

Saucon Valley School District
Academic and Personnel Committee
August 18, 2020 – 5 pm
ZOOM Meeting

Welcome to the meeting of the Academic and Personnel Committee. Our objective is to serve the students, parents, and residents of our community. You are an important part of this meeting and we look forward to your questions and comments.

We are all here for the same reason. All opinions are welcomed and equally valuable. Our only request is that we address each other with civility and respect. Our courtesy toward each other is the best way to show our students how much we respect them as well.

**Committee Members - Susan Baxter, Cedric Dettmar, Tracy Magnotta,
Shamim Pakzad**

Committee Agenda

- I. **Call to the Order** – *Tracy Magnotta, Committee Chair*

- II. **Pledge of Allegiance**

- III. **Recording of Attendance** – *Tracy Magnotta, Committee Chair*

- IV. **Motion to Approve Agenda**

- V. **Approval of Minutes** – August 5, 2020

- VI. **Courtesy of the Floor to Visitors – Agenda Items Only** – *Visitors should state their name and address*

- VII. **Discussion**
 1. Policy 103.2 – Nondiscrimination Based on Sex
 2. Policy 103.2 – Administrative Regulations – Nondiscrimination Based on Sex
 3. Policy 222 – Tobacco Use - Pupils
 4. Policy 323 – Tobacco Use – Administrative Employees
 5. Policy 423 – Tobacco Use – Professional Employees
 6. Policy 523 – Tobacco Use – Classified Employees
 7. Policy 216 – Student Records
 8. Policy 216-AR-1 – Student Records Retention Schedule
 9. Emergency Instructional Time Template

VIII. New Business

IX. Old Business

X. Citizens' Inquiries and Comments – *Visitors should state their name and address.*

XI. Announcements

Future Meetings ~

Wednesday, September 2, 2020

Tuesday, September 15, 2020

Wednesday, October 7, 2020

Tuesday, October 20, 2020

XII. Motion to Adjourn Meeting

The Saucon Valley School District does not discriminate on the basis of race, color, national origin, age, sex, or handicap.

Academic and Personnel Committee of the Board
August 5, 2020 5pm, virtual meeting via Zoom

Meeting called to order 5:00pm by Mrs. Magnotta.

Pledge of Allegiance

Attendance: Committee: Mrs. Magnotta, Mr. Dettmar, Mrs. Baxter, Dr. Pakzad, Additional Board Members: Mr. Ed Andres, Mr. Shawn Welch, Mr. Mike Karabin, Mr. Eichfeld. Administration: Dr. Butler, Dr. Rosenberger, Mrs. Jaime Vlasaty, Mr. Bob Frey, Ms. Lynn Cheddar, Mr. Jim Deegan, Mr. Tom Halcisak, Ms. Amy Braxmeier, Ms. Tamara Gary, Additional Audience Members: 100+

Agenda approved for the meeting this evening, 08/05/2020 motion by Mr. Dettmar and second by Mrs. Baxter.

Minutes from the 07/21/2020 meeting were approved – motion by Mr. Dettmar and second by Mrs. Baxter.

Courtesy of the Floor to Visitors: E. Focht – Discussed interest in how to enforce safety protocols under the Health and Safety Plan.

Agenda:

1. Temperature Screening Process – Dr. Rosenberger shared the steps for student temperature screening as developed by the SVSD Nursing Staff.

2. Cyber Education – Dr. Rosenberger gave an update that information pertaining to Colonial Virtual through IU20 stands as it was the last meeting. The District is awaiting the new pricing and programming that CVP will offer this coming year.

3. Food Allergy Regulations/Internal Procedures – Dr. Butler reviewed this item and the committee approved the procedures.

4. Ventilation/Filters – Reviewed with the committee – no changes to current process.

5. Symptom Monitoring Checklist – Reviewed, Dr. Butler will make recommended changes – Committee moved the item forward for the Board agenda on August 11.

6. Communication Procedure – Positive Cases – Reviewed, Dr. Butler will make modifications and return this item back to the A&P Committee.

7. Contact Tracing – Reviewed, no further action needed.

8. Travel Restrictions – Reviewed, no further action needed.

New Business – none

Old Business - none

Citizens Comments – A few attendees spoke regarding matters of the health and safety plan.

Meeting adjourned at 7:30pm

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Saucon Valley School District

Policy

Title – 103.2 – Nondiscrimination – Based on Sex

Section – Programs

Adopted –

Revised –

Content

Purpose

The district is an educational entity that believes in ensuring a safe, nurturing, healthy and non-discriminatory learning and teaching environment for all members of the school community. The Board also believes in ensuring the opportunity for all members of the school community to reach their full potential through access and participation all district educational activities and programs.

Statement on Non-Discrimination

The district does not discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, disability, ethnicity, national origin or age in its education programs and activities. The protection against discrimination extends to employment.

Definitions

For the purposes of this policy, the terms below have the following definitions:

Advisor is the person who assists the Complainant or Respondent during the hearing by conducting cross- examination of the other party on behalf of either the complainant or respondent. The party gets to select their advisor. Attorneys can serve as an advisor. If a party does not have an advisor, the school must provide one.

Complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Consent exists when all parties exchange mutually understandable affirmative words or actions indicating their agreement to participate voluntarily in sexual activity. Consent must be informed, voluntary, and actively given. Resistance by the complainant is not required. Consent does not exist if the sexual act was by forcible compulsion which is the use of physical, intellectual, moral, emotional or psychological force. Consent does not exist if a person is threatened, unconscious, incapacitated due to the influence of

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drugs and/or alcohol, or suffers from a mentally disability that makes them incapable of giving consent. Consent may be withdrawn by either party at any time. Once withdrawal of consent has been expressed through words or actions, sexual activity must cease. Pennsylvania defines the age of consent as age 16 or above. Children under age 13 cannot consent to sexual activity. Children between the age of 13-15 cannot consent to sexual intercourse with a person four or more years older than them.

Decision- Maker is the person or panel of people assigned by the Title IX Coordinator to conduct a fair and impartial review of all the facts and evidence in making a determination on the responsibility or non-responsibility of a Respondent on a complaint of sexual harassment or in reviewing an outcome on appeal. A decision maker or decision- making panel must be unbiased and trained on the policies and procedures under Title IX that are applicable to serving as an adjudicator.

Delays or Extensions: The overall time frame to conclude a grievance process must be “reasonably prompt”. A school can have good cause for any short-term delays or extensions, with written notice to the parties and an explanation for the delay or extension. Any delay or extension must be temporary or limited. Examples of good cause delays may include considerations such as concurrent law enforcement activity, the need for language assistance, or accommodation of disabilities.

Formal complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate (i.e. seeking admission or acceptance) in the education program or activity of the school district. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed in this policy.

Informal resolution is an option to resolve a formal complaint in a mediation or restorative justice manner. An informal resolution can only be offered as an option to the parties if a formal complaint is filed. Once a formal complaint is received, at any time prior to reaching a determination regarding responsibility the school may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The Complainant and Respondent must each agree in writing that they want to participate in an informal resolution process. The District will provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution, an explanation that any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process. The informal resolution process is not available and cannot be offered to resolve any reported incident of an employee sexually harassing a student.

Informal Resolution Facilitator is the person assigned by the Title IX Coordinator to manage the Informal Resolution process. The information resolution facilitator must be

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fair, impartial, and trained in Title IX policy and procedures, specifically those dealing with mediation and restorative justice best practices.

Investigator is the person(s) assigned by the Title IX Coordinator to conduct a prompt fair and impartial investigation into the formal complaint. Investigator must be unbiased and trained in Title IX policy and procedures.

Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

- (1) Quid Pro Quo - An employee of the school conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
- (3) Sexual Assault is defined as –an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- (4) Dating violence is violence committed by a person—
 - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship,
 - (ii) The type of relationship, and
 - (iii) The frequency of interaction between the persons involved in the relationship.
- (5) Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- (6) Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

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Standard of Proof. The district will apply a preponderance of the evidence standard of proof, which is defined as “more likely than not.” The same standard of proof is applied for matters involving students and matters involving employees.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant regardless of whether a formal complaint has been filed or to the respondent after the filing of a formal complaint. Such measures are designed to restore or preserve equal access to the school’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school’s educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the school, and other similar measures. Schools must keep confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the school to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Emergency removal. Schools may remove a respondent from the school’s education program or activity on an emergency basis, provided that the school undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Administrative leave. A school can place a non-student employee respondent on administrative leave during the pendency of a grievance process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Authority

Title IX states “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving Federal Financial Assistance.”

In accordance with Title IX, the Board prohibits sexual harassment and discrimination on the basis of sex. Violations of this policy may result in disciplinary action in accordance with the Code of Student Conduct, Board policy, and applicable federal, state, and local law and regulations.

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Guidelines

Title IX Coordinator

Title IX Coordinator is responsible for ensuring the prompt, equitable and supportive response to all reports received under this policy. Specifically, the Title IX Coordinator responsibilities include, but are not limited to:

1. Monitoring the school district's compliance with Title IX, which includes explaining and providing supportive measures (to one or both parties);
2. Providing ongoing education and training on Title IX;
3. Overseeing, managing and directing the response to a reported complaint and, if applicable, investigation into any complaint that is covered under Title IX; and
4. Taking appropriate action to eliminate the harassing behavior, prevent its recurrence, and remedy its effect.

The school district has also designated a Deputy Title IX Coordinator who may assist the Title IX Coordinator in the discharge of these responsibilities.

Any questions regarding Title IX or the application of this policy can be directed to the Title IX Coordinator. The following person has been designated as the District's Title IX Coordinator:

Dr. Craig Butler
Superintendent and Title IX Coordinator
2097 Polk Valley Road
Hellertown, PA 18055
610-838-7001, ext. 1103
Craig.butler@svpanthers.org

Reporting

Any report of sex based discrimination or harassment will be taken seriously, addressed promptly and with sensitivity.

A student may report an incident of sexual discrimination or harassment verbally or in writing to any District employee. All reports shall be directed *immediately* to the Title IX Coordinator. All non-students can report any incident of sex based harassment to the Title IX Coordinator. Reports can be made at any time by phone, email, or by completing and submitting the Discrimination/Harassment Incident Reporting Form (*add hyperlink to form and attach form as a separate district policy document*).

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Additionally, if the person who received a complaint of sexual harassment is a mandated reporter and has reasonable cause to suspect that a student is the victim of child abuse, the incident should immediately be reported to the appropriate agency as directed by state law. This mandated reporting obligation is *in addition* to a report being made to the Title IX Coordinator.

Retaliation

This policy prohibits retaliation against an individual who files a complaint in response to conduct that s/he reasonably believes violates this policy, or against an individual who participates or cooperates with an investigation, as provided by both Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964. Anyone who experiences retaliation should report it to the Title IX Coordinator. Such retaliation, if founded, will result in the same disciplinary action applicable to one who engages in harassment. Reporting harassment will not affect the reporting individual's status with respect to either an employee's future employment or work assignments or a student's future academic opportunity, progress or record.

Confidentiality

Confidentiality will be maintained to the extent possible to effectively respond to a reported incident of sexual harassment. If a request for confidentiality is received, the school will evaluate any confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. A request for confidentiality may limit the school's ability to respond. All efforts shall be made to maintain the confidentiality of any person initiating or involved in a reported incident of sex-based harassment to protect the privacy of all parties, consistent with the District's responsibility to promptly address and investigate such complaints based on applicable state and federal laws.

Based on the content of what is reported to the District, all incidents that are required by law to be reported to law enforcement and/or ChildLine will be. [Childline website included as a hyperlink) ChildLine 1-800-932-0313.

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Scope of Title IX

Title IX covers those reported incidents of sexual harassment that take place in the United States and in the context of an education program or activity which includes locations, events, or circumstances over which the school exercised substantial control over both the Respondent and the context in which the sexual harassment occurs.

If a reported incident does not fall under the scope of Title IX, the reported incident will be reviewed and appropriate steps taken under other applicable District policies, including, but not limited to, 103 – Nondiscrimination in School and Classroom Practices; 104 – Nondiscrimination in Employment and Contract Practices; 247 – Hazing; 249 – Bullying/Cyberbullying; 317, 417 – Conduct/Disciplinary Procedures; and 824 – Maintaining Professional Adult/Student Boundaries.

This Title IX policy runs concurrently with and parallel to all applicable laws, regulations and existing district policies and procedures to the extent allowable under the law.

Resources

The District is committed to providing an educational environment that promotes safety and wellness for the entire school community. Any student or employee is encouraged to seek the assistance of available school-based and community resources to provide support and/or emergency assistance.

- School Counselors and/or Social Workers - Samantha Trachtman, Rachel Alderfer, Amanda Hicks
- School Psychologist - Randi McCullough
- Local Counseling and Psychological Services - Caron Foundation
- Employee Assistance Program Information (for employees) - TBD
- Lower Saucon Police Department

The Title IX Coordinator will notify the Director of Special Education should a student receiving special education services be identified as a complainant, respondent, or witness in an investigation under this policy.

Delegation of Authority

The Board directs the Superintendent or designee to develop administrative regulations to implement this policy. The Superintendent shall publish this policy to students, employees, and the community through posting on the school district's website, newsletters, and other appropriate means.

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Legal References

Title IX of the Educational Amendments of 1972, 20 U.S.C. §§1681-1688;
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a);
EEOC Policy Guidelines on Sexual Harassment, 29 C.F.R. §1604.11;
PA Human Relations Act, 43 Pa. Cons. Stat. Ann. § 951-960 (Purdon 1964 & Supp. 1991);
Pennsylvania Child Abuse Reporting §6311,
<https://www.compass.state.pa.us/CWIS/Public/ReferralsLearnMore> ;
29 C.F.R. §1604.11
20 U.S.C. 1092(f)(6)(A)(v)
34 U.S.C. 12291(a)(10)
34 U.S.C. 12291(a)(8)
34 U.S.C. 12291(a)(30)
Human Relations Commission Guidelines on Sexual Harassment, 11 Pa. Bulletin No. 5 (Jan. 31, 1981).
Policy 103, 103.1, 104, 247, 249, 317, 417, 824

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Saucon Valley School District

Policy

Title – 103.2-AR – Nondiscrimination – Based on Sex

Section – Programs

Adopted –

Revised –

Content

I. Response to Incident Report

Once the district receives a report of sexual harassment, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures. The Title IX Coordinator will consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

The Title IX Coordinator will notify the Director of Special Education should a student receiving special education services be identified as a complainant, respondent, or witness in an investigation under this policy.

II. Grievance Process

The Grievance Process is the process by which a formal complaint of sexual harassment is addressed equitably and promptly under Title IX and in a manner that ensures due process for the complainant and the respondent. The district's Title IX policy ensures the fair implementation of the grievance process, which requires the following:

1. The Title IX Coordinator, Investigator, Informal Process Facilitator and/or Decision Maker(s) involved in the grievance process are unbiased, impartial and free from conflicts of interest in executing their role in the process.
2. Complainants and respondents are treated equitably by recognizing the need for complainants to receive remedies where a respondent is determined responsible and for respondents to face disciplinary sanctions only after a fair process determines responsibility.

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3. An objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person’s status as a complainant, respondent, or witness.
4. Notice to the complainant, respondent and witnesses that they do not knowingly provide false information or statements and, if so, that individual would be subject to possible disciplinary action under district policy, employee or student code of conduct.
5. The presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
6. Reasonably prompt time frames for the conclusion of the grievance process.
7. Informs all parties of critical information about the school’s procedures including the range of remedies and disciplinary sanctions a school may impose, the standard of proof applied by the district to all formal complaints of sexual harassment under Title IX, the district’s appeal procedures, and the range of supportive measures available to both parties.
8. Protects any legally recognized privilege from being pierced during a grievance process.
9. Requires written notice of the allegations to both parties, including informing the parties of the right to select an advisor of choice.
10. Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

A school’s treatment of a complainant, or a respondent, could constitute sex discrimination prohibited under Title IX. Under this policy, the grievance process will ensure that complainants and respondents receive due process and are treated equitably. An investigation will begin promptly following the receipt of a formal complaint with appropriate written notice being delivered to both the complainant and respondent and containing all required information as outlined under Title IX (i.e. stating the allegations, what district policies are alleged to have been violated, investigator (s), and overview of what to expect in the investigation process.) The standard of proof that will be applied, analyzing all of the relevant evidence in a grievance process, is preponderance of the evidence.

Following the stated requirements in the grievance process, the school will promptly initiate an inquiry into a formal complaint in a manner that:

1. Keeps the burden of proof and burden of gathering evidence on the school while protecting every party’s right to consent to the use of the party’s own medical, psychological, and similar treatment records;

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2. Provides the parties equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence;
3. Does not restrict the parties from discussing the allegations or gathering evidence;
4. Communicates that the complainant can withdraw the formal complaint at any time prior to a final outcome determination by the decision-maker;
5. Communicates that the complainant and respondent are not required to participate in the grievance process;
6. Gives the parties equal opportunity in a *live hearing* to select an advisor of the party's choice (who may be, but does not need to be, an attorney);
7. Before reaching a determination regarding responsibility, required the decision-maker(s) to allow each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

III. Investigation

Following the filing of a formal complaint, a prompt investigation will be initiated unless the parties voluntarily elect to participate in an informal resolution process. In initiating an investigation, the Title IX Coordinator will provide written notification (i.e. Notice of Investigation) to both parties. The notice of investigation will include:

1. Information regarding the grievance process;
2. Information regarding the informal resolution process;
3. The nature of the allegations;
4. Any additional district policies that are applicable based on the information known at that time;
5. The name(s) of the assigned investigator;
6. Request of each party to state if there is a reason why they believe the assigned investigator cannot be fair and impartial.
7. Notice that if any participant or witness knowingly provides false information, they could be subject to disciplinary action under the District's code of conduct

If, during the course of the investigation, facts are presented that suggest a possible violation of another section under this policy or any district policy, written notice will be provided to both parties of the additional allegation and potential policy violation.

The Title IX Coordinator will do the following to ensure fairness in the investigation process:

1. Provide written notice when a party's participation is invited or expected for an interview, meeting, or hearing;

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2. Provide written notice to any participant (party or witness) of the date, time, location, other participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
3. Provide both parties equal opportunity to review and respond to the evidence gathered during the investigation. Each party will have ten (10) school days to review all evidence and respond to the investigator before the completion of the investigation report;
4. Within twenty (20) school days of receipt of the complaint, ensure that an investigative report that fairly summarizes relevant evidence is created; and
5. At least ten (10) school days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

IV. Complaint Dismissal: The Title IX Coordinator may dismiss a formal complaint in the following circumstances:

1. If the conduct alleged in the formal complaint does not meet the definition of sexual harassment as defined in this policy or did not occur in the school's education program or activity, or did not occur against a person in the United States, then the school must dismiss the formal complaint with regards to sexual harassment under Title IX. However, that alleged behavior can and will be reviewed under other district policies concerning code of conduct;
2. The district may dismiss the formal complaint or any allegations contained in the complaint, if at any time during the investigation or hearing the complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any specific allegation;
3. The respondent is no longer enrolled or employed by the school; or
4. Specific circumstances prevent the school from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. The circumstances must be documented.

When a formal complaint or allegation is dismissed, the school will promptly send written notice of the dismissal and reason(s) simultaneously to the parties along with notification about the right to appeal the decision to dismiss the complaint or an allegation. Any appeal must be filed within ten (10) school days following the issuance of the dismissal notice.

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V. Informal Resolution Process

After a formal complaint is filed, provided that the Title IX Coordinator has provided both parties with information about allegations and explained the informal resolution process, the parties can elect to resolve the complaint through an informal resolution process if each party voluntarily agrees to do so in writing. Complainant or respondent can decide to withdraw from the informal resolution process and resume the grievance process before the conclusion of the informal resolution process. Any complaint alleging that an employee sexually harassed a student is ineligible for the informal resolution process.

VI. Complaint Outcome Determination

Under Title IX, the district is not required to conduct a live “in person” hearing. Once a Final Investigation Report has been issued, the Title IX Coordinator will determine if the matter should be scheduled for an Administrative Outcome Determination or Live “In person” Hearing Outcome Determination. If there is a live hearing, the parties will have the opportunity to select an advisor of their choice, which may be an attorney. The party shall notify the Title IX Coordinator at least five (5) days before the scheduled hearing date if they have an advisor and their name or if they need an advisor to be provided by the District. In a live hearing, cross-examination by a party is permitted through their Advisor.

If there is an administrative review of the case, an Advisor is not necessary. For either outcome determination process, an unbiased decision maker or decision-making panel is assigned to adjudicate the matter. Written notice and information regarding the procedures for each process will be provided to the Complainant and Respondent at least ten (10) days prior to the scheduled date for the administrative review. Each party can pose questions in writing they have for the other party during this time to the decision maker. The decision maker will determine relevance and, if relevant, will direct the Title IX Coordinator to provide the questions to the other party for a response. For any question that a decision-maker does not allow, the decision-maker must state why the question was excluded or determined to be irrelevant.

VII. Outcome Determination

A decision-maker or decision-making panel will issue a written outcome determination regarding responsibility simultaneously to the parties within ten (10) school days following the hearing/administrative review date. The Title IX Coordinator will notify the parties in writing about their right to appeal which must be filed within ten (10) school days following the issuance of the final outcome determination. The outcome determination regarding responsibility becomes final either on the date that the school provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

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VIII. Sanctions

The decision maker or decision-making panel will determine the sanction if, after deliberation, the respondent is found responsible. The range of available sanctions include, but are not limited to, written admonishment to expulsion or termination and are identical to any remedies available under Policy 218 – Student Discipline, the Student Code of Conduct. and application of law and regulations governing student or employee behavior. The complainant and respondent will be given the opportunity to provide a statement in writing regarding impact or mitigation to the Title IX Coordinator prior to the date for the administrative outcome or live hearing. The Title IX Coordinator will provide the impact and mitigation statements of the parties to the decision maker(s) when requested by the decision maker(s) as a part of their deliberation on sanctions. Sanctions will be determined based on the totality of the information received including consideration for the safety of the school community.

XI. Appeal

Outcome Determination: Each party has the right to appeal the outcome determination of the decision maker or decision-making panel. The basis for an appeal is:

1. To consider new evidence that was not reasonably available that could have affected the outcome,
2. A procedural error that substantially affected the outcome, and/or
3. Bias or Conflict of Interest of the Title IX Coordinator, Investigator or Decision Maker that affected the outcome.

Both parties will receive information on their right to appeal from the Title IX Coordinator when the outcome determination letter is delivered. If a party wishes to appeal, they must notify the Title IX Coordinator in writing about their appeal request. The Title IX Coordinator will provide written notice of the appeal process, who is assigned to review the case, and the bases for appeal. If an appeal is filed, an appeal decision maker or decision making panel will be assigned the matter for review. Both parties will be given an equal opportunity to submit written statements supporting or challenging the outcome. The appeal request must be made on or before ten (10) school days following the date the final outcome determination letter is issued.

Legal and Policy References:

Title IX of the Educational Amendments of 1972, 20 U.S.C. §§1681-1688;
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a);
EEOC Policy Guidelines on Sexual Harassment, 29 C.F.R. §1604.11;
PA Human Relations Act, 43 Pa. Cons. Stat. Ann. § 951-960 (Purdon 1964 & Supp. 1991);
Pennsylvania Child Abuse Reporting §6311,
<https://www.compass.state.pa.us/CWIS/Public/ReferralsLearnMore> ;
29 C.F.R. §1604.11
20 U.S.C. 1092(f)(6)(A)(v)

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34 U.S.C. 12291(a)(10)

34 U.S.C. 12291(a)(8)

34 U.S.C. 12291(a)(30)

Human Relations Commission Guidelines on Sexual Harassment, 11 Pa. Bulletin No. 5
(Jan. 31, 1981).

Policy 103, 103.1, 104, 247, 249, 317, 417, 824

Saucon Valley School District

Policy

Title – 222 Tobacco Use

Section – 200 Pupils

Adopted – August 23, 2016

Revised –

Content

Purpose

The Board recognizes that tobacco products use by students presents a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools. 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 use, sale, distribution or possession of tobacco in any form (including e-cigarettes, "vape", vaporizers, and/or look-alike products) by students, including students who are 19 years of age or older, while under the jurisdiction of the school is prohibited. This policy also prohibits any items that display, promote, or advertise tobacco use or products, including clothing, bags, personal items, and vaporizers or other delivery devices, whether or not those devices contain tobacco or nicotine. Tobacco is defined to include tobacco in any form, nicotine, and nicotine delivery devices. FDA approved nicotine replacement therapy products that are used to quit tobacco or smoking may be permitted upon prior approval of the school administrator.~~

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. 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. 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.

For the purposes of this policy, vaping products include products marketed under the brand name Juul, any electronic device designed to deliver nicotine or another substance by inhaling from the device, and other e-cigarettes, regardless of whether such products contain tobacco or nicotine.

Authority

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

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

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

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.

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.

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

Delegation of Responsibility

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

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

Reporting

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.

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 School Resource Officer (SRO) or to the local police department that has jurisdiction over the school's property, in accordance with (1) state law and regulations, (2) the procedures set forth in the memorandum of understanding with local law enforcement, and (3) Board policies.

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving the possession, use, or sale of a tobacco or vaping product immediately or 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.

The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco and vaping products by students on school property to the Office of Safe Schools on the required form.

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.

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 pursuant to Board policy and the Code of Student Conduct.

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 law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies.

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

35 P.S. 1223.5

18 Pa C.S.A. 6305, 6306.1

20 U.S.C. 7183, 7973

20 U.S.C. 1400 et seq

22 PA Code 10.2, 10.22, 10.25, 10.23

Policies 103.1, 113.1, 113.2, 805.1

24 P.S. 1303-A, 1302.1-A

24 P.S. 510

U.S.C. 7114, 7118, 7181 et seq

CRF Part 300

34 CFR Part 300

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

Saucon Valley School District

Policy

Title – 323 Tobacco Use

Section – 300 Administrative Employees

Adopted – November 14, 2006

Revised – August 23, 2016

Content

Purpose

The Board recognizes that tobacco and vaping products ~~use~~ during school hours and on school property present a health and safety hazard that can have serious consequences for users, nonusers, and the safety and environment of the schools. 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 use, sale, distribution or possession of tobacco in any form (including e-cigarettes, "vape", vaporizers, and/or look-alike products) by students, including students who are 19 years of age or older, while under the jurisdiction of the school is prohibited. This policy also prohibits any items that display, promote, or advertise tobacco use or products, including clothing, bags, personal items, and vaporizers or other delivery devices, whether or not those devices contain tobacco or nicotine. Tobacco is defined to include tobacco in any form, nicotine, and nicotine delivery devices. FDA approved nicotine replacement therapy products that are used to quit tobacco or smoking may be permitted upon prior approval of the school administrator.~~

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. 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. 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.

For the purposes of this policy, vaping products include products marketed under the brand name Juul, any electronic device designed to deliver nicotine or another substance by inhaling from the device, and other e-cigarettes, regardless of whether such products contain tobacco or nicotine.

Authority

The Board prohibits the use of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by administrative employees in school buildings and on any property, buses, vans, and vehicles that are owned, leased, or controlled by the school district.

The Board also prohibits the use of tobacco and vaping products by district employees at school-sponsored activities that are held off school property.

~~The district shall annually notify employees about the district's tobacco use policy by publishing such in handbooks, newsletters, posted notices, and other efficient methods.~~

~~Incidents of possession, use and sale of tobacco by any person on school property shall be reported to the Office of Safe Schools on the required form at least once each year.~~

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, or other efficient methods such as posted notices, signs, and on the district website.

Reporting

The Superintendent shall annually, by July 31, report all incidents of prohibited possession, use, or sale of tobacco or vaping products on school property to the Office of Safe Schools on the required form.

The Superintendent or designee may report incidents involving the sale of tobacco and vaping products to minors by employees on school property, at any school-sponsored activity, or on a conveyance providing transportation to or from 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 district's memorandum of understanding with local law enforcement, and Board policies

Guidelines

This policy does not prohibit the use of a patch, gum, or lozenge as a smoking cessation product by any employee who has a written order by a physician.

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

It is a violation of this policy for any district employee or contracted personnel to furnish a tobacco or vaping product to a student.

35 P.S. 1223.5

20 U.S.C. 7183

24 P.S. 1302.1-A and 1303-A

Pol. 805.1

18 Pa. C.S.A. 6305

22 PA Code 10.2 and 10.22

24 P.S. 1302.1-A

20 U.S.C. 7973

20 U.S.C. 7971 et seq.

Saucon Valley School District

Policy

Title – 423 Tobacco Use

Section – 400 Professional Employees

Adopted – November 14, 2006

Revised – August 23, 2016

Content

Purpose

The Board recognizes that tobacco and vaping products ~~use~~ ~~use during school hours~~ ~~and on school property~~ present a health and safety hazard that can have serious consequences for users, nonusers, and the safety and environment of the schools. 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 use, sale, distribution or possession of tobacco in any form (including e-cigarettes, "vape", vaporizers, and/or look-alike products) by students, including students who are 19 years of age or older, while under the jurisdiction of the school is prohibited. This policy also prohibits any items that display, promote, or advertise tobacco use or products, including clothing, bags, personal items, and vaporizers or other delivery devices, whether or not those devices contain tobacco or nicotine. Tobacco is defined to include tobacco in any form, nicotine, and nicotine delivery devices. FDA approved nicotine replacement therapy products that are used to quit tobacco or smoking may be permitted upon prior approval of the school administrator.~~

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. 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. 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.

For the purposes of this policy, vaping products include products marketed under the brand name Juul, any electronic device designed to deliver nicotine or another substance by inhaling from the device, and other e-cigarettes, regardless of whether such products contain tobacco or nicotine.

Authority

The Board prohibits the use of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by administrative employees in school buildings and on any property, buses, vans, and vehicles that are owned, leased, or controlled by the school district.

The Board also prohibits the use of tobacco and vaping products by district employees at school-sponsored activities that are held off school property.

~~The district shall annually notify employees about the district's tobacco use policy by publishing such in handbooks, newsletters, posted notices, and other efficient methods.~~

~~Incidents of possession, use and sale of tobacco by any person on school property shall be reported to the Office of Safe Schools on the required form at least once each year.~~

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, or other efficient methods such as posted notices, signs, and on the district website.

Reporting

The Superintendent shall annually, by July 31, report all incidents of prohibited possession, use, or sale of tobacco or vaping products on school property to the Office of Safe Schools on the required form.

The Superintendent or designee may report incidents involving the sale of tobacco and vaping products to minors by employees on school property, at any school-sponsored activity, or on a conveyance providing transportation to or from 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 district's memorandum of understanding with local law enforcement, and Board policies

Guidelines

This policy does not prohibit the use of a patch, gum, or lozenge as a smoking cessation product by any employee who has a written order by a physician.

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

It is a violation of this policy for any district employee or contracted personnel to furnish a tobacco or vaping product to a student.

35 P.S. 1223.5

20 U.S.C. 7183

24 P.S. 1302.1-A and 1303-A

Pol. 805.1

18 Pa. C.S.A. 6305

22 PA Code 10.2 and 10.22

24 P.S. 1302.1-A

20 U.S.C. 7973

20 U.S.C. 7971 et seq.

Saucon Valley School District

Policy

Title – 523 Tobacco Use

Section – 500 Classified Employees

Adopted – November 14, 2006

Revised – August 23, 2016

Content

Purpose

The Board recognizes that tobacco and vaping products ~~use~~ ~~use during school hours~~ ~~and on school property~~ present a health and safety hazard that can have serious consequences for users, nonusers, and the safety and environment of the schools. 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 use, sale, distribution or possession of tobacco in any form (including e-cigarettes, "vape", vaporizers, and/or look-alike products) by students, including students who are 19 years of age or older, while under the jurisdiction of the school is prohibited. This policy also prohibits any items that display, promote, or advertise tobacco use or products, including clothing, bags, personal items, and vaporizers or other delivery devices, whether or not those devices contain tobacco or nicotine. Tobacco is defined to include tobacco in any form, nicotine, and nicotine delivery devices. FDA approved nicotine replacement therapy products that are used to quit tobacco or smoking may be permitted upon prior approval of the school administrator.~~

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. 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. 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.

For the purposes of this policy, vaping products include products marketed under the brand name Juul, any electronic device designed to deliver nicotine or another substance by inhaling from the device, and other e-cigarettes, regardless of whether such products contain tobacco or nicotine.

Authority

The Board prohibits the use of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by administrative employees in school buildings and on any property, buses, vans, and vehicles that are owned, leased, or controlled by the school district.

The Board also prohibits the use of tobacco and vaping products by district employees at school-sponsored activities that are held off school property.

~~The district shall annually notify employees about the district's tobacco use policy by publishing such in handbooks, newsletters, posted notices, and other efficient methods.~~

~~Incidents of possession, use and sale of tobacco by any person on school property shall be reported to the Office of Safe Schools on the required form at least once each year.~~

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, or other efficient methods such as posted notices, signs, and on the district website.

Reporting

The Superintendent shall annually, by July 31, report all incidents of prohibited possession, use, or sale of tobacco or vaping products on school property to the Office of Safe Schools on the required form.

The Superintendent or designee may report incidents involving the sale of tobacco and vaping products to minors by employees on school property, at any school-sponsored activity, or on a conveyance providing transportation to or from 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 district's memorandum of understanding with local law enforcement, and Board policies

Guidelines

This policy does not prohibit the use of a patch, gum, or lozenge as a smoking cessation product by any employee who has a written order by a physician.

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

It is a violation of this policy for any district employee or contracted personnel to furnish a tobacco or vaping product to a student.

35 P.S. 1223.5

20 U.S.C. 7183

24 P.S. 1302.1-A and 1303-A

Pol. 805.1

18 Pa. C.S.A. 6305

22 PA Code 10.2 and 10.22

24 P.S. 1302.1-A

20 U.S.C. 7973

20 U.S.C. 7971 et seq.

Saucon Valley School District

Policy

Title – 216 Student Records

Section – 200 Pupils

Adopted – May 23, 2006

Revised – April 8, 2008

Content

Purpose

The educational interests of students require the collection, retention, and use of data and information about individuals and groups of students while ensuring the individual's right to privacy. The district will maintain educational records for students for legitimate educational purposes.

Authority

The Board shall adopt a comprehensive plan for all aspects of student records that conforms to the mandates of the Family Educational Rights and Privacy Act (FERPA) and its regulations and the Standards for Special Education. Only educational records mandated by federal and state statutes and regulations, or permitted by the Board, may be compiled by district staff.

Parents/Guardians and eligible students shall be notified annually, and upon initial enrollment, of their rights concerning student records. The notice shall be modified to accommodate the needs of the disabled or those whose dominant language is other than English.

Delegation of Responsibility

The Superintendent or designee shall be responsible for developing and implementing a comprehensive administrative regulation plan for records of all students that meets the requirements of all state and federal statutes and regulations.

The administration shall establish safeguards to protect the student and his/her family from an invasion of privacy when collecting, retaining and disseminating student information and providing access to authorized persons.

District staff shall maintain the confidentiality of student records and personally identifiable information, as required by law and regulations. The district shall obtain written parent/guardian consent prior to releasing a student's educational record when prior consent is required by law, regulations or Board policy.

In accordance with law, each district teacher shall prepare and maintain a record of the work and progress of each student, including the final grade and a recommendation for promotion or retention.

Definitions

The following terms as used in this policy shall have the following meanings:

1. *Directory information.* The name, address, telephone number, electronic mail address, date and place of birth, names of parents and siblings, dates of attendance, whether the student graduated and the date of graduation, awards received, participation in District-approved extracurricular activities, weight and height of interscholastic athletic team members, photographs, schools attended within the District, and student identification number, user identification number, or code when such number or code cannot alone be used to access education records, without some other identifier known only to the authorized user of an electronically accessed information system or data base.
2. *Disclose; disclosure.* Permit access to or release, transfer, or otherwise communicate to any person or entity, by any means or medium, personally identifiable information contained in the education record of the student.
3. *Education record.* Any personally identifiable information recorded or stored by any means—including, but not limited to, information that is handwritten, typed, printed, or stored on computer media, microfilm, microfiche, video or audio tape, film, or digital medium—that is directly related to the student and is maintained by the District or by an individual or agency acting on behalf of the District regardless of the current location of such record. The term does not include the following:
 - (a) records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons—including, but not limited to, instructional support teachers, counselors, therapists and clinicians, school Board of Education, psychologists and psychiatrists, nurses, and instructional aides—that are kept in the sole possession of the maker of the record and the contents of which are not accessible or revealed to any other person except a substitute for the maker of the record
 - (b) records that contain only information about the student after he or she is no longer a student in the District or receiving District-supported education;
 - (c) grades and other forms of peer assessment or rating before they are collected and recorded by a teacher; and
 - (d) other records specifically excluded from the definition of “education record” under the Family Education Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulation, 34 C.F.R. Part 99

4. *Eligible student.* A present or former student who has attained the age of eighteen or a former student who is attending an institution of post-secondary education.
5. *Emancipated minor.* A student below the age of twenty-one who has chosen to establish a domicile apart from the continued control and support of parents or guardians. The term includes a minor living with a spouse.
6. *IEP.* Individualized education program.
7. *Service Agreement.* A written plan of adaptations or modifications, or both, developed for a student with disabilities who is eligible for protection under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, but who is not eligible for special education and related services under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400, *et seq.*
8. *Maintain or maintained.* In the case of personally identifiable information on paper or stored on magnetic or video tape, the term shall mean information kept in a secure file or desk drawer or in the continuous and secure control of a school official with a legitimate educational interest in the content thereof. In the case of personally identifiable information that is stored electronically, including electronic mail, the term shall mean information kept in a secure electronic storage system or site, whether located locally or remotely, specifically designated by the Superintendent or his or her designee as a “student records maintenance site.” The District electronic mail server or servers, or directory or directories, and the files on local or remote disk drives, computers, servers, portable media, or mobile devices shall not for any purpose constitute a “student records maintenance site” unless explicitly so designated by the Superintendent or his or her designee in writing, and any personally identifiable information stored thereon shall either be deleted or moved to a “student records maintenance site” at least once annually. Personally identifiable electronic information, including electronic mail, shall not be considered to be “maintained” by the District or by any individual or agency acting on behalf of the District unless and until it is moved to or stored in or on a “student records maintenance site.”
9. *Parent.* The biological or adoptive parents of a student, regardless of residency or physical custodial status; the legal guardian or guardians of a student; or an individual acting as a parent in the absence of a natural parent or guardian, unless the right of any such person to receive personally identifiable information has been terminated or restricted by order of court.
10. *Personally identifiable information.* Any one or more of the following:
 - (a) The student’s name;
 - (b) The name, including maiden names, of any member of the student’s family;

- (c) The current or past address, or the date or place of birth, of the student or any member of the student's family;
 - (d) A personal identifier such as a social security number, student number or code, or biometric information consisting of one or more measurable biological or behavioral characteristic that can be used for automatic identification of an individual;
 - (e) information that, alone or in combination, is linked or linkable to a specific student such that a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, could use such information to identify the student with reasonable certainty; or
 - (f) information requested by a person whom the educational agency or institution reasonably believes knows the identity of the student to whom such information relates.
11. *School official with a legitimate educational interest.* Any employee, officer, agent, consultant, or contractor of, or any volunteer acting on behalf of:
- (a) the District,
 - (b) the Intermediate Unit,
 - (c) a vocational technical school, or
 - (d) any public or private school or facility that the District is using or is proposing to use to provide elementary or secondary education to the student in place of a public school, who is or will be responsible for providing or supervising the provision of education, education-related services, or extra-curricular activities or experiences to or for the student, when—
 - i. particular information concerning that student is presently or potentially relevant to the design or provision of instruction or other education, education-related services, testing or assessments, behavior interventions and strategies, or extracurricular activities or experiences either to the student, to particular groups of students, or to whole schools, grade-levels, or the student population of the District at large, regardless of whether the student is part of the group or population that will be effected; or
 - ii. such information is necessary to protect the health, safety, or welfare of the student or others with whom the student might have direct or indirect contact.

The phrase also applies to clerical staff of the agencies enumerated above who are responsible for the maintenance and security of education records and to attorneys, consultants, and school board members when school board action concerning the

student is required by law or when the education or treatment of the student is the subject of present or potential litigation or legal dispute. When the “school official with a legitimate educational interests” is not an employee of the District, such individual may receive “personally identifiable information” only when he or she is under the direct control of the District, by contract or otherwise, with respect to the use and maintenance of education records in his or her possession and only when such individual is prohibited from re-disclosure of such information to any other party without written parent or eligible student consent.

12. *Secure file.* A student or subject-specific compilation of information stored on paper, audio or visual tape, microfiche, microfilm, computer storage disk or removable drive, or similar medium that can be maintained in a physically segregated form that is maintained in a locked file drawer, cabinet, or desk or, if unlocked, in the immediate custody and control of the custodian thereof, or a student or subject-specific compilation maintained on a computer storage system to which access is limited by security software that conforms to current computer industry standards.
13. *Student with disabilities.* A student age three through twenty-one who has or is thought to have one or more of the disabilities described in the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 *et seq.*, or any preceding or succeeding legislation, or a student of school age who has or is thought to have a disability as defined in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794

Guidelines

Collection

14. The District shall collect and maintain the types of records described in the following subparagraphs (a) through (c) and **may** collect and maintain records described in following subparagraphs (d) through (j):
 - (a) Core data - consisting of the name of the student; last known address and domicile within the District of the parents or guardian of the student or, if the student is emancipated, of the student; the birth date of the student; the course, subject area, or project work completed by the student and the level of achievement attained; the last grade attended or the date of graduation and type diploma issued; and attendance data;
 - (b) Discipline and law enforcement records, including the sworn statement or affirmation of suspension or expulsion required at registration and the record of incidents of violence maintained in a form prescribed by the Pennsylvania State Police as required under Section 1307-A of the Pennsylvania Public School Code, 24 P.S. § 13-1307-A, and, in a file maintained separately from other records concerning the student, information from the Office of Juvenile Probation concerning adjudications of delinquency;

- (c) Health records, including immunization information, results of vision and hearing screenings, results of state-mandated physical examinations, in-school treatment and drug dispensing or administration orders or prescriptions from physicians, treatment and drug dispensing or administration logs, and health-related information provided by parents or guardians;
- (d) Student work samples and teacher grade books retained for purposes of ongoing assessment, instructional planning, or grade calculation; the results of District-wide group standardized or criterion-referenced testing and state-wide criterion-referenced assessments, if any, in which the student participated; and noncumulative report cards;
- (e) Guidance department, psychologist, and student assistance team records, although personal records and notes maintained strictly in accordance with Section 1.3(a) of this policy are not considered records subject to this policy;
- (f) Results of vocational and career aptitude and interest surveys, or of surveys to assist in planning for and providing guidance, health, or drug and alcohol abuse prevention instruction or programs;
- (g) Reports of and other information describing or summarizing the results of individual testing and assessment by instructional support, child study, multidisciplinary, or IEP teams, or by professional staff responsible for determining eligibility for Title I, ESL, and other remedial programs, or by agencies and individuals not employed by or working on behalf of the District; instructional support or child study team action plans; IEPs; and service agreements or accommodation plans;
- (h) Protocol sheets and booklets; scoring sheets; answer books; rating forms; observation notes; anecdotal logs; running record forms; and other forms of raw data gathered in the course of testing and assessment or progress monitoring and assessment;
- (i) Records of awards and distinctions earned by students for work or activities in school and in the community and of participation in District-approved extracurricular activities; and
- (j) Other records required by law or deemed by instructional or supervisory staff to be both accurate and necessary to the provision of education, education-related services, or extra-curricular activities or experiences.

15. By adoption of this policy, the District Board of School Directors gives consent for the collection of records and information described in Subsections (a), (d), and (e) of Section 14 of this policy.

16. By adoption of this policy, the District Board of School Directors gives consent for the collection of records and information described in Subsections (b), (c), and (f)

of Section 14 of this policy, unless the collection of such records and information is accomplished by use of a survey, analysis, or evaluation that requires or encourages the student to reveal—

- (a) political affiliations or beliefs of the student or the student's family;
- (b) mental or psychological problems of the student or the student's family;
- (c) sexual behavior or attitudes;
- (d) illegal, anti-social, self-incriminating, or demeaning behavior;
- (e) critical appraisals of persons with whom the student has close family relationships;
- (f) information protected by legal privilege;
- (g) income, unless income information is required by law to determine eligibility for participation in a program of assistance; or
- (h) religious practices, affiliations, or beliefs of the student or the student's family.

17. When a survey, analysis, or evaluation is used to obtain such information, the District shall obtain prior informed consent in writing in a form consistent with Section 20 of this policy. For purposes of this policy, the phrase "survey, analysis, or evaluation" shall be limited to a planned method of inquiry or information collection used on a group or individual basis. The phrase does not apply to the ordinary give-and-take exchange that occurs in the course of the counselor-student, psychologist-student, teacher-student, or nurse-student relationship when the student initiates the contact or otherwise participates in it voluntarily. Consent otherwise required by this Section is not required to investigate or substantiate a good faith suspicion of child abuse or neglect when the person from whom consent would be required is suspected of the abuse or neglect.

18. To collect records and information described in Subsection (g) of Section 14 of this policy, the District shall obtain prior informed consent in writing in a form consistent with Section 20 of this policy.

19. To collect records and information described in Subsections (h) and (i) of Section 14 of this policy, other than reports and other documents provided by parents or other agencies, the District shall obtain prior informed consent in writing and in a form required by applicable state or federal law or, in the absence of a specific applicable law, in a form consistent with Section 20 of this policy. For purposes of collecting information in the form of an instructional support or child study team action plan, an IEP, or a service agreement or accommodation plan, a written invitation to the parents and, when required by law, the student to participate in the development of such document shall constitute an adequate means of

obtaining consent to develop the document, even if the parents or student do not participate in the meeting at which the content of the document is discussed. The description in an action plan, IEP, or service agreement or accommodation plan, of a means of data collection or ongoing progress monitoring or assessment shall suffice to allow such activities without need for additional written consent.

20. When state or federal law does not specifically prescribe the form for obtaining prior written consent as required by this policy, such consent shall be obtained by mailing to the residence of record or by hand delivery to the parent or emancipated minor a written consent form that complies with the following requirements and is received within a reasonable time prior to the information collection activity for which consent is sought:

- (a) The form shall use language that a layperson can readily understand and shall be written in the native language of the parent or emancipated minor from whom consent is sought;
- (b) The form shall contain an explanation of the type of information sought, the purpose for which the information is sought, and the specific types of testing, assessment, or data collection to be used to obtain the information;
- (c) The form shall make clear to the parent or emancipated minor that consent is required to proceed with the information collection activity or activities proposed; shall contain an assurance that such activity or activities will not proceed without consent; shall specify the duration of the consent or shall clearly provide that consent shall be considered effective until revoked in writing by the person giving consent; and shall contain a clear explanation of the time and place for responding to the form;
- (d) The form shall contain the name and telephone number of a contact person whom the parents or emancipated minor can contact to obtain additional information or seek clarification concerning the proposed activity; and
- (e) The form shall provide a space for the parent or emancipated minor to elect whether to grant or withhold consent by marking one of two clearly-worded options and by signing their name.

21. When a student who has attended another public or private school registers to attend public school in the District, the District shall immediately—

- (a) request a certified copy of the student's disciplinary record and a copy of the student's health record from the public or private school the student last attended;
- (b) request all other current records, including special education records, necessary to ensure that the student is placed appropriate classes at the

appropriate grade level and that the District is able to meet all obligations to the student under State and federal law.

Maintenance—Time

22. All education records described in Section 14 of this policy shall be maintained in accordance with the schedule attached in 216-AR-3, Student Records Retention Schedule. If not identified, the records shall be maintained as long as the information contained therein remains relevant to the education of the particular student or to the design and provision of educational programs in general or as long as such information remains essential to the protection of the legal interests of the District. The District alone shall determine whether education records remain relevant to education or essential to the protection of legal interests.

Maintenance—Location

23. Education records that might be necessary to the provision of education, education-related services, or extracurricular activities or experiences to a student during any given school year shall be maintained during that school year in a secure file located in the building to which that student is assigned during that school year. Education records that are essential to the day-to-day provision of education, education-related services, or extracurricular activities or experiences may be maintained in a secure file in the personal possession, offices, or class rooms of school officials with a legitimate educational interest therein.

- (a) The discipline record of a student shall be maintained in a secure file in the building to which that student is currently assigned. Information furnished by the Office of Juvenile Probation in accordance with Section 6341(b.1) of the Juvenile Act, 42 P.S. § 6341(b.1), shall be maintained in a secure file separately from other records concerning the student.
- (b) The health record of a student shall be maintained in a secure file in the nurse's office or health suite in the building to which that student is currently assigned or in the personal possession or office of the nurse assigned to that building.
- (c) Copies of a student's current IEP, most recent multi-disciplinary team evaluation report, current service agreement or accommodation plan, and instructional support or child study team data and action plan shall be maintained—
 - i. in a secure file in the building to which the student is currently assigned; and
 - ii. in a secure file in the District office of special education, together with other special education records that remain relevant to the education of the particular child or the design and provision of

educational programs in general or essential to the protection of the legal interests of the District.

- (d) In addition to or in place of any of the locations identified in subsections (a) through (c) of Section 23, records may be maintained in a secure electronic storage system or site, whether located locally or remotely, specifically designated by the Superintendent or his or her designee as a “student records maintenance site.” The District electronic mail server or servers, or directory or directories, and the files on local or remote disk drives, computers, servers, portable media, or mobile devices shall not for any purpose constitute a “student records maintenance site” unless explicitly so designated by the Superintendent or his or her designee in writing, and any personally identifiable information stored thereon shall either be deleted or moved to a “student records maintenance site” at least once annually.

Maintenance—Transfer and Conversion

24. When a student assignment changes from one building to another within the District the education records described in Sections 23(a)-(c) of this policy, including the separately-maintained information from the Office of Juvenile Probation, shall be transferred to the new building in sufficient time to enable school officials with a legitimate educational interest to review such records, if necessary, prior to the arrival of the student in the new building or as soon as possible thereafter.
25. Nothing in this policy shall preclude the transfer or conversion of education records or information from one form or storage medium to another, as long as such transfer or conversion—
- (a) allows for similar accessibility of information to parents, eligible students, and school officials with a legitimate educational interest;
 - (b) provides at least the level of security that could be obtained with physically locked conventional storage and, in the case of computer storage, conforms to the current standards established in the computer industry;
 - (c) clearly reproduces educationally or legally necessary graphic information, handwriting, and signatures; and
 - (d) allows for the use of an access and disclosure log in accordance with Section 26 of this policy.
26. Every file from which access might be had by, or disclosure might be made to, persons or agencies other than the parents or the eligible student, shall have as part thereof an access and disclosure log that shall be maintained for as long as the records in that file are maintained and that shall consist of the following:

- (a) The identity of such person or agency to which access is granted to or disclosure made from the file;
- (b) The purpose for which access was granted or disclosure made;
- (c) The date of access or disclosure;
- (d) The name or initials of the person granting access or making the disclosure;
- (e) In the case of disclosures to persons who will make further disclosures or allow further access on behalf of the District, the identity of the person or agency to whom or to which, and the specific purpose for which, such further disclosure or access will be made or allowed; and
- (f) Any record of further disclosures made by State or federal agencies that are permitted to do so under law.

Destruction

- 27. The District may destroy education records identified in the District's Student Record Retention Schedule once the applicable time period for maintenance of such records has elapsed.
- 28. The District may destroy all other education records once it determines at its sole discretion that such records are no longer relevant to the education of the particular student or to the design and provision of educational programs in general or that such records are not essential to the protection of the legal interests of the District.
- 29. When the time periods described in the District's Student Record Retention and Disposition Schedule have elapsed for any record or any portion of an education record of a student with disabilities, the District shall comply with the Record Retention and Disposition Schedule and destroy the record accordingly. Education Records are no longer deemed relevant to a student's education once the applicable retention period has expired. Parents and guardians of students with disabilities shall be provided with a copy of this policy to ensure notice is provided regarding the destruction of education records.
- 30. A record is "destroyed" for purposes of this policy when, at a minimum, all personally identifiable information is removed from it or is otherwise obscured or obliterated. Nothing in this policy shall require the destruction of an education record except when required by law.
- 31. The District shall not destroy any record that is the present subject of a request for access from a parent or eligible student.

Inspection of Education Records

32. The District shall allow the parents or eligible student to inspect and review the education record of the student within forty-five calendar days of receipt of a verbal or written request to do so. District staff shall make every reasonable effort to ensure that requested records are provided to the parents at the earliest possible date.
33. The District shall respond to all reasonable requests from the parents or eligible student for an explanation or interpretation of information contained in the education record.
34. If circumstances effectively preclude the parents or eligible student from inspecting or reviewing the education record, or any portion thereof, the District shall provide the parents or the eligible student with a copy of the record subject to the request. When copies are not required to ensure that the parents or the eligible student has the opportunity to inspect and review the education record, the District may charge a fee of twenty-five cents per page to copy requested portions of the education record, unless the parents or the eligible student can establish that they are financially unable to pay the amount thus charged.
35. When the District receives a request to inspect and review the education record of a student with disabilities in anticipation of a meeting of the IEP, service agreement, or multi-disciplinary team, or in anticipation of a due process hearing, the District shall respond to such request within a reasonable time prior to the meeting or hearing, the time allowed by Section 32 of this policy notwithstanding.
36. When parents or an eligible student seek to inspect and review a record that contains personally identifiable information concerning more than one student, the District shall provide access only to that portion of the record that pertains to the student in question.
37. School officials with a legitimate educational interest may at any time inspect and review, and obtain copies of, the education record and personally identifiable information in which they have such interest.

Amendment of Education Records

38. A parent or eligible student may request in writing that the District amend any portion of an education record that he or she believes is inaccurate, misleading, or in violation of the student's right to privacy. If a parent or eligible student makes such a request verbally, the person to whom such request is made shall inform the parent of the obligation to make such request in writing.
39. Within thirty school days of the receipt of the written request to amend the education record, the administrator who is primarily responsible for maintenance of the challenged record shall notify the parent or eligible student in writing of whether the District will amend the record. If the District determines that it will grant the request to amend, the notice to the parent or eligible student shall

either describe the amendment, which can include the expungement or deletion of records or information contained therein, or enclose a copy of the amended record. If the District determines that it will not amend the record, the notice shall so inform the parent or eligible student and shall contain a statement explaining that the parent or eligible student has the right to request in writing a hearing before a disinterested school official to challenge the determination not to amend.

40. Within ten school days of receipt of a request for a hearing to challenge a determination not to amend an education record, the District shall notify the parents or eligible student of the date, time, and location of the hearing. The notice shall be mailed certified, return receipt requested, or by similarly secure and verifiable means, in such time that the parent or eligible student receives it at least five school days before the hearing. The hearing shall occur within thirty days of receipt of the request for the hearing from the parent or eligible student.
41. The hearing shall be held before the Superintendent or his or her designee or, if the Superintendent or the designee has a direct interest in the outcome of the hearing, before the principal of the building to which the student is currently assigned or his or her designee.
42. The hearing shall be informal, unrecorded, and not subject to formal rules of evidence or procedure other than those required to maintain order. The parent or eligible student shall have a full and fair opportunity to present evidence in support of his or her position and may be represented at his or her expense by an adviser, including an attorney.
43. Within thirty days of the completion of the hearing, the District shall issue to the parent or eligible student a written decision concerning the amendment of the record that shall either—
 - (a) describe the amendment, which can include the expungement or deletion of records or information contained therein, or
 - (b) explain the reasons for denying the request to amend and inform the parent or eligible student of the right to place a statement in the education record of the student commenting on the contested information in the record or explaining why he or she disagrees with the decision not to amend, or both.
44. The written decision shall be based solely on the evidence presented at the hearing and shall summarize the evidence thus presented and the reasons for the decision to amend or refuse amendment.
45. If the parent or eligible student chooses to submit a statement in the education record of the student commenting on the contested information in the record or explaining why he or she disagrees with the decision not to amend, the District shall—

- (a) maintain such statement as part of the record for as long as the District maintains the contested record or information; and
- (b) disclose the statement whenever it discloses that portion of the record to which the statement pertains.

46. Education records subject to this Policy, other than those records or portions of records that contain “directory information,” are not considered “public records” subject to access or disclosure under the Pennsylvania Right to Know Law, 65 Pa. C.S. §§ 67.101-67.3104, or any similar law affecting public records.

Disclosure

47. Any disclosure of personally identifiable information concerning a student to any person other than the parent, the eligible student, or school officials with a legitimate educational interest, shall require the prior written consent of the parent or the eligible student. Any document providing such consent shall—

- (a) identify the particular portions of the education record or the particular information or types of information concerning the student that shall be disclosed;
- (b) identify the person or agency to whom or to which disclosure will be made; and
- (c) contain the signature of at least one parent or the eligible student, and the date of such signature

48. Prior written consent from the parent or the eligible student is not required when the disclosure of education records or information is to one of the following persons or agencies under the following circumstances:

- (a) To an educational agency or institution at which the student seeks to enroll, intends to enroll, or is enrolled, or from which the student receives services, when that agency or institution requests such records, as long as—
 - i. the parent or eligible student is provided on request with a copy of the records thus disclosed; and
 - ii. the parent or eligible student is afforded on request a hearing as described in Section 39 of this policy; and
 - iii. the disclosure is for purposes related to the student’s enrollment or transfer.
- (b) To appropriate parties in connection with an articulable and significant health or safety emergency, when such disclosure is necessary to protect

the health or safety of the student or others, provided, however, that for each such disclosure, the District shall maintain a record indicating—

- i. The articulable and significant threat that justified such disclosure; and
 - ii. The parties to whom the District disclosed such information.
- (c) To state and federal educational and other agencies for purposes of investigation and auditing, when those agencies are bound by the provisions of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g;
- (d) To persons seeking directory information, when—
- i. parents and eligible students have received notice in the form of the annual publication of this policy in a newspaper of general distribution or a school publication of the policy of the District to disclose directory information without parental consent; and
 - ii. the parent or the eligible student objecting to the release of such information without consent has not notified the District in writing on or before the first day of the school term that they object to the disclosure of some or all of the information designated in Section 1 of this policy as “directory information”.
- (e) To the student who is not an eligible student;
- (f) To the parents of an eligible student who remains a “dependent student” as defined in the Internal Revenue Code;
- (g) To accrediting organizations to carry out their accrediting functions;
- (h) To comply with the terms of a judicial order or lawfully-issued subpoena, when the District has made reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, unless the terms of a judicial order bar such notification;
- (i) To a court or administrative hearing officer in the context of litigation between the District and the parents or the eligible student, when the information disclosed is relevant to the action or proceeding and when the District has made reasonable effort to notify the parent or eligible student of the intent to disclose such information;
- (j) To armed forces recruiters seeking such information, a list of the names, addresses, and, if available, telephone numbers of all students expected to graduate high school at the end of the school term during which, or in anticipation of which, such request is made, provided, however, that such

disclosure shall be subject to the limitations established by law and this policy upon the disclosure of directory information;

- (k) To state or local Juvenile justice authorities when such disclosure is in accordance with an Act of the Pennsylvania General Assembly and enables the juvenile justice system to serve effectively and prior to adjudication of the student to whom the records pertain, provided, however, that any such authority must certify in writing to the District that such records will not be re-disclosed to any other party unless permitted by state law or unless written parent or eligible child consent is obtained;
- (l) To organizations conducting studies for, or on behalf of, the District to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction, when—
 - i. The organization conducting the study does not permit access to personally identifiable information to any party other than representatives of the organization who have a legitimate educational interest in that information;
 - ii. The information is destroyed when no longer needed for the purposes for which the study was conducted; and
 - iii. The organization enters into a binding agreement with the District under which the organization is obligated to adhere to the requirements of this policy; that defines the purposes, scope, and duration of the study and the information to be disclosed to the organization; and that limits the use of the disclosed information to the purposes expressly identified in the agreement.
- (m) Under such additional circumstances and to such additional persons and agencies as are permitted by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulation.

49. Any disclosure made in accordance with Section 48 of this policy shall be made under the explicit condition that the party to which or to whom such disclosure is made shall not re-disclose such information to any other party without written parent or eligible student consent, unless the record of the original disclosure identifies the additional parties to whom such disclosure is to be made under Section 48 of this Policy and the legitimate interest that such additional parties have in such information, or unless such original disclosure is to State or federal agencies in accordance with the requirements of Sections 99.32(b) and 99.33(b) of the implementing regulations of the Family Educational Rights and Privacy Act, 34 C.F.R. §§ 99.32(b) and 99.33(b).

50. Copies of all special education and discipline records of a student currently identified as a child with a disability within the meaning of the Individuals with Disabilities Education Act shall be transmitted to a law enforcement agency to which the District has reported a crime committed by such student, provided,

however, that prior to transmission of such records, the District shall obtain written consent from the parent or eligible student as required by, and in accordance with the provisions of, Section 47 of this Policy or that such transmission is permitted without such consent in accordance with the provisions of Subsections (b), (h), or (k) of Section 48 of this Policy.

51. The policy of the District is to comply in full with the requirement of state and Provisions federal law governing the maintenance of records and other personally identifiable information and the privacy rights of students and their families. To the extent that any provision of this policy is construed as or found to be inconsistent with federal or state law, the District will treat that provision as null and void. The Superintendent or his or her designee shall ensure that all persons responsible for the maintenance of any student record are aware of the provisions of this policy and receive regular training concerning its requirements. When feasible, the Superintendent or his or her designee shall provide for the use of physical or technological access controls to ensure that access to education records by school officials with a legitimate educational interest in them is limited to that information in which those officials have a legitimate educational interest.
52. The District shall send or deliver all notices and requests for consent required under this policy to the address identified as the residence of the child in the registration information maintained by the District. Unless it receives specific written information to the contrary, the District shall presume that all persons with authority to make educational decisions for the student have received or had the opportunity to review and respond to notices and requests sent or delivered to such address. The District will send notices and requests to separate addresses only when—
- (a) A person with joint authority to make educational decisions for the student, such as a divorced or separated natural parent or guardian, resides at that separate address; and
 - (b) That person notifies the District in writing that he or she is not receiving or has not had the opportunity to review and respond to notices and requests sent to the residence to which the student is registered.
53. Annually, at least thirty days prior to the beginning of the school term, the District shall publish to all parents of students currently in attendance and to all eligible students currently in attendance a complete copy of this policy in English and Spanish. The following notice shall precede the text of this policy and shall appear with the heading in boldface type or other similarly conspicuous format:

35 P.S. 1223.5

18 Pa C.S.A. 6305, 6306.1

20 U.S.C. 7183, 7973

20 U.S.C. 1400 et seq

22 PA Code 10.2, 10.22, 10.25, 10.23

Policies 103.1, 113.1, 113.2, 805.1

24 P.S. 1303-A, 1302.1-A

24 P.S. 510

U.S.C. 7114, 7118, 7181 et seq

CRF Part 300

34 CFR Part 300

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

Saucon Valley School District

Title – 216-AR-1 Student Records Retention Schedule

Section – 200 Pupils

Adopted –

Revised –

Content

SAUCON VALLEY SCHOOL DISTRICT

STUDENT RECORDS RETENTION AND DISPOSITION SCHEDULE

The Records Retention Schedule lists records that are created, received, or retained as a result of district operations. The schedule includes a description of the records, format in which the records will be retained, retention period, and disposal code. The following information will assist in applying this schedule.

Record Formats

Media codes are used to identify the format(s) that the district may use to maintain specified records and are assigned as follows:

- A. Paper
- B. Microfilm
- C. Electronic (machine readable, computer-based)
- D. Audiovisual (tapes, movies, film strips, etc.)
- E. Cartographic (maps, drawings, blue prints, plans, etc.)
- F. Photographic

Retention Periods

Retention periods listed on the schedule are given in years. Upon expiration of the retention period, all identified records will be disposed of in accordance with Board policy and this schedule.

Disposal Codes

Disposal codes are used to direct the final disposition of records. Records must be disposed of according to the assigned code listed on the schedule. Assigned disposal codes are as follows:

- 1 Routine Handling – No special precautions are necessary upon disposal. The records should be recycled or disposed of in accordance with standard district procedures.
- 2 Special Handling – The destruction of records containing privileged, confidential, exempt or sensitive information that requires special handling by shredding, burning, erasing or any other method that reduces information to an illegible condition.
- 3 Archival Retention – Records requiring permanent retention or records that have sufficient archival or historic value must be preserved in perpetuity.
- 4 Delete – For use with electronic records. When electronic records have met their retention period, they will be deleted.

Records Not On Schedule

For any record not covered by the retention schedule, the Records Management Committee will determine how long the record must be kept and recommend any necessary revisions to the retention schedule.

Child Abuse or maltreatment reports and related records	A,C	12 after youngest child mentioned in report attains age of 18	2,4
Accident Reports (involving a minor)	A,C	6 after the minor attains the age of 18	2,4
Reports of Suspected Child Abuse	A,C	After the student's 30 th birthday	2,4
Attendance records ¹	A,C	6	2,4
Health records, including immunization information, results of vision and hearing screenings, results of state-mandated physical examinations, in-school treatment and drug dispensing or administration orders or prescriptions from physicians, treatment and drug dispensing or administration logs and health-related information provided by parents or guardians.	A,C	2 beyond the date on which the student ceases to be enrolled in the public schools of the district	2,4
Core data for student, including name, last known address and domicile within the District of the parents or guardian of the student or, if the student is emancipated, of the student; birth date, course or academic work completed, level of achievement attained, dates of attendance ² , last grade attended or date of graduation, and type of diploma awarded.	A,C	100 beyond the date on which the student ceases to be enrolled in the public schools of the district	3

¹ Financial records required to be retained by school districts for state funding purposes.

² Examples of dates of attendance include an academic year, a spring semester, or a first quarter. The term does not include specific daily records of a student's attendance at an educational agency or institution.

Records of awards and distinctions earned by students for work or activities in school and in the community and of participation in District-approved extracurricular activities	A,C	6 after student would normally have graduated high school	2,4
Other student records, including but not limited to registration record, screening evaluation reports, program admission application, homebound student records; homeschool applications and associated documentation; non-resident student information; drop out records; and transfer-in and transfer-out records; remedial program participation record, counselor notes, teacher comments, correspondence, and transfer or discharge notice	A,C	6 after student would normally have graduated high school	2,4
Examination test results, papers, and answer sheets	A,C	1	1,4
School Census Records – All school census records created prior to 1949 (some early 19th century census records only list names of parents) including so-called “attendance registers” used between 1895 and 1928, in booklet form provided by the State Office of Public Instruction, later the State Education Department (these booklets also contain the school census, trustees’ annual reports, registers of visitors, and other information); and school census and enrollment reports, created between 1929 and circa 1949, in booklets provided by the State Education Departments, or their equivalents	A,B,C	Permanent	3
FERPA requests and documentation and access log for student records (individuals outside of district staff)	A,C	For as long as the records accessed are maintained	1,4
PSSA / Keystone Exam Results	A,C	Permanent	3
Applications for Work Permits	A,C	2 after student’s graduation or 18 th birthday, whichever is later	2,4

Discipline records	A,C	2 following graduation. If a student leaves school prior to graduation, 2 after the student's class graduates.	2,4
Student work samples and teacher grade books retained for purposes of ongoing assessment, instructional planning, or grade calculation; the results of District-wide group standardized or criterion-referenced testing and state-wide criterion-referenced assessments, if any, in which the student participated; and non-cumulative report cards	A,C	3 after graduation or 3 after enrollment ceases, whichever is later	2,4
Guidance department, psychologist, and student assistance team records	A,C	6 beyond the school year during which the student to whom such data pertains attains age 21; individual notice to parents or eligible student of record destruction schedule must be provided	2,4
<p>For students with disabilities or who are identified as mentally gifted:</p> <ol style="list-style-type: none"> 1. Copies of the first and last evaluation reports of the multi-disciplinary team. 2. The notice of recommended assignment or educational placement, or similar document by which the parents of the student initially consented to the provision of education services 3. The first and last IEP. 4. Last notice of recommended assignment or educational placement. 5. The summary of performance developed for the student. 	A,C	6 beyond the school year during which the student to whom such data pertains attains age 21; individual notice to parents or eligible student of record destruction schedule must be provided	2,4

<p>For students receiving accommodations or modifications to instruction or other activities under a service agreement or accommodation plan:</p> <p>1. Copies of the first and last service agreement or accommodation plan.</p> <p>Notice by which the parents of the student initially consented to the provision of accommodations or modifications</p>	<p>A,C</p>	<p>6 beyond the school year during which the student to whom such data pertains attains age 21; individual notice to parents or eligible student of record destruction schedule must be provided</p>	<p>2,4</p>
<p>For students evaluated to determine eligibility for special education services in accordance with state and federal law or for accommodations or modifications in accordance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and who were determined to be ineligible:</p> <p>Copies of all evaluation reports supporting the determination of ineligibility and all notices by which the parents of the student indicated agreement with such determination</p>	<p>A,C</p>	<p>6 beyond the school year during which the student to whom such data pertains attains age 21; individual notice to parents or eligible student of record destruction schedule must be provided</p>	<p>2,4</p>
<p>For students with disabilities or who are identified as mentally gifted, or for students who were evaluated to determine eligibility for special education services and who were determined to be ineligible for such services, a copy of all records identified in subsections (b) through (g) of Section 14 of Policy 216.</p>	<p>A,C</p>	<p>At least six (6) years from the conclusion of the school year during which such records were made or received by the district.</p>	<p>2,4</p>
<p>All other special education records – specific students</p>	<p>A,C</p>	<p>Six (6) years beyond the school year during which the student to whom such data pertains attains age twenty-one (21); individual notice to parents or eligible student of record destruction schedule must be provided</p>	<p>2,4</p>

<p>All other education records described in Section 14 of Policy 216</p>	<p>A,C</p>	<p>Records shall be maintained as long as the information contained therein remains relevant to the education of the particular student or to the design and provision of educational programs in general or as long as such information remains essential to the protection of the legal interests of the district. The District shall determine whether records remain relevant to education or essential to the protection of legal interests.</p>	<p>2,4</p>
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Emergency Instructional Time Template Section 520.1

As [communicated to chief school administrators on July 6, 2020](#), Section 520.1 of the School Code provides flexibility to meet minimum instructional time requirements in the event of an emergency that prevents a school entity from providing for the attendance of all pupils or usual hours of classes at the school entity. The Pennsylvania Department of Education (PDE) considers the World Health Organization-declared Coronavirus disease (COVID-19) a global pandemic and an emergency as contemplated by Section 520.1.

A local education agency (LEA) that elects to implement temporary provisions in response to the COVID-19 global pandemic may meet the minimum 180 days of instruction and 900 hours of instruction at the elementary level and 990 hours of instruction at the secondary level through a combination of face-to-face and remote instruction, consistent with the requirements outlined in PDE’s July 6 guidance. Such LEAs must provide PDE with the following information:

1. LEA’s Proposed Calendar and Schedule(s) for SY 2020-21

a. School Year Calendar

School Year Start Date	School Year End Date	Total Number of Instructional Days <i>Must meet minimum 180 days</i>

b. A sample weekly academic schedule as approved by the LEA’s governing body. (Recognizing the need for flexibility and that circumstances may change as the LEA responds to the COVID-19 pandemic, an LEA may provide more than one proposed weekly schedule.) Example schedules are provided in Appendix A.

2. If the proposed schedule includes remote learning (i.e., learning outside the school building), describe how the LEA will ensure access to remote learning opportunities for all students.

3. The Chief School Administrator and Board President affirm the following:

- The proposed school calendar and academic schedule(s) will provide all students the planned instruction needed to attain the relevant academic standards set forth in Chapter 4.
- The proposed school calendar and academic schedule(s) allow sufficient instructional time necessary for content mastery and provide instructional blocks for each grade level and content area.
- The proposed school calendar and academic schedule(s) provide at least 900 hours (elementary) and 990 hours (secondary) of in-person instruction and/or remote learning for all students. (Such time may include synchronous and/or asynchronous instruction.)

- The proposed school calendar and academic schedule(s) define instructional time for students as time in the school day devoted to instruction and instructional activities under the direction of certified school employees. (Such time may include synchronous and/or asynchronous instructional activities.)
- Clearly defined systems for tracking attendance and instructional time will be implemented to ensure student engagement in remote instruction.
- The LEA acknowledges that it must provide Free and Appropriate Public Education (FAPE) during this pandemic-related emergency.
- The proposed school calendar and academic schedule(s) ensures ESL services for English Learners.
- Clearly defined and ongoing systems for evaluating the quality and outcomes of instructional delivery will be implemented, at least quarterly, and necessary adjustments will be made when data highlight concerns about quality, equity, and/or lack of progress in student learning.

Name of Local Education Agency:

Signature of Chief School Administrator:

Date:

Signature of Governing Body President:

Date:

Date Approved at Board Meeting:

Please scan and submit this entire signed document, the proposed weekly schedule, and a copy of the board minutes at which such schedule was approved to RA-EDContinuityofED@pa.gov.

Any questions can be submitted to RA-EDContinuityofED@pa.gov.

Appendix A: Sample Weekly Schedules

Below are two examples of weekly schedules and the format in which they may be submitted to PDE. Any difference in plans by school or grade level should also be noted.

50% Return - Hybrid Schedule				
Monday	Tuesday	Wednesday	Thursday	Friday
Group A: In-School/ In-Person	Group A: In-School/ In-Person	Groups A & B - Remote Learning	Group A: Remote Learning	Group A: Remote Learning
Group B: Remote Learning	Group B: Remote Learning		Group B: In-School/ In-Person	Group B: In-School/ In-Person

Note: Wednesdays are remote learning with teachers allowed to teach from home or school.

50% Return – Split Schedule					
Session	Monday	Tuesday	Wednesday	Thursday	Friday
AM	Group A: In-School	Group A: In-School	Groups A & B: Remote Learning (or Alternating by Week)	Group B: In-School	Group B: In-School
	Group B: Remote Learning	Group B: Remote Learning		Group A: Remote Learning	Group A: Remote Learning
PM	Group B: In-School	Group B: In-School		Group A: In-School	Group A: In-School
	Group A: Remote Learning	Group A: Remote Learning		Group B: Remote Learning	Group B: Remote Learning

Note: Wednesdays are remote learning with teachers allowed to teach from home or school.