



## **POLICY STANDING COMMITTEE MEETING**

2/11/2019 [5:00PM-6:00PM] @ Board of Directors Room

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- POLICY STANDING COMMITTEE MEETING -

### **1. Call to Order**

#### **Minutes**

The meeting was called to order by Tricia Steiner, Committee Chair.

### **2. Roll Call**

#### **Minutes**

Members Present: Tricia Steiner, Kathy Sicher, John Abel, Kip Shaw (Board Members) Beth Olmsted (Citizen Advisor)

Members of Staff/Public Present: Jason Reifsnyder (Administration)

Members Absent: Josh Cysk, Stephanie Patton, Sudhir Kumar

### **3. Election of Chair**

#### **Minutes**

Tricia Steiner was nominated for Committee Chair by Mrs. Sicher, seconded by Mr. Abel and unanimously approved.

### **4. Approval of Summary Minutes**

#### **Minutes**

The October 15, 2018 Policy Standing Committee Summary Minutes were attached. No corrections were noted.

### **5. Revised/Reviewed Policies**

#### **Minutes**

These policies include revisions recommended by PSBA.

#### **a. Policy 103 Nondiscrimination in School and Classroom Practices**

##### **NONDISCRIMINATION/DISCRIMINATORY HARASSMENT**

Discriminatory Harassment has been added to the title of Nondiscrimination policies to make it more clearly reflect the content of the PSBA policy guides. The Report Form Attachment has been modified to reflect the new title and other minor modifications. Additional revisions were made to the PSBA policy guides to clarify responsibilities and to help to ensure consistency and compliance in the investigative and reporting processes. The changes are as follows:

**103. Nondiscrimination/Discriminatory Harassment - School and Classroom Practices**  
**103.1. Nondiscrimination - Qualified Students With Disabilities**

- A new legal reference to the U.S. Dept. of Education Office for Civil Rights, (OCR), Resources for Racial Harassment has been added to the policies.
- Building Principal Obligations clarifications –
  - Makes clear that even if parents/guardians do not consent to allow their child to participate in an investigation, the district must still investigate and address the claims.
  - Language has been added to state that the Compliance Officer shall send parents/guardians who seek confidentiality a letter confirming such and explaining there will still be an investigation and that they can change their minds and should report any further concerns to the Compliance Officer. A template letter has been created and added as an Attachment to Policy 103.
- Investigation clarifications -
  - The language related to training has been modified to task the Compliance Officer with matching a knowledgeable, appropriate investigator to the complaint.
  - Language was modified to clarify that during the investigative process, the accused and the complainant may suggest witnesses and provide other evidence.
- Investigative Report -
  - Language was added to clarify what is meant by the clause "outcome of the investigation", which means whether the investigator found the complaint to be founded or unfounded.
  - A reference to the Family Educational Rights and Privacy Act (FERPA) was also added to ensure there are no breaches of confidentiality.

**Minutes**

Policies 103, 103.1, 104, 248, and 348 were presented and reviewed together since

content revisions are similar. These revisions include clarifications of building principal obligations, training, and outcomes related to investigative reporting to help ensure consistency and compliance in the investigative and reporting process. "Discriminatory Harassment" has also been added to the title of the Nondiscrimination policies to make it more clearly reflect the content of the PSBA policy guides.

There was discussion about the vague time frame provided in the following language: "The complainant and the accused shall be informed of the outcome of the investigation . . . within a reasonable time of the submission of the written report to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws." Consultation with the District Solicitor will occur to see if a more specific time frame, such as 20 days, can be used instead.

On a motion by Mrs. Sicher, seconded by Dr. Shaw, Policies 103, 103.1, 104, 248, and 348 were unanimously recommended to the full Board for 30-day review approval.

**b. Policy 103.1 Nondiscrimination - Qualified Students With Disabilities**

**NONDISCRIMINATION/DISCRIMINATORY HARASSMENT**

Discriminatory Harassment has been added to the title of Nondiscrimination policies to make it more clearly reflect the content of the PSBA policy guides. The Report Form Attachment has been modified to reflect the new title and other minor modifications. Additional revisions were made to the PSBA policy guides to clarify responsibilities and to help to ensure consistency and compliance in the investigative and reporting processes. The changes are as follows:

**103. Nondiscrimination/Discriminatory Harassment - School and Classroom Practices**

**103.1. Nondiscrimination - Qualified Students With Disabilities**

- A new legal reference to the U.S. Dept. of Education Office for Civil Rights, (OCR), Resources for Racial Harassment has been added to the policies.
- Building Principal Obligations clarifications –
  - Makes clear that even if parents/guardians do not consent to allow their child to participate in an investigation, the district must still investigate and address the claims.
  - Language has been added to state that the Compliance Officer shall send parents/guardians who seek confidentiality a letter confirming such and explaining there will still be an investigation and that they can change their minds and should report any further concerns to the Compliance Officer. A template letter has been created and added as an Attachment to Policy 103.
- Investigation clarifications -

- The language related to training has been modified to task the Compliance Officer with matching a knowledgeable, appropriate investigator to the complaint.
  - Language was modified to clarify that during the investigative process, the accused and the complainant may suggest witnesses and provide other evidence.
- Investigative Report -
    - Language was added to clarify what is meant by the clause "outcome of the investigation", which means whether the investigator found the complaint to be founded or unfounded.
    - A reference to the Family Educational Rights and Privacy Act (FERPA) was also added to ensure there are no breaches of confidentiality.

#### Minutes

Please refer to Policy 103.

#### c. Policy 104 Nondiscrimination in Employment/Contract Practices

##### **104. Nondiscrimination/Discriminatory Harassment - Employment Practices**

- Investigation clarifications -
  - The language related to training has been removed and replaced with language tasking the Compliance Officer with matching a knowledgeable, appropriate investigator to the complaint.
  - Language has been modified to clarify that during the investigative process, the accused and the complainant may suggest witnesses and provide other evidence.
- Investigative Report -
  - Language was added to clarify what is meant by the clause "outcome of the investigation", which means whether the investigator found the

complaint to be founded or unfounded.

**Minutes**

Please refer to Policy 103.

**d. Policy 222 Tobacco/Nicotine**

**TOBACCO/NICOTINE**

There have been several bills pending in the state legislature that would have officially expanded the offense for tobacco use in school and sale of tobacco to include nicotine and nicotine delivery products. Although the bills are still pending, due to the significant increase in the use of nicotine and nicotine delivery products by students who are vaping or juuling, PSBA has moved forward with relevant policy revisions. The revised definition of tobacco, and new definitions for nicotine and nicotine delivery products used in the policies, are taken directly from the pending legislation. Please note that, at this time, the courts cannot fine students for possession or using nicotine or nicotine delivery products at school, only tobacco. The provisions of law that are specific to tobacco, and which cannot be attributed to nicotine or nicotine delivery products, are identified by a separate heading, as appropriate.

**Policy 222. Tobacco/Nicotine**

The Every Student Succeeds Act (ESSA) [20 U.S. Code Sec. 7118](#), Activities to Support Safe and Healthy Students, permits use of Title I funds for programs to educate students against, among other things, the use of tobacco, smokeless tobacco products, and electronic cigarettes. A general legal reference to 20 U.S. Code Sec. 7118 has been added to the end of Policy 222 Tobacco/Nicotine.

The legal reference to the State Board of Education Regulations, 22 PA Code Sec. 403.1, which refers to the No Child Left Behind Act (NCLB) has been removed from the policy.

**Minutes**

Policies 222, 323, and 904 were presented and reviewed together since content revisions related to nicotine are similar. Revisions include updates to the language in response to the increase of students who are vaping or juuling. The revisions to 323 and 904 include a provision for the use of nicotine patch, gum or lozenge by an employee or adult.

On a motion by Dr. Shaw, seconded by Mrs. Sicher, Policies 222, 323, and 904 were unanimously recommended to the full Board for 30-day review approval.

**e. Policy 247 Hazing**

**HAZING**

**Policy 247. Hazing**

Senate Bill 1090, now [Act 80 of 2018](#), referred to as the Timothy J. Piazza Antihazing Law, amends Title 18 of the Pennsylvania Consolidated Statutes by adding Chapter 28 Antihazing. Although Act 80 repeals the Antihazing Law, 24 P.S. Sec. 5351 et seq., the new Antihazing Law is very much a continuation of that law. The new Antihazing Law states that all activities and duties initiated under the

repealed Antihazing Law shall continue and remain in full force and effect and may be completed under 18 Pa. C.S. Ch. 28. Policy 247 Hazing has been updated to reflect the provisions of Act 80 which include:

- Definitions -
  - Hazing - revised to reflect Act 80 definition
  - Aggravated hazing - new
  - Organizational hazing - new
  - Student activity or organization - revised to incorporate provisions of Act 80
  - Bodily injury - new
  - Serious bodily injury - new
- Safe Harbor provision - immunity for individuals needing medical attention or seeking medical attention for another, subject to specific limitations.
- In addition to posting the policy on the website and informing students, parents/guardians, sponsors, volunteers and district employees of the hazing policy, the notifications need to include the rules, penalties for violations and the program established by the district for enforcement of the policy.
- Coaches and all sponsors and volunteers affiliated with an activity or organization are now directed that they are expected to read and abide by the policies, procedures and Codes of Conduct.

PSBA made additional modifications to the Policy 247 Hazing to reflect best practices as follows:

- Expanded the reporting statement to encourage students who believe others have been subjected to hazing to report such incidents.
- Added a section related to the proper handling of reports of hazing that could also be interpreted initially to fall within the provisions of law against discrimination or discriminatory harassment.
- The complaint procedure was revised to include provisions for:
  - Reporting and proper handling of reports.
  - Interim measures to protect students and possible police involvement.
  - Confidentiality of all parties, witnesses, allegations

and filing of the complaint in accordance with the policy and the district's legal and investigative obligations.

- Retaliation.
- Separated the section related to Consequences for Violations to reflect:
  - Students.
  - Nonstudent Violators/Organizational Hazing.
  - Criminal Prosecution.

#### **Minutes**

Changes in this policy reflect the provision of Act 80 of 2018, referred to as the Timothy J. Piazza Antihazing Law.

On a motion by Mr. Abel, seconded by Dr. Shaw, revised Policy 247 was unanimously recommended to the full Board for 30-day review approval.

#### **f. Policy 248 Discriminatory Harassment**

##### **Minutes**

Please refer to Policy 103.

#### **g. Policy 249 Bullying/Cyberbullying**

##### **BULLYING/CYBERBULLYING**

##### **249. Bullying/Cyberbullying**

The Every Student Succeeds Act (ESSA) [20 U.S. Code Sec. 7118](#), Activities to Support Safe and Healthy Students, permits use of Title I funds for programs and activities that may include the development, implementation and evaluation of comprehensive programs and activities that help to prevent bullying. Policy 249 Bullying has been updated to reflect this provision of ESSA and other updates that are intended to strengthen the policy, including:

- Minor edits to the definition of Bullying to more closely track the law.
- Expanded the reporting statement to encourage students who believe others have been subjected to bullying to report such incidents.
- The reporting process has been modified to include clarifications regarding oral and written reports, how the person accepting the report should handle such reports, and directing reports to be reviewed for conduct which may fall under or be subject to a different policy.
- Added a section related to the proper handling of reports of bullying/cyberbullying that could also be interpreted initially to fall within the provisions of law against discrimination or discriminatory harassment.

- Added section headings for Confidentiality and Retaliation and made minor updates to each section.
- The section regarding Education has been expanded to add choices for "may" or "shall" and to add the term "evaluate" in accordance with the ESSA provisions.

**Minutes**

Changes to this policy include minor edits to the definition of bullying, an expansion of the reporting statement to encourage bystander reporting, and clarifications to the reporting process.

On a motion by Mrs. Sicher, seconded by Dr. Shaw, revised Policy 249 was unanimously recommended to the full Board for 30-day review approval.

**h. Policy 323 Tobacco/Nicotine**

**TOBACCO/NICOTINE**

There have been several bills pending in the state legislature that would have officially expanded the offense for tobacco use in school and sale of tobacco to include nicotine and nicotine delivery products. Although the bills are still pending, due to the significant increase in the use of nicotine and nicotine delivery products by students who are vaping or juuling, PSBA has moved forward with relevant policy revisions. The revised definition of tobacco, and new definitions for nicotine and nicotine delivery products used in the policies, are taken directly from the pending legislation. Please note that, at this time, the courts cannot fine students for possession or using nicotine or nicotine delivery products at school, only tobacco. The provisions of law that are specific to tobacco, and which cannot be attributed to nicotine or nicotine delivery products, are identified by a separate heading, as appropriate.

**323. Tobacco/Nicotine**

This policy includes a provision for the use of a nicotine patch, gum or lozenge as a smoking cessation product by any employee who has a written order by a physician.

**Minutes**

Please refer to Policy 222.

**i. Policy 348 Discriminatory Harassment**

**Minutes**

Please refer to Policy 103.

**j. Policy 904 Public Attendance at School Events**

**904. Public Attendance at School Events**

This policy includes a provision for the use of a nicotine patch, gum or lozenge as a smoking cessation product by adults attending school events.

The legal reference to the State Board of Education Regulations, 22 PA Code Sec. 403.1, which refers to the No Child Left Behind Act (NCLB) has been removed from the policy.

A new requirement was added to post this policy on the district's

website in accordance with the Pennsylvania School Code, [24 P.S. Sec. 510.2](#).

**Minutes**

Please refer to Policy 222.

## 6. Unfinished Business

### a. Policy 103.3 Nondiscrimination - Transgender and Gender Nonconforming Students

**Minutes**

Mr. Reifsnnyder addressed questions from the previous meeting that were clarified by our District Solicitor. Clarifications included overnight field trips, unofficial records, PIAA regulations, and legal definitions.

On a motion by Mr. Abel, seconded by Dr. Shaw, Policy 103.3 Nondiscrimination - Transgender and Gender Nonconforming Students was unanimously recommended to the full Board for 30-day review approval.

### b. Policy 221 Dress and Grooming

**Minutes**

Mrs. Steiner provided an overview of the concerns in the policy that were presented at the Hershey Middle School BAT Meeting in September 2018 and offered suggestions for gender neutral revisions.

On a motion by Mr. Abel, seconded Dr. Shaw, revised Policy 221 was unanimously recommended to the full Board for 30-day review approval.

### c. Protected Class(es) - Non-Religious

Policies Impacted by Protected Class Language:

- Policy 140 - Charter Schools
- Policy 202 - Eligibility of Nonresident Students
- Policy 218 - Student Discipline
- Policy 808 - Food Services
- Policy 808.1 - Free Reduced-Price Meals and Free Milk
- Policy 913.1 - Commercial Partnerships and Sponsorships

Policies Impacted by Protected Class Language (but additional revisions are being recommended):

- Policy 103 - Nondiscrimination in School and Classroom Practices
- Policy 103.1 - Nondiscrimination - Qualified Students with Disabilities
- Policy 104 - Nondiscrimination in Employment/Contract Practices
- Policy 248 - Discriminatory Harassment
- Policy 348 - Discriminatory Harassment

**Minutes**

Mrs. Steiner provided an overview of a concern raised about the challenges for atheists to feel accepted in our school culture and suggested adding "non-religion" to the list of protected classes in the nondiscrimination clause.

On a motion by Dr. Shaw, seconded by Mrs. Sicher, the addition of "non-religion" to the protected classes listed in Policies 103, 103.1, 104, 140, 202, 218, 248, 348, 808, 808.1, and 913.1 was unanimously recommended to the full Board for 30-day review approval.

**d. Policy 707 Use of School of Facilities**

Update on Ad Hoc committee progress.

**Minutes**

Mrs. Sicher provided an update of the Ad Hoc Committee for Use of School Facilities. Firm guidelines will be provided to the Policy Committee on April 8, 2019.

**7. Public Comment****Minutes**

There were no members of the public present.

**8. Adjournment****Minutes**

Meeting adjourned at 5:50 pm. The next Policy Standing Committee meeting will be on April 8, 2019 at 5:00 pm.