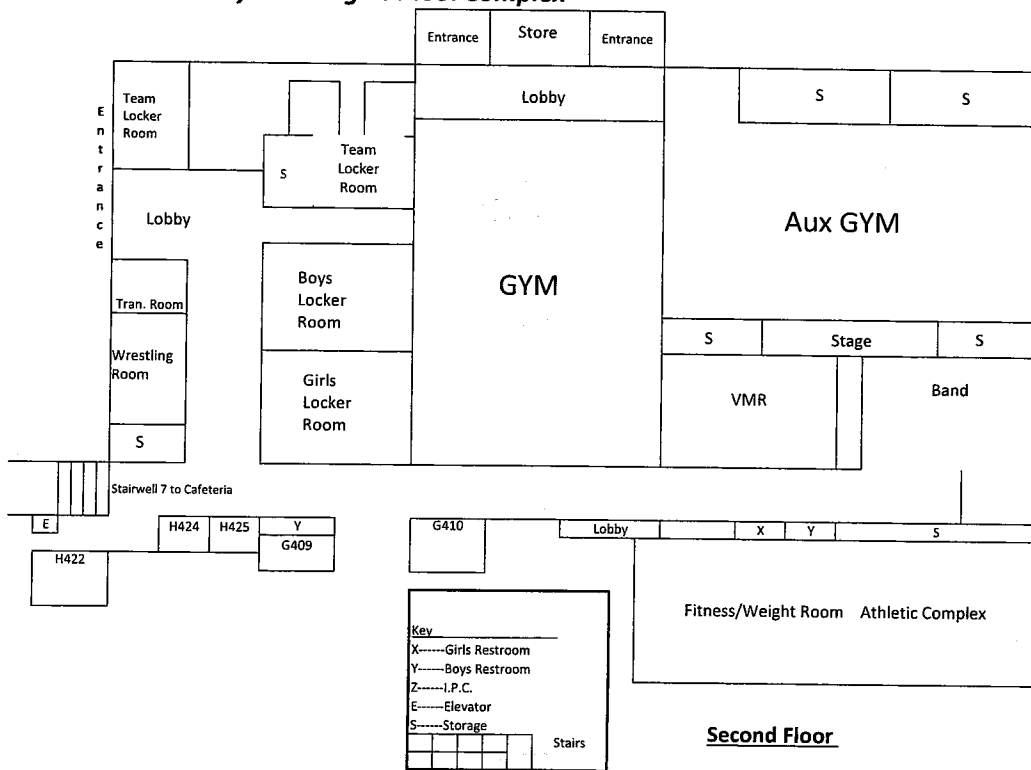


**Derry Area High School AG/Hort Complex**

DERRY AREA HIGH SCHOOL (Gr. 9-12)  
HS BUILDING FLOOR PLANS

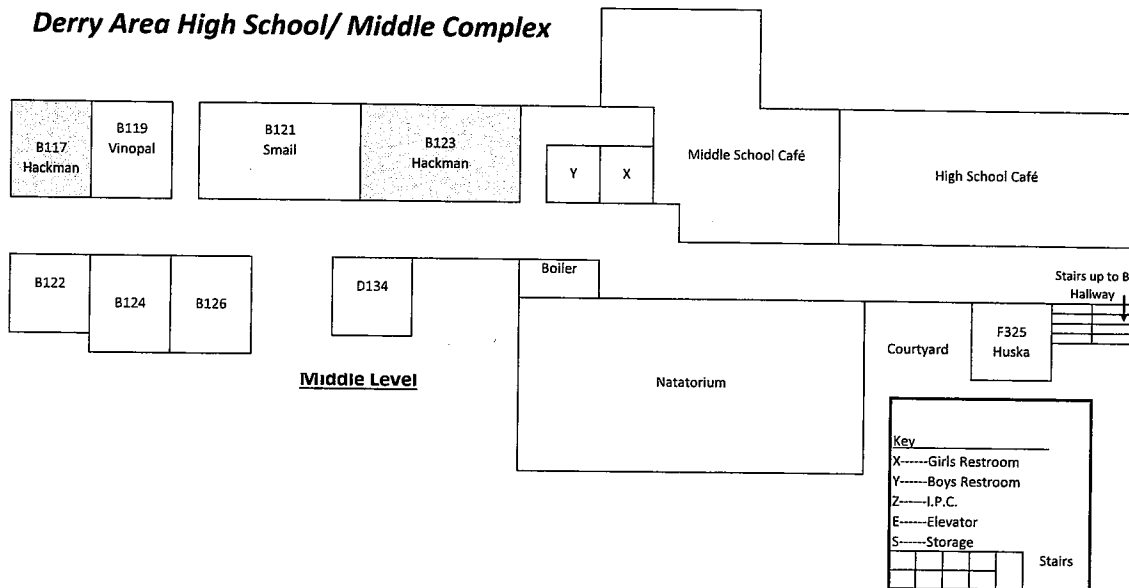


**Derry Area High School Complex**



XII  
 DERRY AREA HIGH SCHOOL (Gr. 9-12)  
 HS BUILDING FLOOR PLANS

**Derry Area High School/ Middle Complex**



SECTION: CLASSIFIED EMPLOYEES

TITLE: DRUG AND SUBSTANCE ABUSE

ADOPTED: January 11, 1999

REVISED:

# Derry Area School District

## 551. DRUG AND SUBSTANCE ABUSE

### 1. Purpose

The Board recognizes that the misuse of drugs and alcohol is a serious problem with legal, physical and social implications for the whole school community. As such, the Board is very much concerned about the problem that may be caused by drug and alcohol use by classified employees, especially as the use relates to the safety, efficiency and productivity of classified employees.

P.L.100-690

The primary purpose and justification for any action on the part of the school staff would be the protection of the health, safety and welfare of students, staff and school property.

### 2. Definitions

P.S. 35  
Sec. 780-101 et seq  
21 USC  
Sec. 802

For the purposes of this policy, **drugs, alcohol and controlled substances** shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act and the Controlled Substances Act.

P.L.100-690

**Conviction** shall be defined as finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statute. Any classified employee convicted of delivery of controlled substance or convicted of possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the district.

**Criminal drug statute** shall be defined as a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

1  
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**Drug-free workplace** shall be defined as the site for the performance of work done in connection with a specific grant at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol.

3. Delegation of Responsibility

P.L. 101-226  
Sec. 5115  
(a) (4)

A statement notifying classified employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol is prohibited in the classified employee's workplace shall be provided by the Superintendent or his/her designee and shall specify the actions that will be taken against the classified employee for violation of this policy up to and including termination and referral for prosecution.

The Board requires that each classified employee engaged in the performance of the grant be given a copy of the statement and notification to the employee that, as a condition of employment under the grant, the classified employee will abide by the terms of the statement and notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

The grantor of such funds shall be notified within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of such conviction.

The district shall be responsible for taking one of the following actions within thirty (30) days of receiving notice, with respect to any convicted classified employee.

The district shall take appropriate personnel action against such an employee, up to and including termination.

An employee who is not discharged for a violation of this policy, as a condition precedent to returning to work, must certify that s/he has enrolled in and or completed a drug abuse assistance or rehabilitation program.

In establishing a drug-free awareness program, the Superintendent or his/her designee shall inform classified employees about:





551. DRUG AND SUBSTANCE ABUSE - Pg. 3

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1. The dangers of drug abuse in the workplace.
2. The district's policy of maintaining a drug-free workplace.
3. The availability of drug counseling, drug rehabilitation, and employee assistance programs available.
4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

The district shall make a good faith effort to continue to maintain a drug-free workplace through the implementation of this policy.

School Code  
527

Other Cites  
P.L.100-690  
P.S. 35  
Sec. 780-  
101 et seq

SECTION: PUPILS  
 TITLE: WEAPONS  
 ADOPTED: January 11, 1999  
 REVISED: June 24, 2003, February 2, 2012,  
 November 7, 2013

## **Derry Area School District**

### No. 218.1 WEAPONS

**1. Purpose**

The Board recognizes the importance of a safe school environment relative to the education process. Possession of weapons in the school setting is a threat to the safety of students and staff and is prohibited by law.

**2. Definitions  
 SC 1317.2**

Weapon - The term shall include but not be limited to any knife, cutting instrument, cutting tool, nunchaku, brass or metal knuckles, firearm, pellet gun, shotgun, rifle, sling shot, any air powered weapon, electrical discharge apparatus or facsimile, laser pointer, look-a-like instrument, noxious, irritating, or poisonous chemical agents such as mace, concentrated animal scents, or any other device or instrument, material, substance (animated or inanimate), which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death, inflicting serious bodily injury, or extreme body discomfort.

A weapon does not include any device which is authorized by the school for a legitimate education purpose, such as tools, scissors, compasses, pencils, implements for art class, and the like. Any student, however, using any such object in an aggressive, threatening and/or intimidating manner shall be considered in possession of a weapon.

A destructive device means any explosive, incendiary, poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine, or any device similar to any of the devices described above.

No. 218.1 WEAPONS

A firearm means the following:

1. Any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
2. The frame or receiver of any such weapon.
3. Any firearm muffler or firearm silencer.
4. Any destructive devise.
5. Any facsimile devise used as or portrayed as an authentic device, in incidents therein described.

Possessing - a student is in possession of a weapon when the weapon is found on the person of the student; in the student's locker; under the student's control while on school property, on property being used by the school, at any school function or activity, at any school event held away from the school, or while the student is coming to or from school.

3. Authority  
SC 1317.2

The Board prohibits students from possessing and bringing weapons and replicas of weapons into any school district buildings, onto school property, to any school sponsored activity, and onto any public vehicle providing transportation to or from school or a school sponsored activity or while the student is coming to or from school.

SC 1317.2  
Pol. 233

The Board shall expel for a period of not less than one (1) year any student who willfully violates this weapons policy. Such expulsion shall be given in conformance with formal due process proceedings required by law and Board policy. The Superintendent may recommend modifications of such expulsion requirement on a case-by-case basis.

P.L. 91-230  
20 U.S.C.  
Sec. 1400  
et seq

All incidents shall be reported to the Board of Education. Any discipline involving a special education student will be subject to provisions of the Federal Individuals with Disabilities Education Act and accompanying Commonwealth law and regulations.

SC 1317.2  
(e) (1)

When the school district receives a student who transfers from a public or private school during and expulsion period for an offense involving a weapon, the district may assign that student to an alternative assignment or may provide alternative education, provided the assignment may not exceed the expulsion period.

NO. 218.1 WEAPONS

Any professional staff member, school employee, and/or student who knows or ascertains that a student is in possession of a weapon in violation of this policy shall immediately inform the building principal who will conduct a complete investigation.

Upon reasonable suspicion that a student possesses a weapon, the building principal will request the student to voluntarily empty his or her pockets, remove any coat, book-bag, or purse to be searched by school official in the presence of another adult witness. Students are advised that the rules and regulation of the state Board of Education provide that reasonable force may be used by teachers and school authorities to obtain possession of weapons or other dangerous objects.

Persons other than students, apprehended and found to be in possession of a weapon while on school property may be prosecuted through cooperation with the PA State Police.

4. Delegation of Responsibility  
SC 1302.1-A20

The Superintendent or designee shall react promptly to information and knowledge concerning weapons on school property. Such action shall be in compliance with state law and regulation and with the procedures set forth in the memorandum of understanding with local law enforcement officials and the district's emergency preparedness plan.

5. Guidelines  
SC 1302.1-A  
1303-A,  
1317.2  
Title 22  
Sec. 10.2,  
10.21,  
Pol. 805.1  
Title 22  
Sec. 10.2,  
10.25  
Pol. 805.1

The Superintendent or designee shall immediately report incidents involving weapons on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving weapons as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.

SC 1302.1-A  
SC 1317.2

The Superintendent or designee shall annually, by July 31, report all incidents involving acts of violence or possession of a weapon to the Office of Safe Schools on the required form in accordance with state law and regulation.

NO. 218.1 WEAPONS

SC 1303-A The Superintendent or designee shall be responsible to develop a memorandum of understanding with local law enforcement officials that sets forth procedures to be followed when an incident occurs involving an act of violence or possession of a weapon by any person on school property.

SC 1303-A Students, staff and parents shall be informed at least annually concerning this policy. An exception to this policy may be made by the Superintendent, who shall prescribe special conditions or procedures to be followed. Weapons under the control of law enforcement personnel are permitted.

SC 1317.2 In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in, on, or within 1,000 feet of school grounds is prohibited. Violations shall be reported to the appropriate law enforcement agency.

References:

School Code – 24 P.S. Sec. 1301-A, 1302.1-A, 1303-A, 1317.2

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.23, 10.25, 403.1

Possession of Weapon on School Property – 18 Pa. C.S.A. Sec. 912

Gun Control Act – 18 U.S.C. Sec. 921, 922

Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.

No Child Left Behind Act – 20 U.S.C. Sec. 7114

Gun-Free Schools Act – 20 U.S.C. Sec. 7151

Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations 34 CFR Part 300

Board Policy – 103.1, 113.1, 113.2, 218, 233, 805, 805.1

NOTES:

Gun-Free School Zone Act was found unconstitutional – change language to read “In accordance with federal law . . .” and keep cites to 18 U.S.C. Sec. 921, 922

SECTION: EMPLOYEES  
 TITLE: EMPLOYMENT OF SUBSTITUTES  
 ADOPTED: August 6, 2015  
 REVISED:

**DERRY AREA  
 SCHOOL DISTRICT**

No. 305 EMPLOYMENT OF SUBSTITUTES	
<p>1. Authority</p> <p>SC 406, 1101, 1106, 1148</p>	<p>Qualified and competent substitutes for professional and support employees shall be employed by the district in order to provide continuity in the educational programs, operations and services of the schools.</p> <p>The Board shall approve annually the names of potential substitute employees and the positions in which they may substitute.</p> <p>Additional names may be added to the list of substitutes by the Board during the school year.</p> <p>Approval shall normally be given to the candidates for employment recommended by the Superintendent/Assistant Superintendent.</p> <p>Utilization of 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 and the candidate has satisfied legal pre-employment requirements. Retroactive approval shall be recommended to the Board at the next regular Board meeting.</p> <p>A candidate's misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the Board.</p> <p><u>Pre-Employment Requirements</u></p>
<p>SC 111.1</p>	<p>The district shall conduct an employment history review in compliance with state law prior to issuing an offer of substitute employment to a candidate. The employment history review shall remain valid as long as the substitute continues to be employed by the district or remains on the approved substitute list. 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. The district may use the</p>

No. 305 EMPLOYMENT OF SUBSTITUTES	
<p>SC 111 23 Pa. C.S.A. Sec. 6344</p>	<p>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.</p> <p>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 has evaluated the results of that screening process.</p>
<p>SC 111, 111.1</p>	<p>Each candidate shall report, on the designated form, arrests and convictions as specified on the form. Candidates shall likewise report arrests and/or convictions that occur subsequent to initially submitting the form. Failure to accurately report such arrests and convictions may subject the individual to denial of employment, termination if already hired, and/or criminal prosecution.</p>
<p>SC 1109, 1201 24 P.S. Sec. 2070.2 Title 22 Sec. 49.1 et seq</p>	<p>A candidate for employment in the district shall not receive a recommendation for employment without evidence of his/her certification when such certification is required.</p> <p><u>Compensation</u></p>
<p>SC 1148</p>	<p>Substitutes shall be paid on a per diem basis at a rate set periodically by the Board for various classes of employees, according to appropriate laws and contracts.</p>
<p>2. Delegation of Responsibility</p>	<p>The Superintendent or designee shall develop and implement procedures to recruit, screen, assign and evaluate candidates for substitute employment. The Superintendent or designee shall recommend retention on the Board’s approved substitute list only for those substitutes who have satisfactorily performed their duties.</p> <p>The administration may seek recommendations from former employers and others to assess the candidate’s qualifications. Such recommendations and references shall be retained confidentially and for official use only.</p> <p>The employment of a substitute employee shall not obligate the district to permanent employment of the individual.</p> <p>References: School Code – 24 P.S. Sec. 108, 111, 111.1, 406, 1101, 1106, 1109, 1148, 1201 State Board of Education Regulations – 22 PA Code Sec. 8.1 et seq., 49.1 et seq. Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq. Educator Discipline Act – 24 P.S. Sec. 2070.2 Board Policy – 000, 104</p> <p>NOTES: This policy applies to substitutes directly employed by the district. Policy 818 Contracted Services, would apply to substitutes hired through independent contractors.</p>

No. 323

SECTION: EMPLOYEES  
 TITLE: TOBACCO/NICOTINE  
 ADOPTED: January 11, 1999  
 REVISED: June 24, 2003, February 2, 2012,  
 November 7, 2013, January 7, 2016,  
 August 1, 2019

## ***Derry Area School District***

### No. 323. TOBACCO/NICOTINE

#### Purpose

The Board recognizes that tobacco, nicotine and nicotine delivery products on school property presents a health and safety hazard that can have serious consequences for the user and the nonuser and the safety of the schools.

#### Definitions

For purposes of this policy, "tobacco" shall be defined as use and/or possession of a lighted or unlighted cigarette, cigar, cigarillo, little cigar, pipe, and electronic cigarette or like device; other lighted smoking product; and smokeless tobacco in any form.[1]

For purposes of this policy, nicotine shall mean a product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or through other means.

For purposes of this policy, a nicotine delivery product shall mean a product or device used, intended for use or designed for the purpose of ingesting nicotine or another substance. This definition includes, but is not limited to, any device or associated product used for what is commonly referred to as vaping or juuling.

#### Authority

In order to protect students, staff and community members from an environment that may be harmful to them, the Board prohibits tobacco use in a school building and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.

The Board prohibits use of tobacco, nicotine and nicotine delivery products by administrative, professional and support employees in a school building and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.[1][2]



## No. 323. TOBACCO/NICOTINE

The Board also prohibits use of tobacco, nicotine and nicotine delivery products by district employees at school-sponsored activities that are held off school property.[1]

Delegation of Responsibility

The district shall annually notify adults about the district's tobacco/nicotine policy by publishing such in handbooks, newsletters, posters, and other efficient methods, such as posted notices, signs and on the district website.[1]

Guidelines

A violation of this policy shall result in charges being filed with the local magisterial judge. Violators will be responsible for the costs of any fines, court cases, and other costs incurred by the district associated with prosecution of the violation.

Violations of this policy by employees will result in the following administrative action:

1. First Offense – A letter of reprimand.
2. Second Offense – A one-day suspension without pay from assigned duties.
3. Third and subsequent offenses – A three-day suspension without pay.

The Superintendent or designee may report incidents involving the sale of tobacco/nicotine and nicotine delivery products to minors by employees on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[9][12]

Reporting

The Superintendent shall annually, by July 31, report all incidents of possession, use and sale of tobacco, nicotine and nicotine delivery products by any person on school property to the Office of Safe Schools on the required form in accordance with state law and regulation.[3][4]

## No. 323. TOBACCO/NICOTINE

## Legal References

1. 35 P.S. 1223.5
2. 20 U.S.C. 7183
3. 24 P.S. 1303-A
4. Pol. 805.1
5. 18 Pa. C.S.A. 6305
6. 22 PA Code 10.2
7. 22 PA Code 10.22
8. 24 P.S. 1302.1-A
9. 20 U.S.C. 7181 et seq

SECTION: PUPILS  
 TITLE: TOBACCO/NICOTINE  
 ADOPTED: January 11, 1999  
 REVISED: June 24, 2003, February 2, 2012,  
 November 7, 2013, August 1, 2019

## ***Derry Area School District***

### No. 222 TOBACCO/NICOTINE

#### Purpose

The Board recognizes that tobacco, nicotine and nicotine delivery products by students presents a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools.

#### Definitions

For purposes of this policy, "tobacco" shall be defined as use and/or possession of a lighted or unlighted cigarette, cigar, cigarillo, little cigar, pipe, and electronic cigarette or like device; other lighted smoking product; and smokeless tobacco in any form.[1]

For purposes of this policy, nicotine shall mean a product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or through other means.

For purposes of this policy, a nicotine delivery product shall mean a product or device used, intended for use or designed for the purpose of ingesting nicotine or another substance. This definition includes, but is not limited to, any device or associated product used for what is commonly referred to as vaping or juuling.

#### Authority

The Board prohibits possession, use of sale of tobacco, nicotine and nicotine delivery products by students at any time in a school building and on any property, buses, vans vehicles that are owned, leased or controlled by the school district.[1][2][3]

The Board also prohibits possession, use or sale of tobacco, nicotine and nicotine delivery products by students at school-sponsored activities that are held off school property.

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[4][5][6][7][8][9]

## No. 222 TOBACCO/NICOTINE

The school district may initiate prosecution of a student who possesses or uses tobacco in violation of this policy.

Delegation of Responsibility

The Superintendent or designee shall annually notify students, parents and staff about the district's tobacco/nicotine policy by publishing such policy in the student handbook, parent newsletters, posters, and by other efficient methods, such as posted notices, signs and on the district website.[1]

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

Guidelines

Reporting

The Superintendent or designee may report incidents of possession, use or sale of tobacco by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[9][10][12][13][14]

Delegation of Responsibility

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use or sale of tobacco/nicotine or nicotine delivery products immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[9][10][11]

The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco, nicotine and nicotine delivery products by any person on school property to the Office of Safe Schools on the required form in accordance with state law and regulation.[9][12]

A student convicted of possessing or using tobacco in violation of this policy may be fined up to \$50 plus court costs or admitted to alternative adjudication in lieu of imposition of a fine.[15]

In addition, a punishment of up to three (3) days suspension may be levied. Any student who assists others to violate this policy shall receive a two-day suspension.

## No. 222 TOBACCO/NICOTINE

## Legal References

1. 35 P.S. 1223.5
2. 18 Pa. C.S.A. 6305
3. 20 U.S.C. 7183
4. 20 U.S.C. 1400 et seq
5. 22 PA Code 10.23
6. Pol. 103.1
7. Pol. 113.1
8. Pol. 113.2
9. Pol. 805.1
10. 22 PA Code 10.2
11. 22 PA Code 10.25
12. 24 P.S. 1303-A
13. 22 PA Code 10.22
14. 24 P.S. 1302.1-A
15. 18 Pa. C.S.A. 6306.1
16. 24 P.S. 510
17. 17. 20 U.S.C. 7114
18. U.S.C. 7118
19. U.S.C. 7181 et seq
20. CFR Part 300

PSBA 2018

SECTION: PROGRAMS

TITLE: NONDISCRIMINATION/DISCRIMINATORY HARASSMENT - SCHOOL AND CLASSROOM PRACTICES

ADOPTED: JANUARY 11, 1999

REVISED: SEPTEMBER 5, 2002, DECEMBER 4, 2006, NOVEMBER 1, 2007, NOVEMBER 16, 2011, NOVEMBER 1, 2012, March 1, 2018, April 4, 2019

## **DERRY AREA SCHOOL DISTRICT**

No. 103 NONDISCRIMINATION/DISCRIMINATORY HARASSMENT - SCHOOL AND CLASSROOM PRACTICES

### **Authority**

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, 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]

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.

The district shall provide to all students, without discrimination, course offerings, counseling, assistance services, employment, athletics and extracurricular activities. 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.

The Board encourages students and third parties who believe they or others have been subject to discrimination to promptly report such incidents to designated employees, even if some elements of the related incident took place or originated away from school grounds, school activities or school conveyances.

The Board directs that verbal and written complaints of discrimination shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. The Board directs that any complaint of discrimination brought pursuant to this policy shall also be reviewed for conduct which may not be proven discriminatory under this policy but merits review and possible action under other Board policies.

### **Confidentiality**

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.

## No. 103 NONDISCRIMINATION/DISCRIMINATORY HARASSMENT - SCHOOL AND CLASSROOM PRACTICES

Retaliation

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

DefinitionsDiscriminatory Harassment

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 on his/her own behalf.[20][21][21][22][23][24][25][26]

For purposes of this policy, harassment shall consist of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance and 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:

Sufficiently severe, persistent or pervasive; and a reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by a school.

Sexual Harassment

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:

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

Submission to or rejection of such conduct is used as the basis for educational or other program decisions affecting a student; or

Such conduct deprives a student or group of individuals of educational aid, benefits, services or treatment; or

## No. 103 NONDISCRIMINATION/DISCRIMINATORY HARASSMENT - SCHOOL AND CLASSROOM PRACTICES

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.

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.

### **Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent as the district's Compliance Officer. All nondiscrimination notices or information shall include the position, office address, telephone number and email address of the Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents, employees and the public to notify them of where and how to initiate complaints under this policy.

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 identify and alleviate Problems of discrimination.
3. Resources – Maintain and provide information to staff on resources available to alleged victims in addition to the school complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
4. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
5. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related matters.
6. Student Evaluation - Review of tests, procedures and guidance and counseling materials for stereotyping and discrimination.



**No. 103 NONDISCRIMINATION/DISCRIMINATORY HARASSMENT - SCHOOL AND CLASSROOM PRACTICES**

Complaints – Monitor and provide technical assistance to building principals or designee in processing complaints.

The building principal or designee shall be responsible to promptly complete the following duties upon receipt of a report of discrimination and retaliation from a student, employee or third party:

1. If the building principal is the subject of the complaint, refer the student to the Compliance Officer to carry out these responsibilities.
2. Inform the complainant about this policy including the right to an investigation of both oral and written complaints of discrimination.
3. Seek to obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18). Inform parents/guardians of the complainant that the complainant may be accompanied by a parent/guardian during all steps of the complaint procedure. 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 complainant 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.
4. 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.
5. 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.
6. 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.

**No. 103 NONDISCRIMINATION/DISCRIMINATORY HARASSMENT - SCHOOL AND CLASSROOM PRACTICES****Guidelines****Complaint Procedure - Student/Third Party****Step 1 - Reporting**

A student or third party who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal. Any person with knowledge of conduct that may violate this policy, is encouraged to immediately report the matter to the building principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.[27]

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.

The complainant or reporting employee is 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. 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. 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.

**Step 2 - Investigation**

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.

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.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused may suggest additional witnesses and provide other evidence during the course of the investigation. 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.

### No. 103 NONDISCRIMINATION/DISCRIMINATORY HARASSMENT - SCHOOL AND CLASSROOM PRACTICES

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

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

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

#### **Step 3 - Investigative Report**

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

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

The complainant and the accused shall be informed of the outcome of the investigation, for example, whether the investigator believes that 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]

## No. 103 NONDISCRIMINATION/DISCRIMINATORY HARASSMENT - SCHOOL AND CLASSROOM PRACTICES

### **Step 4 - District Action**

If the investigation results in a finding that some or all of the allegations of the complaint and established and constitute a violation of this policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

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.

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

### 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, s/he 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 twenty (20) days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

### Legal References

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

**No. 103 NONDISCRIMINATION/DISCRIMINATORY HARASSMENT - SCHOOL AND CLASSROOM PRACTICES**

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. David 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 Student 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. Pol. 216
31. 20 U.S.C. 1232g
32. 34 CFR Part 99
33. 28 CFR Part 35
34. 28 CFR Part 41
35. 34 CFR Part 100
36. 34 CFR Part 104
37. 34 CFR Part 106
38. 34 CFR Part 110
39. Pol. 113
40. Pol. 122
41. Pol. 123
42. Pol. 138
43. Pol. 701

PSBA 2018

No. 103.1

SECTION: PROGRAMS

TITLE: NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES

ADOPTED: AUGUST 5, 2010

REVISED: NOVEMBER 7, 2013, April 5, 2018, April 4, 2019

## **DERRY AREA SCHOOL DISTRICT**

### No. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES

#### **Authority**

The Board declares it to be the policy of this district to ensure that all district programs and practices are free from discrimination against all qualified students with disabilities. The Board recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities.[1][2][3][4][5][6][7][8][9][10]

The district shall provide to each qualified student with a disability enrolled in the district, without cost to the student or parent/guardian, a free and appropriate public education (FAPE). This includes provision of education and related aids, services, or accommodations which are needed to afford each qualified student with a disability equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities without discrimination, to the same extent as each student without a disability, consistent with federal and state laws and regulations.

The Board encourages students and parents/guardians who believe they have been subjected to discrimination or harassment to promptly report such incidents to designated employees.

The Board directs that complaints of discrimination or harassment shall be investigated promptly, and corrective or preventative action be taken for substantiated allegations. Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be maintained, consistent with the district's legal and investigative obligations.

The district shall not intimidate, threaten, coerce, discriminate or retaliate against any individual for the purpose of interfering with any right or privilege secured by this policy.

#### **Definitions**

**Qualified student with a disability** – a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the district's educational programs, nonacademic services or extracurricular activities.[11][12]

## No. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES

**Section 504 Team** – a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors, psychologists, school nurses, outside care providers and the student’s parents/guardians.[3][8]

**Section 504 Service Agreement (Service Agreement)** – an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school’s educational programs, nonacademic services, and extracurricular activities.[13]

**Disability harassment** – intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student’s participation in or receipt of benefits, services, or opportunities in the school’s educational program, nonacademic services, or extracurricular activities.[10]

### Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Director of Student Services as the district’s Section 504 Coordinator.[14]

The district shall publish and disseminate this policy and complaint procedure on or before the first day of each school year by posting it on the district’s web site, if available, and in the student handbook. The district shall notify parents/guardians of students residing in the district of the district’s responsibilities under applicable laws and regulations, and that the district does not discriminate against qualified individuals with disabilities.[15][16]

### Guidelines

#### Identification And Evaluation

The district shall conduct an annual child find campaign to locate and identify every district student with a disability thought to be eligible for Section 504 services and protections. The district may combine this search with the district’s IDEA child find efforts, in order to not duplicate efforts.[16][17]

If a parent/guardian or the district has reason to believe that a student should be identified as a qualified student with a disability, should no longer be identified as a qualified student with a disability, or requires a change in or modification of the student’s current Service Agreement, the parent/guardian or the district shall provide the other party with written notice.[18][19][20]

The district shall establish standards and (procedures) for initial evaluations and periodic reevaluations of students who need or are believed to need related services because of a disability.[20]

The district shall specifically identify the procedures and types of tests used to evaluate a student, and provide the parent/guardian the opportunity to give or withhold consent to the proposed evaluation(s) in writing.[20]

### No. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES

The district shall establish procedures for evaluation and placement that assure tests and other evaluation materials:

1. Have been validated and are administered by trained personnel.
2. Are tailored to assess educational need and are not based solely on IQ scores.
3. Reflect aptitude or achievement or anything else the tests purport to measure and do not reflect the student's impaired sensory, manual or speaking skills (except where those skills are what is being measured).

#### Service Agreement

If a student is determined to be a qualified student with a disability, the district shall develop a written Service Agreement for the delivery of all appropriate aids, services, or accommodations necessary to provide the student with FAPE.[13]

The district shall not implement a Service Agreement until the written agreement is executed by a representative of the district and a parent/guardian.[13]

The district shall not modify or terminate a student's current Service Agreement without the parent's/guardian's written consent.[18]

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

The district shall educate a qualified student with a disability with students who are not disabled to the maximum extent appropriate to the needs of the student with a disability. A qualified student with a disability shall be removed from the regular educational environment only when the district determines that educating the student in the regular educational environment with the use of related aids, services, or accommodations cannot be achieved satisfactorily. Placement in a setting other than the regular educational environment shall take into account the proximity of the alternative setting to the student's home.[21][22]

The district shall not discriminate against any qualified student with a disability in its provision of nonacademic services and extracurricular activities, including but not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, and referrals to agencies which provide assistance to individuals with disabilities.[21][22][23][24][25][26][27]

#### Discipline

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



## No. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES

### Referral To Law Enforcement and Reporting Requirements

For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.[35][36][37]

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a qualified student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies. The Superintendent or designee shall respond in a manner that is consistent with the student's Service Agreement and Behavior Support Plan, if applicable.[11][13][21][29][33][38][39][40][41][42][43][44][45][46][47][48]

In making a determination of whether to notify the local police department of a discretionary incident committed by a qualified student with a disability, including a student for whom an evaluation is pending, the Superintendent or designee shall use the same criteria used for students who do not have a disability.[10][39][48][49]

For a qualified student with a disability who does not have a Behavior Support Plan as part of the student's Service Agreement, subsequent to notification to law enforcement, the district, in consultation with the student's parent/guardian, shall consider whether a Behavior Support Plan should be developed as part of the Service Agreement to address the student's behavior.[13][40]

In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by qualified students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.[36][48]

### Parental Involvement

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

### Confidentiality Of Student Records

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

## No. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES

**Procedural Safeguards**

The district shall establish and implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student's parent/guardian, and a review procedure.[28][50]

A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.[19]

*Parental Request for Assistance –*

Parents/Guardians may file a written request for assistance with the Pennsylvania Department of Education (PDE) if one (1) or both the following apply:[28]

1. The district is not providing the related aids, services and accommodations specified in the student's Service Agreement.
2. The district has failed to comply with the procedures and state regulations.

PDE shall investigate and respond to requests for assistance and, unless exceptional circumstances exist, shall, within sixty (60) calendar days of receipt of the request, send to the parents/guardians and district a written response to the request. The response to the parents'/guardians' request shall be in the parents'/guardians' native language or mode of communication.[28]

*Informal Conference –*

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

*Formal Due Process Hearing –*

If the matters raised by the district or parents/guardians are not resolved at the informal conference, the district or parents/guardians may submit a written request for an impartial due process hearing. The hearing shall be held before an impartial hearing officer and shall be conducted in accordance with state regulations.[28][51]

*Judicial Appeals –*

The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction.[28]

**No. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES****Complaint Procedure**

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

**Step 1 – Reporting**

A student or parent/guardian who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy is encouraged to immediately report the incident to the Section 504 Coordinator. Any person with knowledge of conduct that may violate this policy, is encouraged to immediately report the matter to the Section 504 administrator.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Section 504 Coordinator, as well as properly making any mandatory police or child protective services reports required by law.[52]

If the Section 504 Coordinator is the subject of a complaint, the student, parent/guardian or employee shall report the incident directly to the district's Superintendent.

The complainant or reporting employee is encouraged to use the district's report form available from the Section 504 Coordinator, or to put the complaint in writing; however, oral complaints shall be accepted, documented and the procedures of this policy implemented. 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. 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.

**Step 2 – Investigation**

The Section 504 Coordinator shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination issues and this policy and how to conduct investigations.

The investigator shall work with the Section 504 Coordinator to assess the anticipated scope of the investigation, who needs to be interviewed and what records may be relevant to the investigation.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused may suggest additional witnesses and provide other evidence during the course of the investigation. 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.

### No. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES

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

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Section 504 Coordinator, who shall promptly inform law enforcement authorities about the allegations.[10][52][53][54]

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

#### **Step 3 – Investigation Report**

The investigator shall prepare a written report within twenty (20) days, of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation and the availability of witnesses requires the investigator and the Section 504 Coordinator to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

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

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

The complainant and the accused shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded within a reasonable time of the submission of the written report to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The accused shall not be notified of the individual remedies offered or provided to the complainant.[29][30][31][32]

## No. 103.1 NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES

### **Step 4 – District Action**

If the investigation results in a finding that some or all of the allegation 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 that no retaliation occurs. The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Section 504 Coordinator shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If the investigation results in a finding that a difference 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.

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

### **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, s/he may submit a written appeal to the district's Section 504 Coordinator within fifteen (15) days.
2. The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.
3. The Section 504 Coordinator shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

### **Legal References**

1. 22 PA Code 12.1
2. 22 PA Code 12.4
3. 22 PA Code 15.1 et seq
4. 22 PA Code 4.4
5. 28 CFR Part 35
6. 28 CFR Part 36
7. 29 U.S.C. 794
8. 34 CFR Part 104
9. 42 U.S.C. 12101 et seq
10. Pol. 103
11. 22 PA Code 15.2
12. 42 U.S.C. 12102
13. 22 PA Code 15.7

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14. 34 CFR 104.7
15. 22 PA Code 15.4
16. 34 CFR 104.32
17. Pol. 113
18. 22 PA Code 15.5
19. 22 PA Code 15.6
20. 34 CFR 104.35
21. 22 PA Code 15.3
22. 34 CFR 104.34
23. 34 CFR 104.37
24. Pol. 112
25. Pol. 122
26. Pol. 123
27. Pol. 810
28. 22 PA Code 15.8
29. 22 PA Code 15.9
30. Pol. 216
31. 20 U.S.C. 1232g
32. 34 CFR Part 99
33. Pol. 218
34. Pol. 233
35. 22 PA Code 10.2
36. 24 P.S. 1303-A
37. 35 P.S. 780-102
38. 22 PA Code 10.21
39. 22 PA Code 10.22
40. 22 PA Code 10.23
41. 22 PA Code 10.25
42. 24 P.S. 1302.1-A
43. Pol. 113.2
44. Pol. 218.1
45. Pol. 218.2
46. Pol. 222
47. Pol. 227
48. Pol. 805.1
49. 22 PA Code 15.1
50. 34 CFR 104.36
51. 22 PA Code 14.162
52. Pol. 806
53. 18 Pa. C.S.A. 2709
54. Pol. 815

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No. 103.1-AR

SECTION: ADMINISTRATIVE REGULATION  
 TITLE: NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES  
 ADOPTED: AUGUST 5, 2010  
 REVISED:

***DERRY AREA  
 SCHOOL DISTRICT***

	<p>No. 103.1-AR Nondiscrimination – Qualified Students With Disabilities</p> <p><u>Definitions</u></p> <p>ADA – Americans with Disabilities Act of 1990.</p> <p>Chapter 15 – Pennsylvania Board of Education Regulation which implements the requirements of Section 504 of the Rehabilitation Act.</p> <p>Section 504 – Section 504 of the Rehabilitation Act of 1973.</p> <p>Disability – means, with respect to a student, a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.</p> <p>Physical or Mental Impairment – any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following systems; neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.</p> <p>Substantially Limits – means that the student is unable to perform a major life activities that the average student of approximately the same age can perform or that the student is significantly restricted as to the condition, manner or duration under which a particular life activity is performed as compared to the average student of approximately the same age.</p> <p>Record Of Such An Impairment – the student has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.</p>
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### No. 103.1-AR Nondiscrimination – Qualified Students With Disabilities

**Regarded As Having Such An Impairment** – the student establishes that s/he has been subjected to an action prohibited under law because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six (6) months or less.

**Episodic Impairment** – An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

**Temporary Impairment** – does not constitute a disability unless its severity is such that it results in a substantial limitation of one or more major life activities for an expected duration of six (6) months or more.

**Major Bodily Function** – a major life activity includes the operation of a major bodily function, including the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

**Major Life Activities** – the list includes caring for one’s self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

**Mitigating Measures** – includes but is not limited to the use of medications; medical supplies, equipment or appliances; low-vision devices; prosthetics (including limbs and devices); hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; assistive technology; reasonable accommodations, auxiliary aids or services; or learned behavioral or adaptive neurological modifications.

**Low-Vision Devices** – devices that magnify, enhance, or otherwise augment a visual image.

**Ordinary Eyeglasses or Contact Lenses** – lenses that are intended to fully correct visual acuity or eliminate refractive error.

**Section 504 Service Agreement (Service Agreement)** – an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which will be implemented in school, in transit to the from school, and in all programs and procedures, so that the student has equal access to the benefits of the school’s educational programs, nonacademic services, and extracurricular activities.

**Section 504 Team** – a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors, school nurses, psychologists, outside care providers and the student’s parents/guardians.



## No. 103.1-AR Nondiscrimination – Qualified Students With Disabilities

Identification

A parent/guardian, teacher, or other knowledgeable person may submit a written request or a referral to the school's Section 504 building administrator, if s/he suspects a student should be identified as a qualified student with a disability or should no longer be identified as such.

If the request originates with the district, the district will provide the parent/guardian with written notice in the parent's/guardian's native language or mode of communication, unless it is clearly not feasible to do so.

If the request originates with the parent/guardian, the district will review the information submitted by the parent/guardian and respond within twenty-five (25) days of receipt of written request.

The district's response will be in the parent's/guardian's native language or mode of communication, unless it is clearly not feasible to do so, and will state whether or not the parent's/guardian's request is being granted or denied in whole or in part.

Evaluation

The Section 504 Team, as part of the preliminary evaluation, will draw upon, document, and carefully consider pertinent information from a variety of sources and factors, which may include student work samples; aptitude and achievement tests; teacher, parent/guardian, and physician recommendations; physical condition; social and cultural background; and adaptive behaviors.

The district may request and keep on file relevant and current medical information provided by the student's parent/guardian, physician, psychologist, psychiatrist, or other professional.

If the district requires a formalized evaluation, the district must obtain written consent from the parent/guardian. The district may use the procedural safeguards to override a parent's/guardian's denial of consent.

The district's eligibility analysis will take into account the following criteria:

Step 1 – Does the student have a physical or mental impairment?

If not, the analysis ends, the student is not a qualified student with a disability under Section 504.

If so, the Section 504 Team must specify the mental or physical impairment. If the impairment is related to current use of illegal drugs or alcohol, the student is not eligible for Section 504.

Step 2 – Does the impairment affect one or more of the student's major life activities such that the student is excluded or substantially limited in participation in any programs or activities of the district?

### No. 103.1-AR Nondiscrimination – Qualified Students With Disabilities

The Section 504 Team cannot consider the ameliorative effects of mitigating measures in determining whether a student has a physical or mental impairment that substantially limits a major life activity. The use of ordinary eyeglasses or contact lenses can be considered.

If no major life activity is affected by the physical or mental impairment, the analysis ends, the student is not a qualified student with a disability under Section 504.

If so, the Section 504 Team must document how the major life activity is affected.

Step 3 – Is the student substantially limited to the identified major life activity(ies)?

If the team determines the student’s impairment does not substantially limit the identified major life activity, the analysis ends, the student is not a qualified student with a disability under Section 504.

Step 4 – Is an aid, service, or accommodation needed as a result of the disability to enable a student to attend or participate in an educational program, nonacademic service or extracurricular activity in a manner consistent with attendance and participation of a student without a disability?

If the Section 504 Team answered “yes” to all four (4) eligibility questions, the student is a qualified student with a disability and is entitled to aids, services, and accommodations under Section 504.

#### Service Agreement

If the student is determined to be a qualified student with a disability, a written Section 504 Service Agreement will be developed and executed by the district and parent/guardian. The Service Agreement will describe the specific related aids, services, or accommodations the district will provide as well as the date the services will begin, the date the services will be discontinued, and , if appropriate, the procedures to be followed in the event of a medical emergency.

If the parent/guardian and the district cannot agree on the terms of the Service Agreement, either party may use the procedural safeguards specified in Board policy to resolve the dispute.

The district will provide a written copy of the Service Agreement to the parent/guardian. The Section 504 Team will review the Service Agreement annually.

## No. 103.1-AR Nondiscrimination – Qualified Students With Disabilities

Placement*Residential Placement –*

Residential placement, including nonmedical care and room and board, must be provided by the district at no cost to the parent/guardian only if necessary to provide a free and appropriate public education (FAPE).

*Private Placement –*

If the district has made available a free appropriate public education, which conforms to the requirements of Section 504, but the parent/guardian chooses to place the student elsewhere, the district is not responsible for the student's educational expenses such as tuition incurred by the parent/guardian.

Under some circumstances, through use of dual enrollment in public and private schools provided for in 24 P.S. § 5-502 or provision of auxiliary services required by 24 P.S. §9-972.1, a district may have the obligation to provide certain services to qualified students with disabilities who are attending private school. Specific circumstances must be reviewed to determine whether and in what manner such services are to be provided.

*Transportation –*

If the district places a student in a program not operated by the district, the district must assure that adequate transportation to and from the program is provided at no greater cost than the parent/guardian would have paid to transport the student to the district-operated program.

*Counseling Services –*

The district may not counsel students with disabilities toward more restrictive career objectives than students without disabilities with similar interests and abilities.

*Physical Education And Athletics –*

The district must provide equal opportunity for students with disabilities to participate in physical education courses and interscholastic, club, or intramural athletics without discrimination and to the maximum extent appropriate to the student's needs. The district may offer these activities separately for students with disabilities only if necessary.

## No. 103.1-AR Nondiscrimination – Qualified Students With Disabilities

Reevaluation

The district will reevaluate qualified students with disabilities every three (3) years or more frequently if conditions or the student's Service Agreement warrant, or if the student's parent/guardian or district staff request a reevaluation. Findings will be documented in writing. The district will update assessments as needed to ensure that eligibility and accommodation planning is based on information that defines the student's disability accurately and reflects the student's current needs.

If significant changes in eligibility, services or placement are proposed, the district will first evaluate current information and conduct additional evaluations as necessary to support such changes.

SECTION: PUPILS  
 TITLE: ELECTRONIC DEVICES  
 ADOPTED: October 6, 2005  
 REVISED: October 9, 2009, February 23, 2012,  
 September 4, 2014

**DERRY AREA  
 SCHOOL DISTRICT**

No. 237 ELECTRONIC DEVICES

1. Purpose

The Board adopts this policy in order to maintain an educational environment that is safe and secure for district students and employees while delivering a curriculum that integrates the development of 21<sup>st</sup> century skills and provides all students with access to the tools needed for learning.

2. Definition

Electronic devices shall include all devices that can take photographs; record audio or video data; store, transmit or receive messages or images; or provide a wireless, unfiltered connection to the Internet. Examples of these electronic devices include, but shall not be limited to, iPods, iPads and other electronic tablets, MP3 players, DVD players, handheld game consoles, Personal Digital Assistants (PDAs), cellular telephones, BlackBerries, and laptop computers, as well as any new technology developed with similar capabilities.

3. Authority  
 SC 510

The Board permits use of electronic devices by students during the school day in district buildings; on district property; on district buses and vehicles; during the time students are under the supervision of the district; subject to the following guidelines and restrictions. The following policy shall apply to both student-owned electronic devices as well as district-owned electronic devices.

Electronic Device Usage in the Classroom:

Student use of electronic devices in the classroom shall be for instructional purpose only, as defined by the classroom teacher. Use of electronic devices for personal reasons is strictly forbidden in the classroom setting.

Pol. 248, 249, 815

Electronic Device Usage in Non-Instructional Areas:

Middle School and High School students may use student-owned electronic devices for personal reasons during non-instructional times and areas, including the cafeteria, hallways, after school and on district buses and vehicles. Such access to personal use of devices is a privilege and subject to provisions of the Derry Area Acceptable Use of Internet, Computers and Network Resources, Bullying/ Cyberbullying, and Unlawful Harassment policies. It is the right of the supervising teacher/bus driver to restrict student access to electronic devices in non-instructional settings in the event that such usage is disruptive to the school environment.

## No. 237 Electronic Devices

State Assessment:

In order to ensure reliable test results and to avoid the cost of replacing test items, the Department of Education requires schools to set rules and take certain steps to protect test materials. One step or rule required in all schools is that electronic devices are not permitted at test sites. Electronic devices include cell phones, smartphones, E-readers, Nooks, Kindles, iPads, iPods, tablets, camera-ready devices, and any other electronic device which can be used to photograph or duplicate test materials, access the internet and/or communicate with others during the administration of the PSSA or Keystone Exams.

Copying or duplicating the material from the assessment, including the taking of a photograph, is a violation of the federal Copyright Act. Penalties for violations of the Copyright Act may include the cost of replacing the compromised test item(s) or fines of no less than \$750 up to \$30,000 for a single violation. *17 U.S.C. § 101 et seq.*

The Board prohibits the use of electronic devices in locker rooms, bathrooms, health suites and other changing areas at any time.

The Board prohibits possession of laser pointers and attachments and telephone paging devices/beepers by students in district buildings; on district property; on district buses and vehicles; and at school-sponsored activities.

The district shall not be liable for the loss, damage or misuse of any electronic device.

All student-owned electronic devices should be fully charged at the beginning of day. Students may not charge their devices on school property unless directed by a teacher to do so.

Electronic Images And Photographs:

The Board prohibits the taking, storing, disseminating, transferring, viewing, or sharing of photographs and electronic images in the school setting unless directed by a teacher for instructional purpose. Use of electronic devices for the purposes of unauthorized duplication of instructional materials, cheating and other violations of the student code of conduct is strictly prohibited. The Board prohibits the taking, storing, disseminating, transferring, viewing, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or other means, including but not limited to texting and e-mailing.

Because such violations may constitute a crime under state and/or federal law, the district may report such conduct to state and/or federal law enforcement agencies.

SC 1317.1

No. 237 Electronic Devices

Filtering and Student Access to the District Network:

The District shall maintain filters on all district operated Internet access routes as required by law and for the safety of students. The District shall retain the right to limit students access to district bandwidth as needed to ensure the equitable and necessary allocation of district Internet resources for essential administrative and instructional purposes.

Unfiltered access to the Internet on student-owned electronic devices via individually purchased data plans, shared hotspots and other means is subject to the provisions of the Derry Area Acceptable Use of Internet, Computers and Network Resources Policy No. 815. Violations of this policy are subject to disciplinary action.

Off-Campus Activities

This policy shall also apply to student conduct that occurs off school property and would otherwise violate the Code of Student Conduct if any of the following circumstances exist:

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 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.

Pol. 218

Pol. 122, 123

4. Delegation of Responsibility

The Superintendent or designee shall annually notify students, parents/guardians and employees about the Board's electronic device policy.

## No. 237 Electronic Devices

5. Guidelines  
Pol. 218, 226, 233

## SC 1317.1

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

Violations of this policy by a student shall result in disciplinary action and may result in confiscation of the electronic device.

The building administrator may grant approval for possession and use of a telephone paging device/beeper by a student for the following reasons:

1. Student is a member of a volunteer fire company, ambulance or rescue squad.
2. Student has a need due to the medical condition of an immediate family member.
3. Other reasons determined appropriate by the building principal.

## References:

School Code – 24 P.S. Sec. 510, 1317.1

Board Policy – 000, 113, 122, 123, 218, 226, 233, 815





<p>3. Delegation of Responsibility</p> <p>Pol. 818</p> <p>4. Guidelines</p>	<p style="text-align: center;"><b>824. MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES</b></p> <p>The Superintendent or designee shall annually inform students, parents/guardians, and all adults regarding the contents of this Board policy through employee and student handbooks, posting on the district website, and by other appropriate methods.</p> <p>The building principal or designee shall be available to answer questions about behaviors or activities that may violate professional boundaries as defined in this policy.</p> <p>Independent contractors doing business with the district shall ensure that their employees who have interaction with students or are present on school grounds are informed of the provisions of this policy.</p> <p>Adults shall establish and maintain appropriate personal boundaries with students and not engage in any behavior that is prohibited by this policy or that creates the appearance of prohibited behavior.</p> <p><b><u>Prohibited Conduct</u></b></p> <p><i>Romantic Or Sexual Relationships –</i></p> <p>Adults shall be prohibited from dating, courting, or entering into or attempting to form a romantic or sexual relationship with any student enrolled in the district, regardless of the student’s age. Students of any age are not legally capable of consenting to romantic or sexual interactions with adults.</p> <p>Prohibited romantic or sexual interaction involving students includes, but is not limited to:</p> <ol style="list-style-type: none"> <li>1. Sexual physical contact.</li> <li>2. Romantic flirtation, propositions, or sexual remarks.</li> <li>3. Sexual slurs, leering, epithets, sexual or derogatory comments.</li> <li>4. Sexual comments about a student’s body.</li> <li>5. Sexual jokes, notes, stories, drawings, gestures or pictures.</li> <li>6. Spreading sexual or romantic rumors.</li> <li>7. Touching a student’s body or clothes in a sexual or intimate way.</li> </ol>
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**824. MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES**

8. Accepting massages, or offering or giving massages other than in the course of injury care administered by an athletic trainer, coach, or health care provider.
9. Restricting a student's freedom of movement in a sexually intimidating or provocative manner.
10. Displaying or transmitting sexual objects, pictures, or depictions.

*Social Interactions –*

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

Examples of prohibited conduct that violates professional boundaries include, but are not limited to:

1. Disclosing personal, sexual, employment concerns or other private matters to one or more students.
2. Exchanging notes, emails or other communications of a personal nature with a student.
3. Giving personal gifts, cards or letters to a student without written approval from the building principal.
4. Touching students without a legitimate educational reason. (Reasons could include the need for assistance when injured, a kindergartner having a toileting accident and requiring assistance, appropriate coaching instruction, or appropriate music instruction).
5. Singling out a particular student or students for personal attention or friendship beyond the ordinary professional adult-student relationship.
6. Taking a student out of class without a legitimate educational reason.
7. Being alone with a student behind closed doors without a legitimate educational reason.
8. Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason.
9. Sending or accompanying a student on personal errands.
10. Inviting a student to the adult's home.

**824. MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES**

11. Going to a student's home without a legitimate educational reason.
12. Taking a student on outings without prior notification to and approval from both the parent/guardian and the building principal.
13. Giving a student a ride alone in a vehicle in a nonemergency situation without prior notification to and approval from both the parent/guardian and the building principal.
14. Addressing students or permitting students to address adults with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.
15. Telling a student personal secrets or sharing personal secrets with a student.
16. For adults who are not guidance/counseling staff, psychologists, social workers or other adults with designated responsibilities to counsel students, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, the student should be referred to the appropriate school resource.
17. Furnishing alcohol, drugs or tobacco to a student or being present where any student is consuming these substances.
18. Engaging in harassing or discriminatory conduct prohibited by other district policies or by state or federal law and regulations.

*Electronic Communications –*

For purposes of this policy, **electronic communication** shall mean a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant or pager. Electronic communications include, but are not limited to, emails, instant messages and communications made by means of an Internet website, including social media and other networking websites.

As with other forms of communication, when communicating electronically, adults shall maintain professional boundaries with students.

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

Pol. 103, 103.1,  
248

Pol. 815

**824. MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES**

When available, district-provided email or other district-provided communication devices shall be used when communicating electronically with students. The use of district-provided email or other district-provided communication devices shall be in accordance with district policies and procedures.

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

Adults shall not follow or accept requests for current students to be friends or connections on personal social networking sites and shall not create any networking site for communication with students other than those provided by the district for this purpose, without the prior written approval of the building principal.

Exceptions

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

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

There will be circumstances where personal relationships develop between an adult and a student's family, e.g., when their children become friends. This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. Adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity.

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

**824. MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES**

Reporting Inappropriate Or Suspicious Conduct

Pol. 248

Any person, including a student, who has concerns about or is uncomfortable with a relationship or interaction between an adult and a student, shall immediately notify the Superintendent, principal or other administrator.

23 Pa. C.S.A.  
Sec. 6311  
Pol. 806

All district employees, independent contractors and volunteers who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy.

24 P.S.  
Sec. 2070.9a  
Pol. 317.1

An educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Superintendent and his/her immediate supervisor, within fifteen (15) days of discovery of such misconduct.

SC 1302.1-A,  
1303-A  
Title 22  
Sec. 10.2, 10.21,  
10.22  
23 Pa. C.S.A.  
Sec. 6311  
24 P.S.  
Sec. 2070.9a  
Pol. 317.1, 805.1,  
806

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

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

Investigation

Pol. 248, 348

Allegations of inappropriate conduct shall be promptly investigated in accordance with the procedures utilized for complaints of harassment.

It is understood that some reports made pursuant to this policy will be based on rumors or misunderstandings; the mere fact that the reported adult is cleared of any wrongdoing shall not result in disciplinary action against the reporter or any witnesses. If as the result of an investigation any individual, including the reported adult, the reporter, or a witness is found to have intentionally provided false information in making the report or

Pol. 317

**824. MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES**

during the investigation or hearings related to the report, or if any individual intentionally obstructs the investigation or hearings, this may be addressed as a violation of this policy and other applicable laws, regulations and district policies. Obstruction includes, but is not limited to, violation of “no contact” orders given to the reported adult, attempting to alter or influence witness testimony, and destruction of or hiding evidence.

Disciplinary Action

A district employee who violates this policy may be subject to disciplinary action, up to and including termination, in accordance with all applicable district disciplinary policies and procedures.

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

Training

The district shall provide training with respect to the provisions of this policy to current and new district employees, volunteers and student teachers subject to this policy.

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

## References:

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

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.22

Educator Discipline Act – 24 P.S. Sec. 2070.1a et seq.

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

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

Board Policy – 103, 103.1, 248, 317, 317.1, 348, 805.1, 806, 815, 818

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