



OLD

|              |                             |
|--------------|-----------------------------|
| Book         | Policy Manual               |
| Section      | 200 Pupils                  |
| Title        | Tobacco and Vaping Products |
| Code         | 222                         |
| Status       | Active                      |
| Adopted      | August 12, 2013             |
| Last Revised | April 20, 2020              |

### **Purpose**

The Board recognizes that tobacco and vaping products, including the product marketed as Juul and other electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers and the school environment. The purpose of this policy is to prohibit student possession, use, purchase and sale of tobacco and vaping products, including Juuls and other electronic cigarettes.

### **Definition**

State law defines the term **tobacco product** to broadly encompass not only tobacco but also vaping products including Juuls and other electronic cigarettes (e-cigarettes). Tobacco products, for purposes of this policy and in accordance with state law, shall be defined to include the following:[1][2]

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.
  2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.
  3. Any product containing, made or derived from either:
    - a. Tobacco, whether in its natural or synthetic form; or
    - b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.
  4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.
- The term **tobacco product** does **not** include the following:[1][2]
1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is

marketed and sold solely for such approved purpose, as long as the product is not inhaled.

**NOTE: This exception shall be governed by Board policy relating to Medications.** [3]

2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. **NOTE: Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of medical marijuana by students at any time on school property or during any school activities on school property. This exception shall be governed by Board policy relating to Controlled Substances/Paraphernalia.** [4]

### **Authority**

The Board prohibits possession, use, purchase or sale of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, regardless of whether such products contain tobacco or nicotine, by or to students at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; on property owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property. [1][2][5]

The Board prohibits student possession or use of products marketed and sold as tobacco cessation products or for other therapeutic purposes, except as authorized in the Board's Medication policy. [3]

The Board prohibits student possession of any form of medical marijuana at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; on property owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property. [4]

The Board authorizes the confiscation and disposal of products prohibited by this policy.

### **Delegation of Responsibility**

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

The Superintendent or designee shall notify students, parents/guardians and staff about the Board's tobacco and vaping products policy by publishing information in student handbooks, parental newsletters, posters, and by other efficient methods, such as posted notices, signs, Code of Student Conduct and on the district website. [2]

### **Reporting**

#### ***Parental Report –***

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use, purchase or sale of a tobacco or vaping product, including a Juul or other e-cigarette, immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether 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. [6][7][8]

#### ***Office for Safe Schools Report -***

The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco and vaping products, including Juuls or other e-cigarettes, by students to the Office for Safe Schools on the required form. [8][9]

#### ***Law Enforcement Incident Report –***

The Superintendent or designee may report incidents of possession, use or sale of tobacco and vaping products, including Juuls or other e-cigarettes, 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 school police, School Resource Officer (SRO) or 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.[1][2][6][8][9][10][11]

### **Guidelines**

A student who violates this policy shall be subject to prosecution initiated by the district and, if convicted, shall be required to pay a fine for the benefit of the district, plus court costs. In lieu of the imposition of a fine, the court may admit the student to an adjudication alternative.[2]

Tampering with devices installed to detect use of tobacco or vaping products shall be deemed a violation of this policy and subject to disciplinary action.[12]

### **Students with Disabilities**

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.[8][13][14][15][16][17]

#### **Legal**

- 1. 18 Pa. C.S.A. 6305**
- 2. 18 Pa. C.S.A. 6306.1**
- 3. Pol. 210**
- 4. Pol. 227**
- 5. 20 U.S.C. 7973**
- 6. 22 PA Code 10.2**
- 7. 22 PA Code 10.25**
- 8. Pol. 805.1**
- 9. 24 P.S. 1303-A**
- 10. 22 PA Code 10.22**
- 11. 24 P.S. 1302.1-A**
- 12. Pol. 218**
- 13. 20 U.S.C. 1400 et seq**
- 14. 22 PA Code 10.23**
- 15. Pol. 103.1**
- 16. Pol. 113.1**
- 17. Pol. 113.2**
- 24 P.S. 510**
- 20 U.S.C. 7114**
- 20 U.S.C. 7118**
- 20 U.S.C. 7971 et seq**
- 34 CFR Part 300**

Pennsylvania Department of Health Medical Marijuana Guidance for Schools and School Districts



NEW

|         |                             |
|---------|-----------------------------|
| Book    | Policy Manual               |
| Section | 200 Pupils                  |
| Title   | Tobacco and Vaping Products |
| Code    | 222 Vol II 2024             |
| Status  |                             |

### **Purpose**

The Board recognizes that tobacco and vaping products, **including** electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers and the school environment. The purpose of this policy is to prohibit student possession, use, purchase and sale of **tobacco and vaping products**.

### **Definition**

**For purposes of this policy, tobacco product encompasses** not only tobacco but also vaping products including electronic cigarettes (e-cigarettes). **Tobacco products**, for purposes of this policy and in accordance with state law, shall be defined to include the following:[1][2]

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.
2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.
3. Any product containing, made or derived from either:
  - a. Tobacco, whether in its natural or synthetic form; or
  - b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.
4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term **tobacco product** does not include the following:[1][2]

1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled. **NOTE: This exception shall be governed by Board policy relating to Medications.**[3]

2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. NOTE: *Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of medical marijuana by students at any time on school property or during any school activities on school property. This exception shall be governed by Board policy relating to Controlled Substances/Paraphernalia.*[4]

### **Authority**

The Board prohibits possession, use, purchase or sale of **tobacco products, regardless** of whether such products contain tobacco or nicotine, by or to students at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; on property owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property.[1][2][5]

The Board prohibits student possession or use of products marketed and sold as tobacco cessation products or for other therapeutic purposes, except as authorized in the Board's Medication policy.[3]

The Board prohibits student possession of any form of medical marijuana at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; on property owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property.[4]

The Board authorizes the confiscation and disposal of **tobacco** products prohibited by this policy.

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 law enforcement and Board policies.[6][7][8][9][10][11]

### **Delegation of Responsibility**

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

The Superintendent or designee shall notify students, parents/guardians and staff about the Board's tobacco and vaping products policy by publishing information in student handbooks, parental newsletters, posters and by other efficient methods, such as posted notices, signs and on the district website.[2]

### **Reporting**

#### ***Parental Report –***

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use, purchase or sale of a **tobacco product**, immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether the **law enforcement agency** 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.[11][12][13]

#### ***Annual School Safety and Security Incidents Report -***

The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of **tobacco products** by students to the **PA Department of Education** on the required form.[11][14][15]

**Law Enforcement Incident Report -**

The Superintendent or designee may report incidents of possession, use or sale of **tobacco products** 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 **law enforcement agency** 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 law enforcement and Board policies.[1][2][11][12][14][15][16]

**Guidelines**

A student who violates this policy shall be subject to prosecution initiated by the district and, if convicted, shall be required to pay a fine for the benefit of the district, plus court costs. In lieu of the imposition of a fine, the court may admit the student to an adjudication alternative.[2]

**School counselors may provide students who have violated this policy with information regarding available tobacco cessation programs.**

Tampering with devices installed to detect use of **tobacco products** shall be deemed a violation of this policy and subject to disciplinary action.[17]

**PSBA Revision 5/24 © 2024 PSBA**

## Legal

- [1. 18 Pa. C.S.A. 6305](#)
- [2. 18 Pa. C.S.A. 6306.1](#)
3. Pol. 210
4. Pol. 227
- [5. 20 U.S.C. 7973](#)
- [6. 22 PA Code 10.23](#)
- [7. 20 U.S.C. 1400 et seq](#)
8. Pol. 103.1
9. Pol. 113.1
10. Pol. 113.2
11. Pol. 805.1
- [12. 22 PA Code 10.2](#)
- [13. 22 PA Code 10.25](#)
- [14. 24 P.S. 1306.2-B](#)
- [15. 24 P.S. 1319-B](#)
- [16. 22 PA Code 10.22](#)
17. Pol. 218
- [24 P.S. 510](#)
- [20 U.S.C. 7114](#)
- [20 U.S.C. 7118](#)
- [20 U.S.C. 7971 et seq](#)
- [34 CFR Part 300](#)

**Pennsylvania Department of Health Medical Marijuana Guidance for Schools and School Districts**





OLD

|                            |  |
|----------------------------|--|
| <b>Book</b>                | <b>Policy Manual</b>                       |
| <b>Section</b>             | <b>200 Pupils</b>                          |
| <b>Title</b>               | <b>Controlled Substances/Paraphernalia</b> |
| <b>Code</b>                | <b>227</b>                                 |
| <b>Status</b>              | <b>Active</b>                              |
| <b>Adopted</b>             | <b>August 12, 2013</b>                     |
| <b>Last Revised</b>        | <b>July 11, 2022</b>                       |
| <b>Prior Revised Dates</b> | <b>10/12/2018</b>                          |

### **Purpose**

The Board recognizes that the abuse of controlled substances is a serious problem with legal, physical and social implications for the whole school community. As an educational institution, the schools shall strive to prevent abuse of controlled substances.

### **Definitions**

For purposes of this policy, **controlled substances** shall include all:[1][2]

1. Controlled substances prohibited by federal and state laws.
2. Look-alike drugs.
3. Alcoholic beverages.
4. Anabolic steroids.
5. Drug paraphernalia.
6. Any volatile solvents or inhalants, such as but not limited to glue and aerosol products.
7. Substances that when ingested cause a physiological effect that is similar to the effect of a controlled substance as defined by state or federal law.
8. Prescription or nonprescription (over-the-counter) medications, except those for which permission for use in school has been granted pursuant to Board policy.[3][4]

For purposes of this policy, **under the influence** shall include any consumption or ingestion of controlled substances by a student.

For purposes of this policy, **look-alike drug** shall include any pill, capsule, tablet, powder, plant matter or other item or substance that is designed or intended to resemble a controlled substance prohibited by this policy, or is used in a manner likely to induce others to believe the material is a controlled substance.

### **Authority**

The Board prohibits students from using, possessing, distributing, and being under the influence of any controlled substances during school hours, at any time while on school property, at any school-sponsored activity, and during the time spent traveling to and from school and to and from school-sponsored activities.[5][6][7]

The Board may require participation in drug counseling, rehabilitation, testing or other programs as a condition of reinstatement into the school's educational, extracurricular or athletic programs resulting from violations of this policy.

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.[8][9][10][11][12][13]

### **Off-Campus Activities**

This policy shall also apply to student conduct that occurs off school property or during nonschool hours to the same extent as provided in Board policy on student discipline.[14]

### **Delegation of Responsibility**

The Superintendent or designee shall develop administrative regulations to identify and control substance abuse in the schools which:

1. Establish procedures to appropriately manage situations involving students suspected of using, possessing, being under the influence, or distributing controlled substances.[15][16][17]
2. Disseminate to students, parents/guardians and staff the Board policy and administrative regulations governing student use of controlled substances.
3. Provide education concerning the dangers of abusing controlled substances.
4. Establish procedures for education and readmission to school of students convicted of offenses involving controlled substances.

### **Guidelines**

Violations of this policy may result in disciplinary action up to and including expulsion and referral for prosecution.[14][18][19]

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents involving possession, use or sale of controlled substances 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.[13][15][16][20][21][22]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use or sale of controlled substances 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.[13][20][23]

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of controlled substances to the Office for Safe Schools.[13][16]

In all cases involving students and controlled substances, the need to protect the school community from undue harm and exposure to drugs shall be recognized.

### Anabolic Steroids

The Board prohibits the use of anabolic steroids by students involved in school-related athletics, except for a valid medical purpose. Body building and muscle enhancement, increasing muscle bulk or strength, or the enhancement of athletic ability are not valid medical purposes. Human Growth Hormone (HGH) shall not be included as an anabolic steroid.[24]

Students shall be made aware of the dangers of steroid use; that anabolic steroids are classified as controlled substances; and that their use, unauthorized possession, purchase, or sale could subject students to suspension, expulsion and/or criminal prosecution.[18][25]

### Reasonable Suspicion/Testing

If based on the student's behavior, medical symptoms, vital signs or other observable factors, the building principal has reasonable suspicion that the student is under the influence of a controlled substance, the student may be required to submit to drug or alcohol testing. The testing may include but is not limited to the analysis of blood, urine, saliva, or the administration of a Breathalyzer test.

#### Legal

1. [35 P.S. 780-102](#)
2. [21 U.S.C. 812](#)
3. Pol. 210
4. Pol. 210.1
5. [24 P.S. 510](#)
6. [24 P.S. 511](#)
7. [22 PA Code 12.3](#)
8. [20 U.S.C. 1400 et seq](#)
9. [22 PA Code 10.23](#)
10. Pol. 103.1
11. Pol. 113.1
12. Pol. 113.2
13. Pol. 805.1
14. Pol. 218
15. [24 P.S. 1302.1-A](#)
16. [24 P.S. 1303-A](#)
17. [42 Pa. C.S.A. 8337](#)

18. Pol. 233

19. Pol. 236

20. 22 PA Code 10.2

21. 22 PA Code 10.21

22. 22 PA Code 10.22

23. 22 PA Code 10.25

24. 35 P.S. 807.1

25. 35 P.S. 807.2

22 PA Code 403.1

35 P.S. 780-101 et seq

35 P.S. 807.1 et seq

20 U.S.C. 7114

20 U.S.C. 7118

21 U.S.C. 801 et seq

34 CFR Part 300

Pol. 122

Pol. 805



NEW

|         |                                     |
|---------|-------------------------------------|
| Book    | Policy Manual                       |
| Section | 200 Pupils                          |
| Title   | Controlled Substances/Paraphernalia |
| Code    | 227 Vol II 2024                     |
| Status  |                                     |

### **Purpose**

The Board recognizes that the **use and** abuse of controlled substances **as defined in this policy** is a serious problem with legal, physical and social implications for the whole school community. **The purpose of this policy is to prohibit student possession, use and/or distribution of controlled substances, except as permitted by applicable state or federal law and Board policy.**[1][2]

### **Definitions**

For purposes of this policy, **controlled substances** shall include:[3][4]

1. **Any** controlled substance prohibited by federal or **Pennsylvania** laws.
2. Look-alike drugs.
3. Alcoholic beverages.
4. Anabolic steroids.
5. Drug paraphernalia.
6. Any volatile solvents or inhalants, such as but not limited to glue and aerosol products.
7. Substances that when ingested cause a physiological effect that is similar to the effect of a controlled substance as defined by state or federal laws.
8. Prescription or nonprescription (over-the-counter) medications, except those for which permission for use in school has been granted pursuant to Board policy.[1][2]

For purposes of this policy, **under the influence** shall include any consumption or ingestion of controlled substances by a student.

For purposes of this policy, **look-alike drug** shall include any pill, capsule, tablet, powder, plant matter or other item or substance that is designed or intended to resemble a controlled substance prohibited by this policy, or is used in a manner likely to induce others to believe the material is a controlled substance.

### **Authority**

The Board prohibits students from using, possessing, distributing and being under the influence of any controlled substances during school hours, at any time while on school property, at any school-sponsored activity, and during the time spent traveling to and from school and to and from school-sponsored activities.[5][6][7]

The Board may require participation in drug counseling, rehabilitation, testing or other programs as a condition of reinstatement into the school's educational, extracurricular or athletic programs resulting from violations of this policy.

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 law enforcement and Board policies.[8][9][10][11][12][13]

### Off-Campus Activities

This policy shall also apply to student conduct that occurs off school property or during nonschool hours to the same extent as provided in Board policy on student discipline.[14]

### Delegation of Responsibility

The Superintendent or designee shall develop administrative regulations to identify and control substance abuse in the schools which:

1. Establish procedures to appropriately manage situations involving students suspected of using, possessing, being under the influence or distributing controlled substances.[15][16][17]
2. Disseminate to students, parents/guardians and staff the Board policy and administrative regulations governing student use of controlled substances.
3. Provide education concerning the dangers of abusing controlled substances.
4. Establish procedures for education and readmission to school of students convicted of offenses involving controlled substances.

### Guidelines

Violations of this policy may result in disciplinary action up to and including expulsion and referral for prosecution.[14][18][19]

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents involving **the prohibited** possession, use or sale of controlled substances 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 **law enforcement agency** 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 law enforcement and Board policies.[13][15][16][20][21][22]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving **the prohibited** possession, use or sale of controlled substances as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the **law enforcement agency** 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.[13][20][23]

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of **prohibited possession, use or sale of controlled substances to the PA Department of Education on the required form.**[13][15][16]

In all cases involving students and controlled substances, the need to protect the school community from undue harm and exposure to drugs shall be recognized.

{ } No student may be admitted to a program that seeks to identify and rehabilitate the potential abuser without the intelligent, voluntary and aware consent of the student and parent/guardian.

### Anabolic Steroids

The Board prohibits the use of anabolic steroids by students involved in school-related athletics, except for a valid medical purpose. Body building and muscle enhancement, increasing muscle bulk or strength, or the enhancement of athletic ability are not valid medical purposes. Human Growth Hormone (HGH) shall not be included as an anabolic steroid.[24]

Students shall be made aware of the dangers of steroid use; that anabolic steroids are classified as controlled substances; and that their unauthorized use, possession, purchase or sale could subject students to suspension, expulsion and/or criminal prosecution.[18][25]

### Reasonable Suspicion/Testing

If based on the student's behavior, medical symptoms, vital signs or other observable factors, the building principal has reasonable suspicion that the student is under the influence of a controlled substance, the student may be required to submit to drug or alcohol testing. The testing may include but is not limited to the analysis of blood, urine, saliva or the administration of a Breathalyzer test.

### NOTES:

Off-Campus Activities - Content related to off-campus conduct is now located in Policy 218 Student Discipline.

Maintenance – make sure any drug testing policy has been reviewed by district solicitor. See Andrews & Price memo for guidance.

### **PSBA Revision 5/24 © 2024 PSBA**

#### Legal

1. Pol. 210
2. Pol. 210.1
3. 35 P.S. 780-102
4. 21 U.S.C. 812
5. 24 P.S. 510
6. 24 P.S. 511
7. 22 PA Code 12.3
8. 22 PA Code 10.23
9. 20 U.S.C. 1400 et seq
10. Pol. 103.1
11. Pol. 113.1
12. Pol. 113.2

- 13. Pol. 805.1
- 14. Pol. 218
- 15. 24 P.S. 1306.2-B
- 16. 24 P.S. 1319-B
- 17. 42 Pa. C.S.A. 8337
- 18. Pol. 233
- 19. Pol. 236
- 20. 22 PA Code 10.2
- 21. 22 PA Code 10.21
- 22. 22 PA Code 10.22
- 23. 22 PA Code 10.25
- 24. 35 P.S. 807.1
- 25. 35 P.S. 807.2
- 22 PA Code 403.1
- 35 P.S. 780-101 et seq
- 35 P.S. 807.1 et seq
- 20 U.S.C. 7114
- 20 U.S.C. 7118
- 21 U.S.C. 801 et seq
- 34 CFR Part 300
- Pol. 122
- Pol. 805
- Pol. 823





OLD

|                     |                             |
|---------------------|-----------------------------|
| <b>Book</b>         | Policy Manual               |
| <b>Section</b>      | 300 Employees               |
| <b>Title</b>        | Tobacco and Vaping Products |
| <b>Code</b>         | 323                         |
| <b>Status</b>       | Active                      |
| <b>Adopted</b>      | August 12, 2013             |
| <b>Last Revised</b> | April 20, 2020              |

### **Purpose**

The Board recognizes that tobacco presents a health and safety hazard that can have serious consequences for the user and the nonuser and the safety of the schools.

### **Definition**

For purposes of this policy, **tobacco** includes a lighted or unlighted cigarette, cigar, pipe or other smoking product or material and smokeless tobacco in any form.[1]

### **Authority**

The Board prohibits tobacco use 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]

The Board may designate specific areas for tobacco use by district employees on property owned, leased or controlled by the district that is at least fifty (50) feet from school buildings, stadiums and bleachers.[1]

The Board prohibits tobacco use by district employees at school-sponsored activities that are held off school property.[1]

The district shall annually notify employees about the Board's tobacco policy by distributing it through handbooks, newsletters, posted notices, and other efficient methods.[1]

### **Guidelines**

The Superintendent or designee may report incidents involving the sale of tobacco 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.[3][4][5][6][7][8]

In accordance with state law, the Superintendent shall annually, by July 31, report incidents of possession, use or sale of tobacco on school property to the Office for Safe Schools on the required form.[4][8]

Legal

1. 35 P.S. 1223.5
2. 20 U.S.C. 7973
3. 24 P.S. 1302.1-A
4. 24 P.S. 1303-A
5. 22 PA Code 10.2
6. 22 PA Code 10.22
7. 18 Pa. C.S.A. 6305
8. Pol. 805.1
- 20 U.S.C. 7971 et seq



NEW

Book Policy Manual  
 Section 300 Employees  
 Title Tobacco and Vaping Products  
 Code 323 Vol II 2024  
 Status

### **Purpose**

The Board recognizes that tobacco and vaping products, **including electronic cigarettes**, present a health and safety hazard that can have serious consequences for users, nonusers and the school environment. The purpose of this policy is to regulate use of tobacco and **vaping products** by district employees and contracted personnel.

### **Definition**

**For purposes of this policy, tobacco product encompasses** not only tobacco but also vaping products **including** electronic cigarettes (e-cigarettes). **Tobacco products**, for purposes of this policy and in accordance with state law, shall be defined to include the following:[1][2]

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.
2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.
3. Any product containing, made or derived from either:
  - a. Tobacco, whether in its natural or synthetic form; or
  - b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.
4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term **tobacco product** does not include the following:[1][2]

1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled.

2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. *Federal law requires the district to maintain a drug-free workplace, at which marijuana of any kind is prohibited.* [3][4]

### **Authority**

The Board prohibits use of **tobacco products** by district employees and contracted personnel at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; or on property owned, leased or controlled by the school district. [2][5][6][7]

The Board also prohibits use of **tobacco products** by district employees at any time while responsible for the supervision of students during school-sponsored activities that are held off school property. [2]

This policy does not prohibit possession of **tobacco products** by district employees and contracted personnel of legal age.

The Board deems it to be a violation of this policy for any district employee or contracted personnel to furnish a **tobacco product** to a student. [1]

### **Delegation of Responsibility**

The Superintendent or designee shall notify employees and contracted personnel about the Board's tobacco and vaping products policy by publishing information in handbooks, newsletters, posters and other efficient methods such as posted notices, signs and on the district website. [2]

### **Reporting**

#### ***Annual School Safety and Security Incidents Report –***

The Superintendent shall annually, by July 31, report incidents of prohibited possession, use or sale of **tobacco products** on school property to the **PA Department of Education** on the required form. [8][9][10]

#### ***Law Enforcement Incident Report –***

The Superintendent or designee may report incidents involving the sale of **tobacco 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 **law enforcement agency** 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 law enforcement and Board policies. [1][2][3][8][9][10][11][12]

### **PSBA Revision 5/24 © 2024 PSBA**

Legal

[1. 18 Pa. C.S.A. 6305](#)

[2. 18 Pa. C.S.A. 6306.1](#)

3. Pol. 317

4. Pol. 351

[5. 20 U.S.C. 7973](#)

6. Pol. 818

[7. 35 P.S. 637.1 et seq](#)

8. 24 P.S. 1306.2-B

9. 24 P.S. 1319-B

10. Pol. 805.1

11. 22 PA Code 10.2

12. 22 PA Code 10.22

20 U.S.C. 7971 et seq



OLD

|                      |                                 |
|----------------------|---------------------------------|
| <b>Book</b>          | <b>Policy Manual</b>            |
| <b>Section</b>       | <b>300 Employees</b>            |
| <b>Title</b>         | <b>Drug and Substance Abuse</b> |
| <b>Code</b>          | <b>351</b>                      |
| <b>Status</b>        | <b>Active</b>                   |
| <b>Adopted</b>       | <b>August 12, 2013</b>          |
| <b>Last Revised</b>  | <b>August 13, 2018</b>          |
| <b>Last Reviewed</b> | <b>January 30, 2018</b>         |

### **Purpose**

The Board recognizes that the misuse of drugs by administrative, professional and classified employees is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by drug use by district employees, especially as the use relates to an employee's safety, efficiency and productivity.

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

### **Definitions**

**Drugs** - shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.[2]

**Conviction** - a finding of guilt, including a plea of nolo contendere, imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statute.[3]

**Criminal Drug Statute** - a federal or state criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.[3]

**Drug-free Workplace** - the site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.[3]

### **Authority**

The Board requires that each administrative, professional and classified employee be given access to this policy and notification during the onboarding process that, as a condition of employment, the employee will abide by the terms of this policy 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.[4][5]

Any employee convicted of delivery of or possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the district.[1][2]

### **Delegation of Responsibility**

By virtue of reviewing this policy, employees must be aware that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the employee's workplace shall be provided by the Superintendent or designee and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination and referral for prosecution.[4][6]

Within ten (10) days after receiving notice of the conviction of a district employee, the district shall notify any federal agency or department that is the grantor of funds to the district.[4]

The district shall take appropriate personnel action within thirty (30) days of receiving notice against any convicted employee, up to and including termination, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.[4][6]

In establishing a drug-free awareness program, the Superintendent or designee shall inform employees about:[4]

1. Dangers of drug abuse in the workplace.
2. Board's policy of maintaining a drug-free workplace.
3. Availability of drug counseling, drug rehabilitation, and employee assistance programs.
4. Penalties that may be imposed 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 implementation of this policy.[4]

### **Guidelines**

The Superintendent or designee shall immediately report incidents involving the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act by any employee while 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.[7][8][9][10][11]

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of controlled substances or drug paraphernalia to the Office for Safe Schools on the required form.[10]

|       |                                  |
|-------|----------------------------------|
| Legal | <u>1. 24 P.S. 527</u>            |
|       | <u>2. 35 P.S. 780-101 et seq</u> |
|       | <u>3. 41 U.S.C. 8101</u>         |
|       | <u>4. 41 U.S.C. 8103</u>         |
|       | <u>5. 24 P.S. 111</u>            |
|       | <u>6. 41 U.S.C. 8104</u>         |

7. 22 PA Code 10.2

8. 22 PA Code 10.21

9. 24 P.S. 1302.1-A

10. 24 P.S. 1303-A

11. 35 P.S. 780-102

41 U.S.C. 8101 et seq

Pol. 317





NEW

|         |                            |
|---------|----------------------------|
| Book    | Policy Manual              |
| Section | 300 Employees              |
| Title   | Controlled Substance Abuse |
| Code    | 351 Vol II 2024            |
| Status  |                            |

### **Purpose**

The Board recognizes that the misuse of **controlled substances** by administrative, professional and support employees is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by **controlled substance abuse** by district employees, especially as it relates to an employee's safety, efficiency and productivity.

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

### **Definitions**

**Controlled Substances** – shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.[1]

**Conviction** – for purposes of this policy, is defined as a finding of guilt, including a plea of nolo contendere, an imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.[2]

**Criminal Drug Statute** - a federal or state criminal statute involving the manufacture, distribution, dispensation, use or possession of a controlled substance.[2]

**Drug-free Workplace** - the site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance.[2]

### **Authority**

The Board requires that each administrative, professional and support employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the district of any criminal drug statute conviction for a violation occurring in the workplace immediately, but no later than seventy-two (72) hours, after such conviction.[3]  
[4]

Any employee convicted of delivery of a controlled substance or convicted of possession of a controlled substance with the intent to deliver or convicted of an offense defined as a felony under the **Controlled Substance, Drug, Device and Cosmetic Act**, shall be terminated

from his/her employment with the district, in accordance with applicable law, regulations and Board policy.[1][3][5][6]

### **Delegation of Responsibility**

A statement notifying employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the employee's workplace shall be provided by the Superintendent or designee and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination and referral for prosecution.[4][7]

Within ten (10) days after receiving notice of the conviction of a district employee, the district shall notify any federal agency or department that is the grantor of funds to the district.[4]

The district shall take appropriate personnel action within thirty (30) days of receiving notice against any convicted employee, up to and including termination, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.[4][6][7]

In establishing a drug-free **workplace** awareness program, the Superintendent or designee shall inform employees about:[4]

1. Dangers of drug abuse in the workplace.
2. Board's policy of maintaining a drug-free workplace.
3. Availability of drug counseling, drug rehabilitation and employee assistance programs.
4. Penalties that may be imposed 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 implementation of this policy.[4]

### **Guidelines**

The Superintendent or designee shall immediately report incidents involving the **prohibited** possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act by any employee while 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 **law enforcement agency** 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 law enforcement and Board policies.[8][9][10][11][12][13]

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of **prohibited** possession, use or sale of controlled substances or drug paraphernalia to the **PA Department of Education** on the required form.[8][9][13]

### **NOTE:**

Pre-Employment Drug Testing - If backup materials have pre-employment drug testing policy that is newer than 5 years, keep the policy as is and note on Cross-Reference that this is a local policy, PSBA does not draft policy on this subject, and the policy was kept "as is" since it is recent--please review the draft policy with your school solicitor. If the policy is 5 years or older, please mark the policy as "Not Included" and note on Cross-Reference that this is a local policy,

PSBA does not draft policy language on this subject, and the policy was not included because it has not been recently revised and we recommend consulting with the school solicitor in drafting language on this subject.

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**Legal**

1. 35 P.S. 780-101 et seq

2. 41 U.S.C. 8101

3. 24 P.S. 111

4. 41 U.S.C. 8103

5. 24 P.S. 527

6. Pol. 317

7. 41 U.S.C. 8104

8. 24 P.S. 1306.2-B

9. 24 P.S. 1319-B

10. 22 PA Code 10.2

11. 22 PA Code 10.21

12. 35 P.S. 780-102

13. Pol. 805.1

41 U.S.C. 8101 et seq

Pol. 810.1

Pol. 810.3



|               |                    |
|---------------|--------------------|
| Book          | Policy Manual      |
| Section       | 800 Operations     |
| Title         | Public Records     |
| Code          | 801                |
| Status        | Active             |
| Last Reviewed | September 21, 2021 |

OLD

### **Purpose**

The Board recognizes the importance of public records as the record of the district's actions and the repository of information about this district. The public has the right to access and procure copies of public records, with certain exceptions, subject to law, Board policy and administrative regulations.

### **Definitions**

**Financial record** - any account, voucher or contract dealing with the receipt or disbursement of funds or acquisition, use or disposal of services, supplies, materials, equipment or property; or the salary or other payments or expenses paid to an officer or employee, including the individual's name and title; and a financial audit report, excluding the audit's underlying work papers. [1]

**Public record** - a record, including a financial record, that is not protected by a defined privilege or is not exempt from being disclosed under one of the exemptions in Pennsylvania's Right-to-Know Law or under other federal or state law or regulation, or judicial decree or order.

**Record** - information, regardless of physical form or characteristics, that documents a district transaction or activity and is created, received or retained pursuant to law or in connection with a district transaction, business or activity, including: a document; paper; letter; map; book; tape; photograph; film or sound recording; information stored or maintained electronically; and a data-processed or image-processed document.

**Response** - the district's notice informing a requester of a granting of access to a record or the district's written notice to a requester granting, denying, or partially granting and partially denying access to a requested record.

**Requester** - a legal resident of the United States, or an agency, who requests access to a record.

### **Authority.**

The Board shall make the district's public records available for access and duplication to a requester, in accordance with law, Board policy and administrative regulations. [2][3][4][5]

### **Delegation of Responsibility**

The Board shall designate an Open Records Officer, who shall be responsible to:[6]

1. Receive written requests for access to records submitted to the district.
2. Review and respond to written requests in accordance with law, Board policy and administrative regulations.
3. Direct requests to other appropriate individuals in the district or in another agency.
4. Track the district's progress in responding to requests.
5. Issue interim and final responses to submitted requests.
6. Maintain a log of all record requests and their disposition.
7. Ensure district staff are trained to perform assigned job functions relative to requests for access to records.

Upon receiving a request for access to a record, the Open Records Officer shall:[6][7][8]

1. Note the date of receipt on the written request.
2. Compute and note on the written request the day on which the five-day period for response will expire.
3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled.
4. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

### **Guidelines**

Requesters may access and procure copies of the public records of the district during the regular business hours of the administration offices.[5]

A requester's right of access does not include the right to remove a record from the control or supervision of the Open Records Officer.

The district shall not limit the number of records requested.[2]

When responding to a request for access, the district is not required to create a record that does not exist nor to compile, maintain, format or organize a record in a manner which the district does not currently use.[9]

Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.[10][11][12]

The district shall post at the administration office and on the district's website, if the district maintains a website, the following information:[4][13]

1. Contact information for the Open Records Officer.
2. Contact information for the state's Office of Open Records or other applicable appeals officer.
3. The form to be used to file a request, with a notation that the state Office of Open Records form may also be used if the district decides to create its own form.

4. Board policy, administrative regulations and procedures governing requests for access to the district's public records.

#### Request for Access

A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer.[4][13][14]

Written requests may be submitted to the district in person, by mail, to a designated facsimile machine, and to a designated email address.

Each request must include the following information:[5][14]

1. Identification or description of the requested record, in sufficient detail.
2. Medium in which the record is requested.
3. Name and address of the individual to receive the district's response.

The district shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.[14]

#### Fees

Except for the duplication fee established by the state, the Board shall approve a list of reasonable fees relative to requests for public records. The district shall maintain a list of applicable fees and disseminate the list to requesters.[15]

No fee may be imposed for review of a record to determine whether the record is subject to access under law.[15]

Prior to granting access, the district may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.[15]

The Superintendent may waive duplication fees when the requester duplicates the record or the Superintendent deems it is in the public interest to do so.[15]

#### Response to Request

District employees shall be directed to immediately forward requests for access to public records to the Open Records Officer.[6][16]

Upon receipt of a written request for access to a record, the Open Records Officer shall determine if the requested record is a public record and if the district has possession, custody or control of that record.[7]

The Open Records Officer shall respond as promptly as possible under the existing circumstances, and the initial response time shall not exceed five (5) business days from the date the written request is received by the Open Records Officer.[7]

The initial response shall grant access to the requested record; deny access to the requested record; partially grant and partially deny access to the requested record; notify the requester of the need for an extension of time to fully respond; or request more detail from the requester to clearly identify the requested material.

If the district fails to respond to a request within five (5) business days of receipt, the request for access shall be deemed denied.[7]

### Extension of Time

If the Open Records Officer determines that an extension of time is required to respond to a request, in accordance with the factors stated in law, written notice shall be sent within five (5) business days of receipt of request. The notice shall indicate that the request for access is being reviewed, the reason that the review requires an extension, a reasonable date when the response is expected, and an estimate of applicable fees owed when the record becomes available.[Z][17]

Up to a thirty-day extension for one (1) of the listed reasons does not require the consent of the requester. If the response is not given by the specified date, it shall be deemed denied on the day following that date.

A requester may consent in writing to an extension that exceeds thirty (30) days, in which case the request shall be deemed denied on the day following the date specified in the notice if the Open Records Officer has not provided a response by that date.

### Granting of Request

If the Open Records Officer determines that the request will be granted, the response shall inform the requester that access is granted and either include information on the regular business hours of the administration office, provide electronic access, or state where the requester may go to inspect the records or information electronically at a publicly accessible site. The response shall include a copy of the fee schedule in effect, a statement that prepayment of fees is required in a specified amount if access to the records will cost in excess of \$100 and the medium in which the records will be provided.

A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. However, the district is not required to permit use of its computers.[5]

The Open Records Officer may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means or that the district shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the district's notice, submits a written request to have the record converted to paper, the district shall provide access in printed form within five (5) days of receipt of the request for conversion to paper.[5][18]

A public record that the district does not possess but is possessed by a third party with whom the district has contracted to perform a governmental function and which directly relates to that governmental function shall be considered a public record of the district. When the district contracts with such a third party, the district shall require the contractor to agree in writing to comply with requests for such records and to provide the district with the requested record in a timely manner to allow the district to comply with law.[19]

If the Open Records Officer determines that a public record contains information both subject to and not subject to access, the Open Records Officer shall grant access to the information subject to access and deny access to the information not subject to access. The Open Records Officer shall redact from the record the information that is not subject to access. The Open Records Officer shall not deny access to a record if information is able to be redacted.[20]

If the Open Records Officer responds to a requester that a copy of the requested record is available for delivery at the administration office and the requester does not retrieve the record within sixty (60) days of the district's response, the district shall dispose of the copy and retain any fees paid to date.[21]

### **Notification to Third Parties**

When the district produces a record that is not a public record in response to a request, the Open Records Officer shall notify any third party that provided the record to the district, the person that is the subject of the record, and the requester.[22]

The Open Records Officer shall notify a third party of a record request if the requested record contains a trade secret or confidential proprietary information, in accordance with law and administrative regulations.[22]

### **Denial of Request**

If the Open Records Officer denies a request for access to a record, whether in whole or in part, a written response shall be sent within five (5) business days of receipt of the request. The response denying the request shall include the following:[7][23]

1. Description of the record requested.
2. Specific reasons for denial, including a citation of supporting legal authority.
3. Name, title, business address, business telephone number, and signature of the Open Records Officer on whose authority the denial is issued.
4. Date of the response.
5. Procedure for the requester to appeal a denial of access.

The Open Records Officer may deny a request for access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the district.[19]

The Open Records Officer may deny a request for access to a record when timely access is not possible due to a disaster, or when access may cause physical damage or irreparable harm to the record. To the extent possible, a record's contents shall be made accessible even when the record is physically unavailable.[19]

Information that is not subject to access and is redacted from a public record shall be deemed a denial.[20][23]

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the state's Office of Open Records within fifteen (15) business days of the mailing date of the Open Records Officer's response or deemed denial.[8]

### **PSBA Revision 9/08 © 2015 PSBA**

|       |   |
|-------|---|
| Legal | <a href="#"><u>1. 65 P.S. 67.102</u></a>  |
|       | <a href="#"><u>2. 65 P.S. 67.302</u></a>  |
|       | <a href="#"><u>3. 65 P.S. 67.305</u></a>  |
|       | <a href="#"><u>4. 65 P.S. 67.504</u></a>  |
|       | <a href="#"><u>5. 65 P.S. 67.701</u></a>  |
|       | <a href="#"><u>6. 65 P.S. 67.502</u></a>  |
|       | <a href="#"><u>7. 65 P.S. 67.901</u></a>  |
|       | <a href="#"><u>8. 65 P.S. 67.1101</u></a> |
|       | <a href="#"><u>9. 65 P.S. 67.705</u></a>  |



10. 42 U.S.C. 12132

11. 28 CFR 35.160

12. 28 CFR 35.164

13. 65 P.S. 67.505

14. 65 P.S. 67.703

15. 65 P.S. 67.1307

16. 65 P.S. 67.702

17. 65 P.S. 67.902

18. 65 P.S. 67.704

19. 65 P.S. 67.506

20. 65 P.S. 67.706

21. 65 P.S. 67.905

22. 65 P.S. 67.707

23. 65 P.S. 67.903

24 P.S. 408

24 P.S. 518

42 U.S.C. 12101 et seq

65 P.S. 67.101 et seq

Pol. 800



New

|         |                  |
|---------|------------------|
| Book    | Policy Manual    |
| Section | 800 Operations   |
| Title   | Public Records   |
| Code    | 801 Vol III 2024 |
| Status  |                  |

**Purpose**

The Board recognizes the importance of public records as the record of the district's actions and the repository of information about this district. The public has the right to access and procure copies of public records, with certain exceptions, subject to law, Board policy and administrative regulations.

**Definitions**

**Financial record** - any account, voucher or contract dealing with the receipt or disbursement of funds; or acquisition, use or disposal of services, supplies, materials, equipment or property; or the salary or other payments or expenses paid to an officer or employee, including the individual's name and title; or a financial audit report, excluding the audit's underlying work papers.[1]

**Public record** - a record, including a financial record, that is not protected by a defined privilege or is not exempt from being disclosed under one of the exemptions in Pennsylvania's Right-to-Know Law or under other federal or state law or regulation, or judicial decree or order.[1]

**Record** - information, regardless of physical form or characteristics, that documents a district transaction or activity and is created, received or retained pursuant to law or in connection with a district transaction, business or activity, including: a document; paper; letter; map; book; tape; photograph; film or sound recording; information stored or maintained electronically; and a data-processed or image-processed document.[1]

**Response** - the district's notice informing a requester of a granting of access to a record or the district's written notice to a requester granting, denying or partially granting and partially denying access to a requested record.[1]

**Requester** - a person that is a legal resident of the United States who requests access to a record. The term Requester includes an agency.[1]

**Authority**

The Board shall make the district's public records available for access and duplication to a requester, in accordance with law, Board policy and administrative regulations.[2][3][4][5]

**The Board authorizes the district to deny anonymous requests for records. A request may be considered anonymous if the requester has submitted insufficient information for the district to identify if the requester is a legal resident of the United States.[1][6]**

### **Delegation of Responsibility.**

The Board shall designate an Open Records Officer, who shall be responsible to:[Z]

1. Receive written requests for access to records submitted to the district.
2. Review and respond to written requests in accordance with law, Board policy and administrative regulations.
3. Direct requests to other appropriate individuals in the district or in another agency.
4. Track the district's progress in responding to requests.
5. Issue interim and final responses to submitted requests.
6. Maintain a log of all record requests and their disposition.
7. Ensure district staff are trained to perform assigned job functions relative to requests for access to records.

Upon receiving a request for access to a record, the Open Records Officer shall:[Z][8][9]

1. Note the date of receipt on the written request.
2. Compute and note on the written request the day on which the five-day period for response will expire.
3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled.
4. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

### **Guidelines**

Requesters may access and procure copies of the public records of the district during the regular business hours of the administration offices.[5]

A requester's right of access does not include the right to remove a record from the control or supervision of the Open Records Officer.

The district shall not limit the number of records requested.[2]

When responding to a request for access, the district is not required to create a record that does not exist nor to compile, maintain, format or organize a record in a manner which the district does not currently use.[10]

Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.[11][12][13]

The district shall post at the administration office and on the district's **website**, the following information:[4][14]

1. Contact information for the Open Records Officer.
2. Contact information for the state's Office of Open Records or other applicable appeals officer.
3. The form to be used to file a request, with a notation that the state Office of Open Records form may also be used if the district decides to create its own form.

**The district shall post the acceptable form(s) on the district website with information notifying requesters that the district may choose to deny a request for failure to submit the proper form.[15]**

4. Board policy, administrative regulations and procedures governing requests for access to the district's public records.

### Request for Access

A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer.[4][14][15][16]

**Requests made in accordance with this policy may be submitted to the district in person, by mail or to a designated email address and must include the following information:[5][16]**

1. Identification or description of the requested record, in sufficient detail **to allow the district to determine what records are being requested.**
2. Medium in which the record is requested.
3. Name and address of the individual to receive the district's response.

The district shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.[16]

### Fees

Except for the duplication fee established by the state, the Board shall approve a list of reasonable fees relative to requests for public records. The district shall maintain a list of applicable fees and disseminate the list to requesters.[17]

No fee may be imposed for review of a record to determine whether the record is subject to access under law.[17]

Prior to granting access, the district may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.[17]

The Superintendent may waive duplication fees when the requester duplicates the record, or the Superintendent deems it is in the public interest to do so.[17]

### Response to Request

District employees shall be directed to immediately forward requests for access to public records to the Open Records Officer.[7][18]

Upon receipt of a written request for access to a record, the Open Records Officer shall determine if the requested record is a public record and if the district has possession, custody or control of that record.[8]

The Open Records Officer shall respond as promptly as possible under the existing circumstances, and the initial response time shall not exceed five (5) business days from the date the written request is received by the Open Records Officer.[8]

The initial response shall grant access to the requested record; deny access to the requested record; partially grant and partially deny access to the requested record; notify the requester of the need for an extension of time to fully respond; or request more detail from the requester to clearly identify the requested material.

If the district fails to respond to a request within five (5) business days of receipt, the request for access shall be deemed denied.[8]

### Extension of Time

If the Open Records Officer determines that an extension of time is required to respond to a request, in accordance with the factors stated in law, written notice shall be sent within five (5) business days of receipt of request. The notice shall indicate that the request for access is being reviewed, the reason that the review requires an extension, a reasonable date when the response is expected and an estimate of applicable fees owed when the record becomes available.[8][19]

Up to a thirty-day extension for one (1) of the listed reasons does not require the consent of the requester. If the response is not given by the specified date, it shall be deemed denied on the day following that date.

A requester may consent in writing to an extension that exceeds thirty (30) days, in which case the request shall be deemed denied on the day following the date specified in the notice if the Open Records Officer has not provided a response by that date.

### Granting of Request

If the Open Records Officer determines that the request will be granted, the response shall inform the requester that access is granted and either include **a copy of the requested records**, information on the regular business hours of the administration office, provide electronic access or state where the requester may go to inspect the records or information electronically at a publicly accessible site. The response shall include a copy of the fee schedule in effect, a statement that prepayment of fees is required in a specified amount if access to the records will cost in excess of \$100 and the medium in which the records will be provided.

A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. However, the district is not required to permit use of its computers.[5]

The Open Records Officer may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means or that the district shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the district's notice, submits a written request to have the record converted to paper, the district shall provide access in printed form within five (5) days of receipt of the request for conversion to paper.[5][20]

A public record that the district does not possess but is possessed by a third party with whom the district has contracted to perform a governmental function and which directly relates to that governmental function, shall be considered a public record of the district, **and shall be made accessible in accordance with law, Board policy and administrative regulations.** When the district contracts with such a third party, the district shall require the contractor to agree in writing to comply with requests for such records and to provide the district with the requested record in a timely manner to allow the district to comply with law.[21]

If the Open Records Officer determines that a public record contains information both subject to and not subject to access, the Open Records Officer shall grant access to the information subject to access and deny access to the information not subject to access. The Open Records Officer shall redact from the record the information that is not subject to access. The Open Records Officer shall not deny access to a record if information is able to be redacted.[22]

If the Open Records Officer responds to a requester that a copy of the requested record is available for delivery at the administration office and the requester does not retrieve the record within sixty (60) days of the district's response, the district shall dispose of the copy and retain any fees paid to date.[23]

#### Notification to Third Parties

**The Open Records Officer shall notify a third party of a record request if the requested record contains a trade secret or confidential proprietary information, in accordance with law and administrative regulations.[24]**

**When the district produces a record that is not a public record in response to a request, the Open Records Officer shall notify any third party that provided the record to the district, the person that is the subject of the record and the requester.[24]**

#### Denial of Request

If the Open Records Officer denies a request for access to a record, whether in whole or in part, a written response shall be sent within five (5) business days of receipt of the request. The response denying the request shall include the following:[8][25]

1. Description of the record requested.
2. Specific reasons for denial, including a citation of supporting legal authority.
3. Name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial is issued.
4. Date of the response.
5. Procedure for the requester to appeal a denial of access.

The Open Records Officer may deny a request for access to a record if the requester has made repeated, **identical** requests for that same record and the repeated requests have placed an unreasonable burden on the district.[21]

The Open Records Officer may deny a request for access to a record when timely access is not possible due to a disaster, or when access may cause physical damage or irreparable harm to the record. To the extent possible, a record's contents shall be made accessible even when the record is physically unavailable.[21]

Information that is not subject to access and is redacted from a public record shall be deemed a denial.[\[22\]](#)[\[25\]](#)

## **Appeals**

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the state's Office of Open Records within fifteen (15) business days of the mailing date of the Open Records Officer's response or deemed denial.[\[9\]](#)

### ***Appeals Involving Third Party Records -***

**The Open Records Officer shall provide notice to a third party within seven (7) business days of any appeal relating to records requested, which affect the legal or security interest of an employee; contain or constitute proprietary, confidential or trademarked records of a third party; or are held by a third party contractor or vendor, the district shall notify such parties of the appeal and advise them of their ability to participate in accordance with law. The Open Records Officer shall also provide proof of such notice to the Office of Open Records within seven (7) business days of sending the third party notification.[\[9\]](#)[\[26\]](#)**

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#### Legal

[1. 65 P.S. 67.102](#)

[2. 65 P.S. 67.302](#)

[3. 65 P.S. 67.305](#)

[4. 65 P.S. 67.504](#)

[5. 65 P.S. 67.701](#)

6. Anonymous v. Downingtown Area School District, OOR Dkt. No.: AP 2023-2329

[7. 65 P.S. 67.502](#)

[8. 65 P.S. 67.901](#)

[9. 65 P.S. 67.1101](#)

[10. 65 P.S. 67.705](#)

[11. 42 U.S.C. 12132](#)

[12. 28 CFR 35.160](#)

[13. 28 CFR 35.164](#)

[14. 65 P.S. 67.505](#)

15. K Pace v. City of Philadelphia Department of Licenses and Inspections, OOR Dkt. No.: AP 2024-0292

[16. 65 P.S. 67.703](#)

[17. 65 P.S. 67.1307](#)

[18. 65 P.S. 67.702](#)

[19. 65 P.S. 67.902](#)

[20. 65 P.S. 67.704](#)

[21. 65 P.S. 67.506](#)

[22. 65 P.S. 67.706](#)

23. 65 P.S. 67.905

24. 65 P.S. 67.707

25. 65 P.S. 67.903

26. Office of Open Records Procedural Guidelines

24 P.S. 408

24 P.S. 518

42 U.S.C. 12101 et seq

65 P.S. 67.101 et seq

Pol. 800





|              |                  |
|--------------|------------------|
| Book         | Policy Manual    |
| Section      | 800 Operations   |
| Title        | School Calendar  |
| Code         | 803              |
| Status       | Active           |
| Adopted      | August 12, 2013  |
| Last Revised | January 10, 2022 |

OLD

### **Purpose**

The Board recognizes that preparation of an annual school calendar is necessary for the efficient operation of the district.

### **Authority**

The Board shall determine annually the days and the hours when the schools will be in session for instructional purposes, in accordance with state law and regulations. This may include, as appropriate, activities qualifying as instructional days under the direction of certified school employees for fulfilling the minimum required days of instruction under law and regulations. [1][2][3][4][5][6][7]

The school calendar shall normally consist of a minimum of 180 student days. [1][8][9]

The Board reserves the right to alter the school calendar when it is in the best interests of the district.

When an emergency arises, which the Board could not anticipate or foresee, and such emergency results in the district being unable to provide for the in-person attendance of all students during the established length of school days, number of days per week or hours of classes, the Board may establish temporary provisions during the period of emergency. During an open regular or special Board meeting, the Board shall take action to identify the emergency and establish the temporary provisions. Such action shall be recorded in the Board minutes for the open meeting and certified with the Secretary of Education in the form prescribed by the PA Department of Education for review or approval. The Board shall enact the temporary provisions in response to the emergency, which may remain in effect for a period of no more than four (4) years. [10][11]

Temporary provisions established in accordance with law may include but are not limited to: [10]

1. Keeping schools in session such days and number of days per week as the Board deems necessary, which shall include maintaining the requirement for a minimum of 180 student days.

2. Reducing the length of time of daily instruction for courses and classes.
3. Implementing remote and other alternative methods of delivering instruction under the direction of certified school employees.[Z]

**Delegation of Responsibility**

The Superintendent shall annually prepare a school calendar for Board consideration.

The Superintendent or designee shall document alterations to the school calendar and any temporary provisions established in response to a designated emergency in accordance with law, regulations, guidance from the PA Department of Education or Board policy.[12]

Legal

1. 24 P.S. 1501
2. 24 P.S. 1501.9
3. 24 P.S. 1502
4. 24 P.S. 1503
5. 24 P.S. 1504
6. 24 P.S. 1506
7. 22 PA Code 11.2
8. 22 PA Code 4.4
9. 22 PA Code 11.1
10. 24 P.S. 520.1
11. Pol. 006
12. Pol. 805



New

|         |                  |
|---------|------------------|
| Book    | Policy Manual    |
| Section | 800 Operations   |
| Title   | School Calendar  |
| Code    | 803 Vol III 2024 |
| Status  |                  |

**Purpose**

The Board recognizes that preparation of an annual school calendar is necessary for the efficient operation of the district **and communication with students, staff, parents/guardians and the school community.**

**Authority**

The Board shall determine annually the days and the hours when the schools will be in session for instructional purposes, in accordance with state law and regulations. This may include, as appropriate, activities qualifying as instructional days **or hours** under the direction of certified school employees for fulfilling the minimum required days **or hours** of instruction under law, regulations **and state guidance.**[1][2][3][4][5][6][7][8][9]

The school calendar shall normally consist of a minimum of [1][2][8][10] 180 student days **or 900 hours of instruction at the elementary level and 990 hours of instruction at the secondary level.**

The Board reserves the right to alter the school calendar when it is in the best interests of the district, **including in cases of emergency, in accordance with applicable law and regulations. The Board shall take action to establish temporary provisions in cases of emergency, in accordance with law, and shall document such actions with the PA Department of Education when required.**[2][5][6][7][9][11][12][13][14]

Temporary provisions established in accordance with law may include but are not limited to:[1][2][5][6][7][8][9][12][13][15]

1. Keeping schools in session such days and **hours** as the Board deems necessary, which shall include maintaining the requirement for a minimum of 180 student days **or 900 hours of instruction at the elementary level and 990 hours of instruction at the secondary level.**
2. Reducing the length of time of daily instruction for courses and classes.
3. Implementing remote and other alternative methods of delivering instruction under the direction of certified school employees.

**Delegation of Responsibility**

The Superintendent shall annually prepare a school calendar for Board consideration.

The Superintendent or designee shall document alterations to the school calendar and any temporary provisions in accordance with law, regulations, guidance from the PA Department of Education **and** Board policy.[15]

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Legal

- [1. 24 P.S. 133](#)
- [2. 24 P.S. 1501](#)
- [3. 24 P.S. 1502](#)
- [4. 24 P.S. 1503](#)
- [5. 24 P.S. 1504](#)
- [6. 24 P.S. 1505](#)
- [7. 24 P.S. 1506](#)
- [8. 22 PA Code 11.1](#)
- [9. 22 PA Code 11.2](#)
- [10. 22 PA Code 4.4](#)
- [11. 24 P.S. 520](#)
- [12. 24 P.S. 520.1](#)
- [13. 24 P.S. 1501.3](#)
14. Pol. 006
15. Pol. 805
- Pol. 204
- Pol. 804



NEW

|         |  |
|---------|--|
| Book    | Policy Manual  |
| Section | 800 Operations   |
| Title   | Use of Generative Artificial Intelligence in Education |
| Code    | 815.1 Vol II 2024                                      |
| Status  |  |

### **Purpose**

The district recognizes the potential that Generative Artificial Intelligence (Generative AI) offers in enhancing educational opportunities, streamlining operations and preparing students for a future that demands adaptability, critical thinking and digital literacy. When incorporated and used in a responsible and ethical manner, Generative AI can support a dynamic working and learning experience.

This policy addresses guidelines for the proper management and responsible use of Generative AI in the district's educational environment.

### **Authority**

The Board directs that the use of Generative AI in the educational environment shall be limited to approved educational purposes and shall comply with applicable state and federal laws, regulations, Board policies, administrative regulations and school rules including, but not limited to, the Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA), the Children's Internet Protection Act (CIPA), the Children's Online Privacy Protection Act (COPPA), as well as Board policies related to acceptable use of computers and network resources, student and staff conduct, copyright protections, student records, personnel records, bullying and cyberbullying, nondiscrimination and harassment, data security and staff and student expression. [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]

The availability of access to Generative AI tools and resources by students and staff does not imply endorsement by the district of the Generative AI tool or resource, nor does the district guarantee the accuracy of the information received from Generative AI tools or resources. The district shall not be responsible for any information that may be lost, damaged or unavailable when using a Generative AI tool or resource.

The district shall not be responsible for the dissemination, replication or alteration of information or data input by any student or staff into any Generative AI tool or resource. Nothing in this policy is intended to limit the district's obligations under applicable law or regulations.

The district shall not be responsible for any unauthorized charges or fees resulting from access or use of Generative AI tools or resources.

### **Definitions**

**AI Literacy** – the ability to understand, use and interact with AI systems effectively, efficiently and responsibly.

**Artificial Intelligence (AI)** – technology designed to mimic human intelligence, such as analyzing data, recognizing patterns and making decisions.

**Generative Artificial Intelligence (Generative AI)** – an advanced subset of AI that is capable of generating new content from learned data and pattern recognition across various mediums such as text, code, images, audio and video data. Generative AI is the focus of this policy.

**Open-source AI** – AI tools and resources that are built on publicly accessible platforms and use and share data among all users who access the platform, both within and outside of the district.

### **Delegation of Responsibility**

The district shall make every effort to ensure that Generative AI tools and resources are used responsibly by students and staff. The effective integration of Generative AI into education requires a collaborative effort between administration, teachers, staff, students and families.

The district shall inform staff, students, parents/guardians and other users about this policy by posting on the district website and by other efficient methods.

Generative AI tools and resources used in district schools and programs shall be evaluated and authorized on an ongoing basis for age-appropriateness, bias, privacy protections, accessibility standards and data security by the following individuals:[8][9][10][27][28]

1. Building principals.
2. Director of Technology.

The Board directs that only district-authorized Generative AI tools and resources may be used on district computers and in district schools and programs. Staff shall consult the district's list of authorized Generative AI tools and resources prior to implementation in the educational environment. Unauthorized Generative AI tools and resources may not adhere to required data privacy, monitoring and security standards.[3][25][27]

The Superintendent or designee shall be responsible for developing procedures to address student safety measures and to determine whether Generative AI tools and resources are being used for purposes prohibited by law, Board policy or for accessing sexually explicit materials.[2][25][29][30][31][32][33]

The district solicitor, in coordination with the Director of Information Technology, shall evaluate new and existing vendor contracts, collective bargaining agreements and related agreements for impacts related to district use of Generative AI.[34][35]

### **Guidelines**

#### **AI Literacy**

##### ***Staff –***

The district shall provide staff with professional development opportunities addressing the effective and safe integration of Generative AI to enhance teaching and learning. Professional development opportunities may include, but not be limited to:

1. Ethical use of Generative AI.
2. The capabilities and limitations of Generative AI.
3. Critical analysis of content produced by Generative AI.
4. How to monitor and evaluate student inputs into Generative AI systems.
5. The parameters established by the district for integrating Generative AI tools into classroom instructional design.

### *Students -*

The district shall provide training for students, which may include, but not be limited to:

1. Establishment of expectations regarding the ethical use of Generative AI.
2. The capabilities and limitations of Generative AI.
3. Critical analysis of content produced by Generative AI.
4. How to disclose use and cite Generative AI resources.
5. The importance of not disclosing personally identifiable information when using an open-source Generative AI tool or resource.

### Ethical Considerations

The district shall prioritize the educational value in the use of Generative AI tools and resources and will take measures to mitigate associated risks. The district shall only authorize Generative AI systems and platforms appropriately equipped for preventing breach of personally identifiable information and addressing the district's prohibitions against discrimination, harassment, bullying, bias and access to sexually explicit materials, or those which are harmful to minors or prohibited by Board policy.[8][9][10][20][25]

The district's technology protection measures shall be enforced during use of Generative AI on district computers and network resources.[25]

The district shall provide additional training, when needed, and address accessibility needs to provide equitable access to Generative AI tools and resources for students and staff including, but not limited to, individuals with disabilities and English Learner students.[8][9][10][11][36]

The district prohibits the use of Generative AI in making decisions regarding employee recruitment, hiring, retention, promotion, transfer, evaluation, demotion or dismissal.[10]

The district prohibits the use of Generative AI in making final determinations on student assessments and evaluations.[8][9][11][14][37][38]

### *Academic Integrity -*

The use of Generative AI by students to complete assignments or assessments shall only be allowed to the extent stated and outlined by the teacher for the individual assignment or course. Students shall be notified in advance of the parameters for use of Generative AI in assignments and assessments.

Students and staff shall receive training and be expected to appropriately cite original sources for quotations, facts, information, statistics, dates or the paraphrased statements of others. A Generative AI resource shall be cited when the system's generated content is quoted, paraphrased or otherwise used in the student's work. Lack of citation to AI generated work improperly implies that the work is entirely that of the student.[16]

The Board permits the use of AI detection tools as an aid to identify potential academic integrity issues, but prohibits reliance on results from AI detection tools as the sole determination of academic integrity.

#### *Copyright -*

Individuals using Generative AI tools and resources must comply with federal law and Board policy regarding the duplication or use of copyrighted materials.[4][24]

#### *AI-Generated Content Verification -*

Individuals using Generative AI tools and resources have a responsibility to apply proper oversight and evaluation of generated information. Generative AI tools shall not be the sole determining factor used to make decisions related to student learning, assessment, academic integrity or conduct. Staff and students should critically evaluate content produced by Generative AI for potential biases or inaccuracies and understand the importance of cross-referencing with trusted resources.

#### Evaluation and Monitoring of Generative AI

Administrators, network supervisors and teaching staff shall establish processes for ongoing evaluation and monitoring of Generative AI tools and resources used within the district and on district computers and network resources, including periodic assessments of the impact on student learning.

Issues identified during the evaluation and monitoring process shall be reported to the Building principal and the Director of Technology.

#### Consequences for Inappropriate Use

Failure to comply with this policy or district rules regarding appropriate use of Generative AI including, but not limited to, acceptable use of computer and network resources, shall result in usage restrictions, loss of access privileges, disciplinary action and/or referral to legal authorities.[12][16][21][25][40]

Students and staff must immediately report any violations or suspicious activity to the building principal or designee.

Users of Generative AI shall be responsible for damages to the equipment, systems, platforms and software resulting from deliberate, malicious or willful acts.[25][41]

Illegal use of Generative AI; intentional modification without permission or damage to files or data belonging to others; copyright violations; and theft of services shall be reported to the appropriate legal authorities for possible prosecution.

This policy shall also apply to student conduct that occurs off school property or during nonschool hours to the same extent as provided in Board policy on student discipline.[12][16][25][40]



## Legal

- [1. 24 P.S. 4601 et seq](#)
- [2. 47 U.S.C. 254](#)
- [3. 15 U.S.C. 6501 et seq](#)
- [4. 17 U.S.C. 101 et seq](#)
- [5. 20 U.S.C. 1232g](#)
- [6. 20 U.S.C. 1400 et seq](#)
- [7. 42 U.S.C. 12101 et seq](#)
8. Pol. 103
9. Pol. 103.1
10. Pol. 104
11. Pol. 113
12. Pol. 113.1
13. Pol. 113.4
14. Pol. 114
15. Pol. 216
16. Pol. 218
17. Pol. 220
18. Pol. 237
19. Pol. 247
20. Pol. 249
21. Pol. 317
22. Pol. 320
23. Pol. 324
24. Pol. 814
25. Pol. 815
26. Pol. 830
27. Pol. 830.1
28. Pol. 105
- [29. 18 Pa. C.S.A. 5903](#)
- [30. 18 Pa. C.S.A. 6312](#)
- [31. 18 U.S.C. 2256](#)
- [32. 20 U.S.C. 7131](#)
- [33. 47 CFR 54.520](#)
34. Pol. 308
35. Pol. 818
36. Pol. 138
37. Pol. 113.3
38. Pol. 127
39. Pol. 111

40. Pol. 233

41. 24 P.S. 4604

18 Pa. C.S.A. 2709

29 U.S.C. 794

28 CFR Part 35

28 CFR Part 36

34 CFR Part 99

34 CFR Part 104

34 CFR Part 300

Pol. 304

Pol. 824



|              |                        |
|--------------|------------------------|
| Book         | Policy Manual          |
| Section      | 200 Pupils             |
| Title        | Bullying/Cyberbullying |
| Code         | 249                    |
| Status       | Active                 |
| Adopted      | September 17, 2012     |
| Last Revised | September 20, 2021     |

### **Purpose**

The Board is committed to providing a safe, positive learning environment for district students. The Board recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying by district students.

### **Definitions**

**Bullying** means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting that is severe, persistent or pervasive and has the effect of doing any of the following: [1]

1. Substantially interfering with a student's education.
2. Creating a threatening environment.
3. Substantially disrupting the orderly operation of the school.

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

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

### **Authority**

The Board prohibits all forms of bullying by district students. [1]

The Board encourages students who believe they or others have been bullied to promptly report such incidents to the building principal or designee.

Students are encouraged to use the district's report form, available from the building principal, or to put the complaint in writing; however, oral complaints shall be accepted and documented. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of a violation of this policy.

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

When a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy.[2][3]

### Title IX Sexual Harassment and Other Discrimination

Every report of alleged bullying that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of a bullying investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged bullying.[4][5]

### Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with applicable law, regulations, this policy and the district's legal and investigative obligations.

### Retaliation

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

### Delegation of Responsibility

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

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

The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed annually with students.[1]

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the Board.[1]

District administration shall annually provide the following information with the Safe School Report:[1]

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

### Guidelines

The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.[1][6][2]

This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district website. [1]

### Education

The district may develop, implement and evaluate bullying prevention and intervention programs and activities. Programs and activities shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying. [1][8][9][10]

### Consequences for Violations

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include: [1][6][11]

1. Counseling within the school.
2. Parental conference.
3. Loss of school privileges.
4. Transfer to another school building, classroom or school bus.
5. Exclusion from school-sponsored activities.
6. Detention.
7. Suspension.
8. Expulsion.
9. Counseling/Therapy outside of school.
10. Referral to law enforcement officials.

### Legal

[1. 24 P.S. 1303.1-A](#)

[2. 24 P.S. 1302-E](#)

3. Pol. 236.1

4. Pol. 103

5. Pol. 103.1

6. Pol. 218

[7. 22 PA Code 12.3](#)

[8. 20 U.S.C. 7118](#)

[9. 24 P.S. 1302-A](#)

10. Pol. 236

11. Pol. 233

Pol. 113.1