

**Kutztown Area Middle School**

**2024-2025**



**Shawn Lynch  
Principal**

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Guidance Counselor**

**This agenda book belongs to:**

Name \_\_\_\_\_

Address \_\_\_\_\_

City/Town \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone \_\_\_\_\_

Student Number \_\_\_\_\_

## Agenda Book Policy

This agenda book is a tool for all students to use. It contains school guidelines that everyone should be aware of, as well as providing a student calendar and organizational tips to use on a daily basis. The agenda also has a hall pass system in the back. Students are expected to have their agenda books at all times when not in the classroom. The only exception to this will be a teacher approved lavatory pass. If this agenda book is lost or destroyed, the student will have to replace it at a cost of \$5.00.

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## Principal's Message

Welcome to Kutztown Area Middle School. It is my hope that you are all looking forward to an exciting and rewarding school year. I encourage every student to take advantage of all that Kutztown Area Middle School has to offer. This year has the potential to be your best school year ever if you try. There may be challenges along the way but we will face them together and we will celebrate in your success together. Every teacher and staff member is here to help you reach for your dreams and it is my hope that they come true.

## Photography/Videography

Students are not permitted to take photographs without explicit permission from a teacher or staff member. Permission may be granted in support of an academic function or extracurricular activity and will be done with school equipment whenever possible. Periodically, the School District includes photographs of students on its website, or other media, in order to foster positive public relations while providing students an opportunity to earn some well-deserved publicity. Unless the School District is informed to the contrary by a parent/guardian, the School District will assume it has parental permission to post/publish a student's photograph in School District publications. Student's photographs will not include the student's name when published on the Internet. If any parent/guardian desires that his/her child's photograph not be "published," a note stating such must be submitted to the middle school office prior to the end of September of each year.

## Student Responsibilities

Student responsibilities include regular school attendance, conscientious effort in classroom work, and conformance to school rules and regulations. Most of all, students share with the administration and faculty a responsibility to develop a climate within the school that is conducive to wholesome learning and living.

### Respect yourself and others

- You respect others, by not bullying or harassing them.
- You choose words and actions that are kind and respectful to others.

- You use appropriate language.
- You make healthy choices and maintain a healthy lifestyle
- You participate in positive peer and staff interactions

### **Respect for property**

- You take care of your own property.
- You take care of the property of others, including the school and the community around you.

### **Respect for learning**

- You are in class unless officially excused.
- You are on time to all of your classes.
- You are prepared with materials, assignments, and other required items.

**If you continue to believe in the above items, Kutztown Area Middle School will certainly be a great place for you. You will gain confidence in yourself and be able to grow into an individual that takes pride in what they do and will share that pride within your school. Let us all carry that pride with us through the year and truly make this the greatest year of your school career**

### **Middle School Staff**

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### **Attendance Policy (Policy #204)**

Kutztown Area School District recognizes regular attendance as a vital aspect of an overall educational program. In that regard, regulations adopted by the School Board and the administration which deal with student attendance follow the state laws (primarily Section 1329) and the overall philosophy of the school district. It is mandatory for all students of compulsory school age residing in the state to attend a school in which all required subjects and activities are taught. Compulsory school age consists of the period of time from when a student enters school as a beginner, which can be no later than eight (8) years of age, until the age of seventeen (17) years or graduation from high school, whichever occurs first. All students of compulsory school age who reside in the district, qualify for attendance in the district, or attend district schools on a tuition basis are required to comply with the adopted Board policy governing attendance. Designated staff in each school will be responsible for monitoring and maintaining records of each student's attendance. If an employee discovers that a district student is unable to attend school because of a lack of clothing or food, she/he will report the case to a suitable relief agency operating in the district or to a county board of assistance for investigation and relief. Teachers can be the first line of defense for compulsory attendance, as they are the first to recognize students with possible attendance issues. Teachers will implement a plan of action that includes, but is not limited to:

- Distributing and reviewing with students and families the adopted Board policies governing attendance and student responsibilities.
- Meeting individually with students to discuss reasons for absence.
- Providing feedback to designated district staff.
- Making referrals to guidance counselors.
- Cooperating with the Student Assistance Team, as appropriate.

### **Absences**

- Absences shall be treated as unlawful until the Middle School receives a written excuse explaining the absence, which must be submitted within three (3) days of the absence.
- The Board shall report to appropriate authorities' infractions of the law regarding the attendance of students below the age of seventeen (17). The Board shall issue notice to those parents/guardians/students who fail to comply with the requirements of compulsory attendance that such infractions will be prosecuted according to law.
- Attendance need not always be within school facilities. A student will be considered in attendance if present at any place where school is in session by authority of the Board; the student is receiving approved tutorial instruction, or health or therapeutic services; the student is engaged in an approved and properly supervised independent study, work-study or career education program; the student is receiving approved homebound instruction. Students enrolled in the Kutztown Virtual Academy will be considered to be in full attendance if they are making adequate progress, which is defined as meeting the course's target completion and maintaining a passing grade.
- Upon written request by a parent/guardian, an absence occasioned by observance of a student's religion on a day approved by the Board as a religious holiday shall be excused. A penalty shall not be attached to an absence for a religious holiday.
- Students who are healthy and active should not miss more than ten days of school during the school year.
- On the day a student is absent, a parent/guardian should telephone the school at 610-683-3575 by 9:00 AM to report the absence. A note from a parent/guardian is still required upon the student's return to school.
- Following an absence, a student is to report to the office immediately upon return to school with a signed note from a parent/guardian or physician stating the reason for the absence. This form may also be faxed to the middle school office at 610-683-5460.
- If a school nurse sends a student home, a note will be given to the attendance secretary by the school nurse, and a parent note is not needed. However, the time out of school will be cumulated along with other absences.
- After ten (10) absences from school, the parent/guardian will be notified that all subsequent absences must be supported with medical documentation or they will be declared unlawful/unexcused. All other absences from school will be considered unlawful or unexcused. It is the student's responsibility to contact their teachers regarding any school work that is missed while absent.
- The Board considers the following conditions to constitute reasonable cause for absence from school, Personal illness, Death in immediate family, Quarantine, Pre-Approved family educational trips, Recovery from accident, educational tours & trips, required court attendance, Inclement weather that will endanger the child's health.

### **Absences — Unexcused/Unlawful**

- Following a third unlawful absence, the parent/guardian of a student under 17 years of age will be sent a notice stating that subsequent unlawful absences will have possible legal and school consequences.
- • Additional unexcused absences from the third unlawful absence will result in a School Attendance Improvement Conference (SAIC).
- • A citation may be issued should unexcused absences continue to occur after a School Attendance Improvement Conference (SAIC).
- • The following reasons for absences and/or tardiness are not valid and will be classified as unexcused/unlawful:
- Willful non-attendance – cut school/Overslept or missed the bus/Car trouble or traffic\Employment/Any other excuse that the principal deems inappropriate

### **Books and School Property**

Textbooks in Pennsylvania are purchased for the use of pupils at public expense. Each book is stamped on the inside front cover. Pupils are held responsible for the loss of, or damage to, schoolbooks and school property. When books are lost, pupils should report the matter to the teacher of the subject and also make an inquiry at the middle school office. Current replacement cost for lost or defaced books is the responsibility of the student.

### **Building Entry**

Students do not have access to the building until 7:25 am. Please do not drop your child off at the school earlier than 7:25 am, especially during inclement weather. Students who are walking or being dropped off at school should arrive by 7:35 am. All students are to enter the building at the Commons entrance. Students are dismissed from the Commons at 7:32 am. All students arriving at school after 7:35 am must enter at the Middle School Office. Any student not in their assigned homeroom by 7:40 am is considered tardy to school.

### **Bullying/Intimidation/Harassment (District Policy #249)**

The goal of the Kutztown School District is that all students will come to school free from fear of harassment or degradation, and that all parents will be free from worry that such things will happen. We will eliminate bullying incidents in our schools, thereby creating a safer, more comfortable place for children to learn. **All reports of bullying must be communicated to the middle school administration.**

### **Computer/Technology (District Policy #815)**

The laptop and carrying case are the property of the Kutztown Area School District and must be returned in original working condition. Each laptop has identifying stickers/labels that are not to be removed. Students are responsible for the loss of, or damage to the laptop and its carrying case. Laptops are educational tools and are to be used only in that capacity. The use of the laptop is a privilege that can be revoked upon violation of the Hardware/Software policy. Students should have no expectation of privacy as relates to the laptop and should expect teachers, technical support staff and administrators to conduct spot checks. Inappropriate use or neglect of a laptop, the carrying case, the Internet, and all other installed software will result in disciplinary action, including, but not limited to, the loss of the use of the laptop. Loss of the laptop or Internet access will not change classroom expectations or assignment completion.

### **Concussion Policy (District Policy #123.1)**

The Board recognizes the importance of ensuring the safety of all students. This policy has been developed to provide guidance for the prevention, detection, treatment and management of students regarding a concussion. A concussion is caused by a bump, blow, jolt to the head, from a fall or a blow to the body that causes the head and brain to move quickly back and forth. Typically, there is no loss of consciousness. Concussion is a functional rather than structural disturbance that can change the way your brain normally works.

Appropriate medical professional shall mean all of the following:

- A licensed physician (MD or DO) who is trained in the evaluation and management of concussions.
- A licensed health care professional trained in the evaluation and management of concussions and designated by a licensed physician trained in the evaluation and management of concussions.
- A licensed neuropsychologist trained in the evaluation and management of concussions.

Athletic activity shall mean only P.I.A.A. sanctioned activities. School activities shall mean participation in any school activity, including major, minor and special subject areas, lunch, assemblies, clubs and all after school activities.

#### Prevention

#### Delegation of Responsibility

The Kutztown Area School District believes that prevention is the best approach to the silent epidemic of brain injury. A meeting will be held within the first semester of each school year at a time that maximizes attendance with

others scheduled as necessary. Meetings will be open to all students (K-12), parents/guardians and other interested parties. Information for all students regarding concussions and other head injuries, the importance of proper concussion management, and how preseason baseline assessments can aid in the evaluation, management and recovery process will be made available through multiple channels such as the district website, Facebook, Twitter, CougarServ, and the Sports Physical Packet. Additionally, all coaches must share with students and parents/guardians the number of first concussions and any subsequent concussions sustained in their sport in the prior season. Furthermore, an updated concussion report, developed jointly by the school nurses and the athletic director, will be provided to the Board on a monthly basis.

**Detection-**The responsible party at the event where the concussion occurred, i.e., coach/athletic trainer or school employee, shall immediately remove the student from the activity and notify school administration or designee.

**Treatment and Management-**The District recognizes that recovery is individualized and will be determined on a case-by-case basis. All students who are suspected of suffering a concussion or head injury should not return to a school activity until cleared in writing by a medical professional trained in the evaluation and management of concussions. If ongoing concerns of headache or focusing difficulties after clearance by the students' primary care physician, it is recommended the affected student undergo a neurological or rehabilitation physical therapy evaluation.

**Training for Staff and Coaches-**At the beginning of each school year all teaching and non-teaching staff shall complete a concussion management training course utilizing the Safe Schools online system. As required by state law (Act of November 2011, P.L. 411, #101), all coaches and volunteer coaches shall annually, prior to coaching an athletic activity, complete a concussion management certification training course offered by the Centers for Disease Control and Prevention, the National Federation of State High School Associations or another provider approved by the Department of Health.

**Penalties for Staff-**A staff member found in violation of the provisions of this policy shall be subject to penalties to be determined by Superintendent.

**Penalties for Coaches-**A coach found in violation of the provisions of this policy shall be subject to the following penalties:

- For a first violation, suspension from coaching any athletic activity for the remainder of the season.
- For a second violation, suspension from coaching any athletic activity for the remainder of the season and for the next season.
- For a third violation, permanent suspension from coaching any athletic activity.

Please refer to the Administrative Regulations for guidelines and additional important information. Required Concussion Forms can be found on the KAMS website on the Secondary Health Services page.

### **Dance Regulations**

- No visitors are permitted to attend dances unless they have special permission from the principal.
- Dances will be held from either 3:00 p.m. to 5:00 p.m. or 6:00 p.m. to 8:00 p.m. Students must be picked up by 5:15 p.m. or 8:15 pm. Failure to do so will revoke dance privileges.
- Students are not permitted to leave the building at any time while the dance is in progress unless the student is leaving the school grounds with a parent.
- Normal school codes and behavior are in force for all school activities, including dress.
- If a student fails to follow proper procedures at dances, this privilege will be revoked.
- Inappropriate and suggestive dancing and physical contact are not permitted.
- Students suspended in between dances may not attend the next dance.
- Students may not attend the dance if they are failing a course.

### **Discipline System (District Policy #218)**

Students at KAMS are expected to observe proper and safe conduct. Students are expected to follow the practices of general good citizenship. Rules and procedures have been put into place after careful consideration and for good reasons. Please follow rules of proper procedure and good conduct. Note: improper behavior occurring outside the school's normal jurisdiction that is linked to school related matters may be considered grounds for disciplinary action by the school.

#### **Possible Disciplinary Actions:**

- student/teacher conferences
- student/administrator conferences
- parent conferences at all levels
- strict supervised lunch
- after school detention
- Saturday detention

- special schedule
- restricted from school activities
- restricted from participation in athletics
- loss of privileges
- financial restitution
- fines
- academic penalties (only as they relate to academic violations)
- confiscation of materials
- in-school or out-of-school suspension
- referral to appropriate agencies
- expulsion
- legal action

### **LEVELS OF INFRACTIONS AND CONSEQUENCES:**

The following are NOT all-inclusive, but serve as examples for unacceptable behavior on, to and from school property and at school-sponsored activities.

#### **Level One Infractions**

Definition: Misbehavior on the part of the student that impedes orderly classroom procedures or interferes with the orderly operation of the school. These misbehaviors are routine in nature and can usually be handled by an individual staff member.

#### **Examples of Level One Infractions:**

- Violation of teacher classroom management plans/procedures
- Hall pass violation (in hall without pass or wrong part of the building)
- Late to class
- Tardy to homeroom
- Inappropriate behavior
- Public display of affection
- Non-permanent defacing of property
- Inappropriate/disrespectful language or actions
- Violation of dress code
- Bus misconduct
- Loss of student planner/failure to bring to class
- Bullying
- Cell phone/Smart Watch/Ear Bud use
- Loitering in the hallways
- Using another student's locker
- Writing on skin or student's clothing
- Energy drinks
- Open containers of liquid

#### **Level Two Infractions**

Definition: Misbehavior whose frequency or seriousness tends to disrupt the learning climate of the school. The infractions, which usually result from the continuation of Level One misbehaviors, require the intervention of the administration. Also included in this level are misbehaviors that do not represent a direct threat to the health and safety of others.

#### **Examples of Level Two infractions:**

- Repeated Level One infractions
- Leaving class without permission
- Intimidation, harassment, bullying
- Inappropriate language/gestures to authority and peers
- Leaving school without permission/notifying the office
- Non-educational use of Internet access
- Disrespectful behavior/insubordination to authority
- Disobedience (defiance) to authority
- Refusal to comply to valid request by school staff
- Violation of school rules during school-sponsored activities

- Truancy – absent from school without proper notification to school authorities
- Continuation of bus misconduct
- Damage to school property and/or equipment
- Physical contact with others – horseplay (example: pushing, shoving)
- Interference/obstruction of building security measures
- Continued bullying
- Cheating
- Cutting Class

### **Level Three Infractions**

Definition: These are defined as acts which disrupt the education process, result in violence to another person or property, and/or pose a direct threat to the safety of others in the school. Level Three infractions may require the intervention of law enforcement authorities and possible action by the Kutztown School Board of Directors.

#### **Examples of Level Three infractions:**

- Continued Level Two infractions
- Vandalism
- Fighting
- Controlled substances including all dangerous controlled substances prohibited by law, all look-alike drugs, all alcoholic beverages, drug paraphernalia, over-the-counter medicines, and any medications except those for which permission to use in school has been granted pursuant to Board policy
- Additions, modifications or deletions of files on school computers
- Smoking/possession of tobacco or vape
- Continuation of bus misconduct
- Harassment, bullying and/or intimidation
- Truancy or cutting class
- Endangering the lives and property of others
- Terroristic threats; verbal and/or written
- Excessive display of affection on school property
- Possession of a weapon; this will include all instruments or implements resembling or intended to resemble a weapon
- Theft/stealing
- Cheating/copying/plagiarism
- Arson/false fire alarm/possession of firecrackers
- Profanity/abusive/obscene language directed to authority or a peer
- Assault

### **Early Dismissals (District Policy #204)**

Students are not permitted to leave school grounds at any time during the school day without permission from the principal or school nurse. A student will be excused from school prior to dismissal time if he or she has a permission note from a parent or guardian. Early dismissal notes should be given to the secretary during morning homeroom. Early dismissals should be limited to medical appointments. Students are encouraged to attend school prior to and after all doctor, dental, and special appointments. Students should report to the office and await a parent/guardian to sign them out. Parents may be asked for identification. Parents must come into the office to sign their child out of school.

### **Educational Trip Policy (District Policy #204)**

Requests by parents to have their children excused from school for education trips should be evaluated under the authority of Regulations of the State Board of Education, Chapter 11, Pupil Attendance, Section 11.26 "Educational Tours and Trips, Not School Sponsored."

A student will be permitted to take one (1) educational trip (up to a maximum of five (5) school days) per school year with parents/guardians and receive an excused absence, provided that parents/guardians comply with the policy requirements. Written requested should be submitted to the building principal no less than ten (10) days prior to the trip. Students are responsible for contacting teachers and making up missed work and/or assignments. Permission will not be granted for trips/tours during the district's standardized testing period, the state's testing



periods, and the secondary school examination periods at the end of the first and second semesters. Forms can be obtained in the Middle School office or on the district website under the Parental Portal.

### **Emergency Closing of Schools**

If it becomes necessary to close our schools because of inclement weather or an emergency, the announcement will be carried on the following radio stations: WKAP, WRFY, WRAW, WZZO, WAEB, WEEU, WAGO, WXKW, WYOU, WFMZ. Families will also receive an automated phone call via our Connect-Ed service.

### **Emergency Situations**

Emergency situations arise in every school district. The most important considerations in dealing with a crisis are the health, safety, and welfare of the students and staff, as well as keeping the parents informed. Kutztown Area School District has developed a crisis management plan to deal with emergencies. Drills will be practiced periodically throughout the year to help students prepare for emergency situations.

### **Extra-Curricular Activities**

If a student is involved in a school suspension, the athlete/student will lose his right to participate (including practice) for the duration of the suspension. The principal may declare a participant ineligible to participate in a sport in accordance with current P.I.A.A. academic eligibility rules.

The principal may declare a participant ineligible to participate in a sport/extra-curricular activity because of poor conduct or discipline. Ineligibility reports are run at 8:00am on a Monday. Eligibility goes from Monday to Saturday. Any student failing 2 or more subjects is ineligible for extracurricular activities.

Each athlete/student must be in attendance at school by 10:00 a.m. to be eligible to practice or compete in a contest that day. Participation in interscholastic sports/ extra-curricular activity is not an excuse to miss physical education class. All athletes shall be required to dress and participate in all physical education classes. All athletes shall be transported to an event via school district transportation. Students may travel home from an away event with an adult, provided the parent and either the coach or the principal grants permission.

### **Fitness Uniform Policy**

All students in grades 6-12 may be required to wear fitness uniforms. They may be purchased at the middle school or the high school. Students must wear the approved top and bottom. The Physical Education teachers will review rules regarding uniforms and grades at the beginning of the year.

### **Food Services — Lunch (District Policy #808)**

Complete cafeteria services are available at Kutztown Area Middle School. Students may bring lunch or purchase a school platter. Ala Carte items are available to supplement platters and food brought from home. Lunch menus are published monthly and may be found on the district website. Free and reduced-price lunches are available to students who meet federal guidelines.

#### **Cafeteria Rules and Regulations**

All food must be eaten in the cafeteria. There is to be no eating in the halls, classrooms, or any other place in the building without permission from a staff member.

1. Students are not permitted in gym, or locker room areas during lunch.
2. Leaving cafeteria area will not be permitted without a pass.

#### **Entering the Cafeteria**

1. Students shall enter the cafeteria quietly and be seated.
2. Students shall not run to lunch.

#### **Second Servings**

1. Students will be given an ID number and personal lunch account to buy food in the cafeteria, using the *Point of Sale* (POS) system.
2. Students have the opportunity to pay for meals separately or deposit money into their account.
3. Students who repeatedly are eating an improper diet may be referred to the school nurse.

#### **Expected Behavior**

1. Students shall raise a hand to be acknowledged by a teacher or supervisor to leave a seat for any reason.
2. Cafeteria servers and monitors have the authority to write a discipline referral for a student during lunch.
3. Arm-wrestling or games involving out-of-seat activity, noise, or physical contact with other students is prohibited.
4. The noise level shall be such that no student is speaking in other than a "quiet" conversational tone.
5. Throwing food is prohibited.

#### **Tray Return**

1. Students shall return trays to the clean-up window when they have finished eating.
2. A custodian will monitor the return of trays and will report any students who are messy or who throw away cafeteria utensils, bowls, or trays.

#### **Dismissal**

1. Students will leave the commons in an orderly fashion.
2. Students will be dismissed by tables when their area is neat and clean and when they are orderly.

## Grading

A+	=	98 – 100	D+	=	67 – 69
A	=	93 – 97	D	=	63 – 66
A-	=	90 – 92	D-	=	60 – 62
B+	=	87 – 89	F	=	Failing
B	=	83 – 86	P	=	Passing
B-	=	80 – 82	I	=	Incomplete
C+	=	77 – 79	M	=	Medical Excuse
C	=	73 – 76	O	=	Outstanding
C-	=	70 – 72			

## Guidance Services

The school realizes that while it serves a large number of pupils it must not lose sight of the fact that they are individuals. Each has special needs and concerns. The district employs counselors to provide students with help during their school experiences. If a student is struggling with academic, personal or social issues, a counselor is available for assistance. Parents may call the office to make an appointment with the counselor or students may leave a note for the counselor at any time.

## Health Services

A nurse is available for all middle school students. The nurse performs height, weight, and vision tests every year on all students. Seventh grade students also have their hearing tested. Any student who becomes ill or is injured during the school day should report to the health room. The student will be treated or sent home as necessary. This decision will be made by the school nurse. Students are not to call or text parents asking to be picked up. This communication will come from the school nurse. Students must have a pass from their teacher to come to the health room.

## Homelessness

The McKinney–Vento Homeless Education Assistance Act guarantees a free and appropriate public education for all homeless children and youth. B.E.C. 42 U.S.C. 11431 outlines procedures for deciding school placement, enrolling students, and determining responsibility.

What is the definition of a “homeless youth” under McKinney-Vento?

“Homeless” is defined as “anyone lacking a fixed, adequate, regular nighttime residence.”

What situations fit this definition?

- Staying in the home of other people due to unavailable housing, financial hardship, or similar circumstances
- Living in motels, hotels, trailer parks (in some instances – examples: leaking roof, no heat, etc.), public places, or campgrounds due to unavailable suitable housing option
- Living in an emergency shelter or transitional housing
- Unaccompanied (not living in direct care of legal parent or guardian) or runaway youth
- Refugee and migrant youth

How does McKinney-Vento help these students?

The law makes sure that these students receive a free and suitable public education by removing barriers to school enrollment and full, basic, daily participation in school activities. This includes:

- Immediate enrollment
- Free and Reduced School Lunch
- Help from school with any necessary enrollment documents
- Help from school setting up transportation service (if the student qualifies)
- Help from school with getting basic uniform clothing
- Help from school with basic school supplies
- Help from school with any basic clothing needs

Contact: KASD McKinney-Vento Liaison 484 651-5522

## Homework

Homework will be assigned to our students almost daily. Homework is assigned to provide extra practice on learned skills, to provide further learning in areas covered in the classroom, to promote good study habits, self-

discipline, responsibility, and independence, and to promote home-school communication and increased parental understanding of the middle school curriculum.

The accomplishment of the objectives listed above requires the efforts of many people. Teacher, students and parents all play a vital role in making homework a meaningful extension of the classroom.

### **Honor Roll**

- Major subjects in sixth, seventh, and eighth grade meet every day in the six-day cycle. All major subjects receive a credit value of 1.0.
- “Encore” subjects, or specials, meet only one or two days in a six-day cycle. All “Encore” subjects receive a credit value of 0.2.
- Grades are given numerical values. Please refer to the listing below.

A+	4.0 quality points	B+	3.33 quality points	C+	2.33 quality points
A	3.9 quality points	B	3.0 quality points	C	2.0 quality points
A-	3.67 quality points	B-	2.67 quality points	C-	1.67 quality points
- D/F Disqualifies student from honor roll eligibility, regardless of quality points
- Sixth through eighth graders need to earn 3.0-3.49 grade point average to make the honor roll, and 3.5-4.0 grade point average to make high honors.

### **Illegal Chemical Substances (Policy #227)**

Board Policy #227 refers to action to be taken in case of a student possessing and/or using illegal chemical substances, drugs or alcoholic beverages, including look-alike drugs or alcoholic substances, or paraphernalia associated with their use on school property, on buses, or while attending school sponsored activities. All students should become familiar with the policy.

### **Junior National Honor Society**

Seventh and eighth graders are eligible for induction into the JNHS. The school chapter advisor is Ms. White. Students need to maintain the following criteria for candidacy/membership: • Candidates/Members must maintain, throughout their seventh and eighth grade years, as evidenced by their report card, a cumulative GPA of 3.75. Any candidate/member who achieves below 70% in any class shall lose their candidacy/membership. • Candidates/Members shall exhibit self-discipline worthy of emulation by other students. Any misconduct resulting in disciplinary action whereby the candidate/member is assigned detention, suspension, or expulsion shall result in loss of candidacy/membership.

### **Late to Class**

Students are expected to be in their assigned rooms and ready to work at the beginning of each class. Students generally are allowed two (2) minutes to get to their next class. If a student is late for class, it is the student’s responsibility to present a late slip to the classroom teacher. If no late slip is presented, the teacher may record the student as late to class on the classroom records indicating the date and the time the student arrived in class. If the student was legally detained, he/she must present a pass from the teacher within 24 hours to avoid being recorded late. The second and each succeeding tardy may result in detention issued by the classroom teacher. Arriving ten minutes late to class without an excuse is considered a class cut.

### **Law Enforcement Agencies**

Whenever necessary to protect the rights of all students and school employees, the middle school will involve the appropriate law enforcement agencies. Therefore, students who threaten, disrupt, assault, harass, fight or do any act to harm the educational climate of the school and violate the law are subject to charges of disorderly conduct, assault, etc.

### **Leaving School Property**

No pupil is permitted to leave the school property during the school day without the permission of either the middle school principal or from a member of the office staff. Leaving school property without permission may result in suspension.

### **Lockers**

A hall locker will be provided for each student at middle school. Students are not permitted to share lockers. Students are responsible for the contents of their lockers. They may not display stickers, obscene pictures, or items related to drugs, alcohol or tobacco. Students should not leave valuable items in their lockers. The school can assume no responsibility for lost or stolen articles. School lockers are considered part of school property and therefore subject to inspection by school officials. Students are issued a combination Master Lock to be used on his/her assigned locker. Students must use the lock that is issued to them through the Middle School. If the Master Lock is lost or damaged, the student will have to replace the lock at a cost of \$5.00 through the Middle School

Office. Students are not permitted to put stickers or any other type of markings on the lock itself. All lockers are to be kept locked at all times.

### **Medication**

Whenever possible, medication should be taken before or after school. If medication must be taken during school hours, it must be accompanied by a written note from a physician and parent listing the student's name, diagnosis, medication, date(s) to be given and time of administration. Medication forms are available in the health room or can be downloaded from the middle school website at any time. Medication must be brought to school by a parent/guardian. No students should ever carry medication. All medication is to be taken under the supervision of the nurse. Failure to comply with these guidelines is considered a violation of our district's drug and alcohol policy.

### **Music**

It is important that every band and chorus member is present for rehearsals. Saturday and evening rehearsal is an excellent opportunity for the entire band or chorus to fine-tune itself for a performance. While attendance at a Saturday or evening rehearsal is highly recommended, it is not a requirement. Students who cannot attend should notify the director well in advance with a note from their parents stating the reason they cannot attend. The director may require attendance at Saturday or evening practices for Stage Band or Pop Group. Note: All band and chorus students are required to participate in the following four performances: Winter Concert, Spring Concert, Pot Pie Supper, and the Memorial Day Parade. Attendance for these performances will reflect in the student's grade. All drop/adds for Band and Chorus must occur by the end of 2<sup>nd</sup> quarter. The principal may declare a student ineligible to participate in music based on academic eligibility.

### **Non-Discrimination Policy (District Policy #103 & #103.1)**

The Kutztown Area School District is an equal opportunity education institution and will not discriminate on the basis of race, color, national origin, sex, religion or handicap in its activities, programs or employment practices as required as required by Title VI, Title IX and Section 504. For information regarding 1) civil rights, 2) grievance procedures or 3) services, activities, and facilities that are accessible to and usable by handicapped persons, contact district compliance officer, 251 Long Lane, Kutztown, PA 19530 610-683-7361.

### **Online Educational Services**

With our emphasis on providing students with robust resources that enhance their learning, students will be using a variety of online services and programs to support their instruction. These web-based resources are designed to help students learn, collaborate, research, and engage with content in multiple ways.

Students will be provided with **Gsuite for Education** (Google) accounts with access to the suite of applications provided by Google including email, word processing, presentation, website creation, and spreadsheet tools. The Google account is also used to log in to other devices, such as Chromebooks, and other online educational applications. Student email accounts are limited to correspondence between district email accounts and addresses otherwise approved by the district.

Many of the other **online educational services** we utilize can be found on the district web page at [www.kasd.org/OnlineServices](http://www.kasd.org/OnlineServices), which includes more information on the products and links to their privacy policies. This list is updated regularly and parents should check back often for new approved resources.

Resources for parents and family tip sheets are available on our website at: [www.kasd.org/DigitalCitizenship](http://www.kasd.org/DigitalCitizenship). For more information about our online programs and services, please contact the school district's office of educational technology at (484) 641-5532.

### **Personal Appearance**

The following guidelines have been established by the school and will be enforced to ensure that every student's hair and dress does not disrupt the educational process or constitute a health or safety hazard. The application of this policy shall be consistent with the rights of disabled students:

- Students have the responsibility to keep themselves, their hair and clothes neat and clean. Students will not be permitted to attend class where there is evidence that a lack of cleanliness constitutes a health hazard.
- Students may not wear destructive clothing, jewelry, footwear, or hairstyles that may cause damage to school property or present a threat to the health and safety of the school community.
- Skirts, shorts, and skorts must be fingertip length (when standing with arms held naturally to the side). • Revealing muscle or low-cut bare midriff shirts are not permitted. Sleeveless shirts or dresses must have at least two-inch straps at shoulders
- Hats, hoods, and sunglasses may not be worn in the school, unless a special dress day is occurring with permission.
- Any hairstyle, clothing, jewelry, footwear, or other apparel that causes a disruption or an impediment to the quality of the education process for other students or the school shall not be permitted. Parents may

be requested to bring in suitable clothing before the student may return to class. Students will be required to wear a belt if it is necessary to keep pants at an appropriate height. Students should have footwear on at all times.

- Students may not wear jewelry, chains of any large caliber, headbands, footwear (shoes with wheels, or other apparel which contains indecent, sexually suggestive or unsavory slogans, expressions, words, or symbols. Students are also prohibited from wearing any clothing, jewelry, footwear or other apparel, which promotes the use of illegal or dangerous substances or promotes or symbolizes gang activity or membership.
- Shirts worn by males and females should be at a length to be able to be tucked in, so as not to show their stomach area. Display of the midriff area is prohibited.
- Students may not wear any clothing with large buckles, straps, or pieces of metal on them.
- Pants must be worn at the waist.
- Writing on skin and on student clothing is prohibited.

### **Physicals Exams**

Pennsylvania mandates all 6<sup>th</sup> grade students have physical exams and 7<sup>th</sup> grade students have dental exams. We recommend having these done at the child's physician or dentist for continuity of care. Additionally, all 6<sup>th</sup> and 7<sup>th</sup> grade students must be screened for scoliosis. Sixth graders will be checked during their physicals and 7<sup>th</sup> graders will be screened during a physical education class. Medication, Physical, and Dental forms may be downloaded from the KASD website. All children enrolled in Pennsylvania schools will have their height and weight measured. This will be used to calculate their body mass index (BMI). BMI is a screening tool used to determine whether a child is overweight or underweight.

### **Plagiarism/Cheating**

Plagiarism is the act of submitting the writing or ideas of someone else as your own. It is a criminal act—a form of stealing that can, in extreme cases, result in fines or imprisonment. It is unethical and inevitably causes serious damage to the reputation of the guilty party. Because of the legal and moral implications, acts of plagiarism cannot be condoned or go undisciplined within our school community. In order to ensure fairness and consistency in handling this problem, incidents of plagiarism will be dealt with as follows:

A student found guilty of plagiarism in a class assignment will \*(1) receive an "F" for the assignment in question; (2) be assigned up to a three day in school suspension (3) be required to attend a conference with student, parent, and principal and/or counselor.

\*If the offense is extra-curricular (e.g., publication), the student will be dismissed from the activity for the remainder of school year.

In case of a research paper or similar major assignment where an "F" will result in course failure, the student will be permitted to re-submit the assignment on a new topic, under strict supervision of the classroom teacher. The act of sharing work with another student for the purpose of allowing that student to present that work as their own is also a violation of school rules. Any student found to be conspiring to commit plagiarism will be subject to discipline as detailed in the plagiarism policy. Additionally, work that is created by artificial intelligence applications (such as ChatGPT) is not original student work, and therefore, is a form of cheating / plagiarism.

### **Prohibited Items**

Portable radios, cassette/disc players, iPods, MP3 players, pagers, playing cards, water pistols, food/drink, energy drinks, laser devices, weapons of any nature, rollerblades, scooters, skateboards, and toys are not permitted on school property without prior permission from the school principal. Cell phones are to be turned off and kept in the student's locker. Cell phones may be confiscated and returned at the end of the day if seen or heard after the start of the school day. Second offense, they will be returned to a parent at the end of the school day. Students are not permitted to use a camera or recording device without prior approval from the principal. There are classroom activities that require the use of headphones, students bringing air pods, ear buds, headphones and the like with them to school are responsible for these items. They should be kept in a safe place during the school day to avoid incident.

### **Searches (Policy #226)**

School officials hereby inform students that their hall lockers, gym lockers, band instrument storage cases, book bags, and other "publicly" accessible locations are subject to search at any time and without additional prior notice.

### **Smoking Policy (Policy #222)**

ACT 145 of 1996 amends the Crimes Code to include language prohibiting students from possessing or using tobacco in a school building, a school bus or on school property. School districts are granted the authority to initiate prosecution for any such offense. Upon conviction a student will be found guilty of a summary offense and subject

to a fine of up to \$50 plus court costs. Fines collected will benefit the student's school district. The court may admit the student to an adjudication alternative in lieu of the fine. Such a summary offense is not reportable as a criminal act. Refer to Board Policy #5147. This is in addition to disciplinary action taken by the school. Smoking in the school building, on school property, and on property adjacent to the school is strictly prohibited. Likewise, students fall under the school's jurisdiction and "no smoking rule" during the period of time both "to" and "from" school. Any cigarettes, matches, lighters, etc. found in the possession of a student will be confiscated. Possession of these items is a violation of school rules and will result in disciplinary action.

### **Special Education (District Policy #113)**

In compliance with state and federal law, notice is hereby given by the Kutztown Area School District that it conducts ongoing identification activities as a part of its school program for the purpose of identifying disabled students who may be in need of special education and related services (eligible students). Individualized services and programs are available for children who are determined to need specially designed instruction due to the following conditions:

Autism/pervasive development disorder	Neurological impairment
Blindness or visual impairment	Other health impairments
Deafness or hearing impairment	Physical disability
Developmental delay	Serious emotional disturbance
Mentally gifted	Specific learning disability
Mental retardation	Speech and language impairment
Multi handicapped	

If you believe that your school-age child may be in need of special education services and related programs, or young child (age 3 to school-age) may be in need of early intervention, screening and evaluation processes designed to assess the needs of the child and his/her eligibility are available to you at no cost, upon written request. You may request screening and evaluation at any time, whether or not your child is enrolled in the District's public-school program. Requests for evaluation and screening are to be made in writing to building principals or guidance counselors.

### **Student Assistance Program (SAP)**

The Kutztown School District has established a Student Assistance Program to provide intervention among students experiencing chemical abuse/dependency and other "at risk" symptoms, including pregnancy, eating disorders, depression, etc. A trained team of professional staff members at Kutztown Area Middle School will work with students based upon self-referrals, peer referrals, staff referrals, and parental requests. The school is linked with outside agencies to provide appropriate professional services to students.

### **Student Expression (District Policy #220)**

The Kutztown Area School Board recognizes students' Constitutional right to freedom of expression. Please refer to the full policy included at the end of this handbook, or on the district's website for procedures and protections as they relate to student expression.

### **Summer School**

If a student fails two or more major classes, summer school is a mandatory requirement and a passing grade must be attained to be promoted to the next grade level. If a student fails the same major course two (2) consecutive years in a row, it is a mandatory requirement to take the failed course and pass it in summer school. If the student does not take the course, or fails it in summer school, the student will be retained for the school year. If a student fails three (3) major subjects, they may not take summer school and will be retained.

### **Tardiness**

A student is tardy to school when he/she is not present in the assigned classroom by 7:40 AM. Students who are tardy must report to the Middle School office upon arrival. Tardies may be excused when accompanied by a note from a doctor/dentist. An accumulation of 4 days of tardiness will result in after-school detention and every fourth tardy thereafter. Any student arriving to school after 10:16 AM will be considered a half day absent and must have a note from a physician. Otherwise, it is considered an unlawful AM absence and it is cumulated along with other absences.

### **Transportation Services**

The legal responsibility for each individual student on a school bus falls on the bus driver. The driver can safely carry out this responsibility only if all students cooperate to the fullest extent. The bus drivers are in charge of the vehicles and therefore have the same authority as the classroom teacher. An office referral from the bus driver is handled in the same manner as an office referral from a classroom teacher.

## Rules and Regulations

- No eating on the bus.
- Cooperate with the driver.
- Stay in your seat.
- Keep head, hands and feet inside the bus.
- Bus driver is authorized to assign seats.
- Students are not permitted to leave the bus before arriving at school.
- In the evening students are required to board the bus at the middle school building unless given special permission to board at the high school.
- Students are only permitted to ride their assigned bus. A student is not permitted to take a friend home on the bus if the friend is not regularly assigned to the bus.

Note: Disciplinary action may include the loss of the privilege to ride the bus.

### **NOTICE OF USE OF AUDIO AND/OR RECORDING DEVICES ON SCHOOL BUSES AND/OR OTHER SCHOOL VEHICLES**

*The safety of your children is of highest priority to the Kutztown Area School District.* The purpose of this information is to provide you with the required notice that to the extent permitted by Pennsylvania law, audio and/or video recording devices may be used on all District operated school buses and/or other school vehicles to monitor the health, safety, and welfare of all students and staff. For additional information regarding the District's use of audio and/or video recording devices and/or the maintenance, storage, and/or disclosure of the audio and/or video recordings, please see Board Policy No. [810.2]. Policy [810.2] governs the use of audio and/or video cameras on school buses and other school vehicles.

### **Weapons on School Property**

It is the policy of the Berks County Juvenile Court that if a juvenile carries a gun or any other dangerous weapon onto a school setting, absent extraordinary and compelling reasons, that youth will be placed outside his/her home when such a case is referred to the Juvenile Court. In order to implement this policy, the Court urges all Berks County schools to adopt a working procedure of requesting immediate police investigation of all incidents involving the possession of dangerous weapons on school grounds. The Court also urges that an immediate request for emergency detention be made to the Juvenile Probation Office for any youth implicated in the transportation or possession of a dangerous weapon on school property. To some, this policy may seem unduly harsh, particularly if there is no injury or attempt to actually use the weapon. Nonetheless, if this Juvenile Court Policy is to serve its intended deterrent effect, it is important that all students recognize the severity with which violations of this nature will be treated.

### **Schedules**

The schedule contains a six-day cycle. This means there are six different daily schedules. These days are called Day A, Day B, Day C, Day D, Day E, and Day F. Weekends, holiday, and weather emergency days will not break the cycle. For example; if the middle school is on Day C on a Friday and we have Monday as a vacation day, when school resumes on Tuesday, the Day D schedule will be followed.

Grade 6		Grade 7		Grade 8	
7:40-7:50	Homeroom	7:40-7:50	Homeroom	7:40-7:50	Homeroom
7:50-8:25	Advisory (37)	7:50-8:25	Advisory (37)	7:50-8:25	Advisory (37)
8:28-9:16	Period 1 C (48)	8:28-9:16	Period 1 C (48)	8:30-9:10	Period 1 E (40)
9:19-10:07	Period 2 C (48)	9:19-10:07	Period 2 C (48)	9:13-9:53	Period 2 E (40)
10:11-10:52	Period 3 E (40)	10:10-10:58	Period 3 C (48)	9:56-10:35	Period 3 C (39)
10:55-11:35	Period 4 E (40)	11:02-11:50	Period 4 C (48)	10:37-11:17	Period 4 C (40)
11:38-12:27	Period 5 C (48)	11:53-12:23	Period 5/6 L	11:18-11:48	Period 5 L
12:30-1:00	Period 6/7 L	12:26-1:17	Period 7 C (48)	11:50-12:32	Period 6 C (40)
1:03-1:51	Period 8 C (48)	1:19-1:59	Period 8 E (40)	12:34-1:14	Period 7 C (40)
1:55-2:43	Period 9 C (48)	2:03-2:43	Period 9 E (40)	1:18-1:58	Period 8 C (40)
				2:01-2:43	Period 9 C (40)

## District Policies

The policies below are referenced at points throughout the Kutztown Area Middle School Handbook or are required to be included in the Handbook. All policies can be found on the [school district website](#).

### **Policy 103: Discrimination/Title IX Sexual Harassment Affecting Students**

#### **Authority**

The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the schools without discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability. [\[1\]\[2\]\[3\]\[4\]\[5\]\[6\]\[7\]\[8\]\[9\]\[10\]\[11\]\[12\]\[13\]\[14\]\[15\]\[16\]](#)

The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The district is committed to the maintenance of a safe, positive learning environment for all students that is free from discrimination by providing all students course offerings, counseling, assistance, services, employment, athletics and extracurricular activities without any form of discrimination, including Title IX sexual harassment. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the district and is prohibited at or, in the course of, district-sponsored programs or activities, including transportation to or from school or school-sponsored activities.

Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures. [\[17\]\[18\]\[19\]](#)

The Board directs that the foregoing statement of Board policy be included in each student and staff handbook, and that this policy and related attachments be posted to the district's website.

The Board requires a notice stating that the district does not discriminate in any manner, including Title IX sexual harassment, in any district education program or activity, to be issued to all students, parents/guardians, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator.

#### **Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation**

The Board encourages students and third parties who believe they or others have been subject to Title IX sexual harassment, other discrimination or retaliation to promptly report such incidents to the building principal, even if some elements of the related incident took place or originated away from school grounds, school activities or school conveyances. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.



The student's parents/guardians or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.[20]

If the building principal is the subject of a complaint, the student, third party or a reporting employee shall report the incident directly to the Title IX Coordinator.

The complainant or the individual making the report may use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, verbal reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

The building principal shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in Attachment 2 to this policy, or if the reported circumstances meet the definition of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other Board policies.

#### Disciplinary Procedures When Reports Allege Title IX Sexual Harassment

When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in Attachment 3. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.[18][21]

When an emergency removal, as described in Attachment 3, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.[17][18][21]

When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.

#### Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report and the investigation related to any form of discrimination or retaliation, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, this policy, the attachments and the district's legal and investigative obligations.[22][23][24][25][26]

## Retaliation

The Board prohibits retaliation by the district or any other person against any person for: [\[25\]](#)

1. Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment.
2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.
3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have occurred.

## Definitions

**Complainant** shall mean an individual who is alleged to be the victim.

**Respondent** shall mean an individual alleged to be the perpetrator of the discriminatory conduct.

## Discrimination

**Discrimination** shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, or handicap/disability.

**Harassment** is a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when such conduct is:

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

## Definitions Related to Title IX Sexual Harassment

**Formal complaint** shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. [\[24\]](#)[\[27\]](#)

**Supportive measures** shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. [\[27\]](#)

**Supportive measures** shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. **Supportive measures** may include, but are not limited to: [\[27\]](#)

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work or housing locations.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. Assistance from domestic violence or rape crisis programs.

11. Assistance from community health resources including counseling resources.

**Supportive measures** may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student’s behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Board policy.[21]

**Title IX sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:[27]

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual’s participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
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 a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.
  - a. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:[28]
    - i. Length of relationship.
    - ii. Type of relationship.
    - iii. Frequency of interaction between the persons involved in the relationship.
  - b. **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 federal funding, 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.[28]

- c. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[\[29\]](#)
- d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:[\[28\]](#)
  - i. Fear for their safety or the safety of others.
  - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.[\[23\]](#)[\[24\]](#)[\[27\]](#)

### **Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Assistant Superintendent as the district's Compliance Officer and Superintendent as the district's Title IX Coordinator.[\[30\]](#)

The Compliance Officer can be contacted at:

Address: 251 Long Lane, Kutztown, PA 19530  
 Email: [openrecordsoffice@kasd.org](mailto:openrecordsoffice@kasd.org)  
 Phone Number: 610 683-7361

The Title IX Coordinator can be contacted at:

Address: 251 Long Lane, Kutztown, PA 19530  
 Email: [openrecordsoffice@kasd.org](mailto:openrecordsoffice@kasd.org)  
 Phone Number: 610 683-7361

The Compliance Officer and Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of the district's nondiscrimination procedures in the following areas, as appropriate:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provide training for students and staff to prevent, identify and alleviate problems of discrimination.
3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to the police, and available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
4. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
5. District Support - Assure that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment, and related

areas.[31]

6. Student Evaluation - Review of assessments, procedures, and guidance and counseling materials for stereotyping and discrimination.
7. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing informal reports and formal complaints.

### **Guidelines**

#### **Title IX Sexual Harassment Training Requirements**

The Compliance Officer and Title IX Coordinator, investigator(s), decision-maker(s), or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment shall receive the following training, as required or appropriate to their specific role:

1. Definition of sexual harassment.
2. Scope of the district's education program or activity, as it pertains to what is subject to Title IX regulations.
3. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals and informal resolution processes, as applicable.
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.
5. Use of relevant technology.
6. Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
7. Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.
8. How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or Board policy.

All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.

All training materials shall be posted on the district's website.

#### **Disciplinary Consequences**

A student who is determined to be responsible for violation of this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:[17][18]

1. Loss of school privileges.
2. Permanent transfer to another school building, classroom or school bus.
3. Exclusion from school-sponsored activities.
4. Detention.
5. Suspension.
6. Expulsion.
7. Referral to law enforcement officials.

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[19][32][33]

#### Reports of Discrimination

Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in Attachment 2 to this policy.

#### Reports of Title IX Sexual Harassment

Any reports deemed by the Title IX Coordinator to meet the definition of sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3 to this policy.

### **Policy 103.1 Nondiscrimination - Qualified students with Disabilities**

#### **Authority**

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

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

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

The Board directs that complaints of discrimination or harassment shall be investigated promptly, and corrective or preventative action be taken for substantiated allegations.

#### **Confidentiality**

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be maintained, consistent with the district's legal and investigative obligations.

#### **Retaliation**

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

## **Definitions**

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

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

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

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

## **Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable law and regulations, the Board designates the Assistant Superintendent as the district's Section 504 Coordinator.[\[14\]](#)

In addition, each school within the district shall have a Section 504 building administrator.

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

## **Guidelines**

### **Identification and Evaluation**

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

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

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

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

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

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

#### Service Agreement

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

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

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

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

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

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

#### Parental Involvement



Parents/Guardians have the right to inspect and review all relevant school records of the student, meet with the appropriate school officials to discuss any and all issues relevant to the evaluation and accommodations of their child, and give or withhold their written consent to the evaluation and/or the provision of services.[\[13\]](#)[\[19\]](#)[\[20\]](#)[\[28\]](#)

### Confidentiality of Student Records

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

### Discipline

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

### Referral to Law Enforcement and Reporting Requirements

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

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a qualified student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies. The Superintendent or designee shall respond in a manner that is consistent with the student's Service Agreement and Behavior Support Plan, if applicable.[\[11\]](#)[\[13\]](#)[\[21\]](#)[\[30\]](#)[\[33\]](#)[\[38\]](#)[\[39\]](#)[\[40\]](#)[\[41\]](#)[\[42\]](#)[\[43\]](#)[\[44\]](#)[\[45\]](#)[\[46\]](#)[\[47\]](#)

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

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

In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by qualified students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-

sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.[\[36\]](#)

## PROCEDURAL SAFEGUARDS

The district shall establish and implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student's parent/guardian, and a review procedure.[\[28\]](#)[\[49\]](#)

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

### Parental Request for Assistance

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

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

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

### Informal Conference

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

### Formal Due Process Hearing

If the matters raised by the district or parents/guardians are not resolved at the informal conference, the district or parents/guardians may submit a written request for an impartial due process hearing. The hearing shall be held before an impartial hearing officer and shall be conducted in accordance with state regulations.[\[28\]](#)[\[50\]](#)

### Judicial Appeals

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

## COMPLAINT PROCEDURE

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

### Step 1 – Reporting

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

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Section 504 building administrator, as well as properly making any mandatory police or child protective services reports required by law.[51]

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

The complainant or reporting employee may be encouraged to use the district's report form, available from the Section 504 building administrator or Section 504 Coordinator, or to put the complaint in writing; however, oral complaints shall be accepted, documented and the procedures of this policy implemented. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

### Step 2 – Investigation

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

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

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused may suggest additional witnesses and provide other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the

process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Section 504 Coordinator, who shall promptly inform law enforcement authorities about the allegations. [10][51][52][53]

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

### Step 3 – Investigative Report

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

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into disability harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

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

### Step 4 – District Action

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

complainant. The Section 504 Coordinator shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If the investigation results in a finding that a different policy was violated separately from or in addition to violations of this policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.

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

### Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, s/he may submit a written appeal to the district's Section 504 Coordinator within fifteen (15) days.
2. The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.
3. The Section 504 Coordinator shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

### **Policy 200 Enrollment of Students**

#### Authority

The Board shall enroll school age students eligible to attend district schools, in accordance with applicable laws and regulations, Board policy and administrative regulations. [\[1\]\[2\]\[3\]\[4\]\[5\]\[6\]](#)

#### Definitions

School age shall be defined as the period from the earliest admission age for the district's kindergarten program until graduation from high school or the end of the school term in which a student reaches the age of twenty-one (21) years, whichever occurs first. [\[1\]\[7\]](#)

District of residence shall be defined as the school district in which a student's parents/guardians reside. [\[2\]\[3\]](#)

#### Guidelines

School age resident students and eligible nonresident students shall be entitled to attend district schools. [\[1\]\[2\]\[3\]\[6\]\[8\]\[9\]](#)

The district shall not enroll a student until the parent/guardian has submitted proof of the student's age, residence and immunizations and a completed Parental Registration Statement, as required by law and regulations.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)

The district shall administer a home language survey to all students enrolling in district schools for the first time.[\[3\]](#)[\[14\]](#)

The district shall normally enroll a school age, eligible student the next business day, but no later than five (5) business days after application.[\[3\]](#)

The district shall immediately enroll students experiencing homelessness, foster care and other forms of educational instability, even if the student or parent/guardian is unable to produce the required documents, in accordance with Board policy, law and regulation.[\[5\]](#)[\[15\]](#)

The district shall not inquire about the immigration status of a student as part of the enrollment process.[\[3\]](#)

Enrollment requirements and administrative regulations shall apply to nonresident students approved to attend district schools, in accordance with Board policy.[\[9\]](#)

#### Delegation of Responsibility

The Superintendent or designee shall annually notify students, parents/guardians and staff about the district's enrollment policy by publishing such policy in the student handbook, parent newsletters, district website and other efficient methods.[\[4\]](#)

The Superintendent or designee shall develop and disseminate administrative regulations for the enrollment of eligible students in district schools.

### **Policy 204 Attendance**

#### Purpose

The Board recognizes that attendance is an important factor in educational success, and supports a comprehensive approach to identify and address attendance issues.[\[1\]](#)

#### Authority

The Board requires the attendance of all students during the days and hours that school is in session, except that temporary student absences may be excused by authorized district staff in accordance with applicable laws and regulations, Board policy and administrative regulations.[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)

#### Definitions

Compulsory school age shall mean the period of a student's life from the time the student's person in parental relation elects to have the student enter school, which shall be no later than six (6) years of age, until the student reaches eighteen (18) years of age. The term does not include a student who holds

a certificate of graduation from a regularly accredited, licensed, registered or approved high school.[\[8\]\[9\]](#)

Habitually truant shall mean six (6) or more school days of unexcused absences during the current school year by a student subject to compulsory school attendance.[\[8\]](#)

Truant shall mean having incurred three (3) or more school days of unexcused absences during the current school year by a student subject to compulsory school attendance.[\[8\]](#)

Person in parental relation shall mean a:[\[8\]](#)

1. Custodial biological or adoptive parent.
2. Noncustodial biological or adoptive parent.
3. Guardian of the person of a student.
4. Person with whom a student lives and who is acting in a parental role of a student.

This term shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child as defined by law.[\[10\]](#)

School-based or community-based attendance improvement program shall mean a program designed to improve school attendance by seeking to identify and address the underlying reasons for a student's absences. The term may include an educational assignment in an alternative education program, provided the program does not include a program for disruptive youth established pursuant to Article XIX-C of the Pennsylvania Public School Code.[\[8\]](#)

#### Delegation of Responsibility

The Superintendent or designee shall annually notify students, persons in parental relation, staff, local children and youth agency, and local magisterial district judges about the district's attendance policy by publishing such policy in student handbooks and newsletters, on the district website and through other efficient communication methods.[\[1\]\[11\]](#)

The Superintendent or designee, in coordination with the building principal, shall be responsible for the implementation and enforcement of this policy.

The Superintendent or designee shall develop administrative regulations for the attendance of students which:

1. Govern the maintenance of attendance records in accordance with law.[\[12\]\[13\]](#)
2. Detail the process for submission of requests and excuses for student absences.
3. Detail the process for written notices, School Attendance Improvement Conferences, School Attendance Improvement Plans, and referrals to a school-based or community-based attendance improvement program, the local children and youth agency, or the appropriate magisterial

district judge.

4. Clarify the district's responsibility for collaboration with nonpublic schools in the enforcement of compulsory school attendance requirements.
5. Ensure that students legally absent have an opportunity to make up work.

## Guidelines

### Compulsory School Attendance Requirements

All students of compulsory school age who reside in the district shall be subject to the compulsory school attendance requirements.[\[2\]](#)

A student shall be considered in attendance if present at any place where school is in session by authority of the Board; the student is receiving approved tutorial instruction, or health or therapeutic services; the student is engaged in an approved and properly supervised independent study, work-study or career education program; the student is receiving approved homebound instruction; or the student's placement is instruction in the home.[\[2\]](#)[\[5\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)[\[18\]](#)[\[19\]](#)[\[20\]](#)

The following students shall be excused from the requirements of attendance at district schools, upon request and with the required approval:

1. On certification by a physician or submission of other satisfactory evidence and on approval of the Department of Education, children who are unable to attend school or apply themselves to study for mental, physical or other reasons that preclude regular attendance.[\[3\]](#)[\[4\]](#)[\[21\]](#)
2. Students enrolled in nonpublic or private schools in which the subjects and activities prescribed by law are taught.[\[2\]](#)[\[22\]](#)
3. Students attending college who are also enrolled part-time in district schools.[\[23\]](#)
4. Students attending a home education program or private tutoring in accordance with law.[\[2\]](#)[\[18\]](#)[\[24\]](#)[\[25\]](#)[\[26\]](#)[\[27\]](#)
5. Students fifteen (15) or sixteen (16) years of age whose enrollment in private trade or business schools has been approved.[\[2\]](#)
6. Students fifteen (15) years of age, as well as students fourteen (14) years of age who have completed the highest elementary grade, engaged in farm work or private domestic service under duly issued permits.[\[4\]](#)
7. Students sixteen (16) years of age regularly engaged in useful and lawful employment during the school session and holding a valid employment certificate. Regularly engaged means thirty-five (35) or more hours per week of employment.[\[4\]](#)[\[15\]](#)

### Excused/Lawful Absence



For purposes of this policy, the following conditions or situations constitute reasonable cause for absence from school:

1. Illness, including if a student is dismissed by designated district staff during school hours for health-related reasons.[\[3\]\[6\]](#)
2. Obtaining professional health care or therapy service rendered by a licensed practitioner of the healing arts in any state, commonwealth or territory.[\[3\]](#)
3. Quarantine.
4. Family emergency.
5. Recovery from accident.
6. Required court attendance.
7. Death in family.
8. Participation in a project sponsored by a statewide or countywide 4-H, FFA or combined 4-H and FFA group, upon prior written request.[\[1\]\[3\]](#)
9. Participation in a musical performance in conjunction with a national veterans' organization or incorporated unit, as defined in law, for an event or funeral.[\[3\]](#)
  - a. The national veterans' organization or incorporated unit must provide the student with a signed excuse, which shall include the date, location, and time of the event or funeral.
  - b. The student shall furnish the signed excuse to the district prior to being excused from school.
10. Observance of a religious holiday observed by a bona fide religious group, upon prior written request from the person in parental relation.[\[28\]](#)
11. Nonschool-sponsored educational tours or trips, if the following conditions are met:[\[3\]\[29\]](#)
  - a. The person in parental relation submits the required documentation for excusal prior to the absence, within the appropriate timeframe.
  - b. The student's participation has been approved by the Superintendent or designee.
  - c. The adult directing and supervising the tour or trip is acceptable to the person in parental relation and the Superintendent.
12. College or postsecondary institution visit, with prior approval.
13. Other urgent reasons that may reasonably cause a student's absence, as well as circumstances related to homelessness, foster care and other forms of educational instability.[\[3\]\[6\]\[30\]](#)

The district may limit the number and duration of nonschool-sponsored educational tours or trips and/or college or postsecondary institution visits for which excused absences may be granted to a student during the school year.

*Temporary Excusals –*

The following students may be temporarily excused from the requirements of attendance at district schools:

1. Students receiving tutorial instruction in a field not offered in the district's curricula from a properly qualified tutor approved by the Superintendent, when the excusal does not interfere with the student's regular program of studies. [\[2\]](#)[\[14\]](#)[\[18\]](#)
2. Students participating in a religious instruction program, if the following conditions are met:[\[28\]](#)[\[31\]](#)
  - a. The person in parental relation submits a written request for excusal. The request shall identify and describe the instruction, and the dates and hours of instruction.
  - b. The student shall not miss more than thirty-six (36) hours per school year in order to attend classes for religious instruction.
  - c. Following each absence, the person in parental relation shall submit a statement attesting that the student attended the instruction, and the dates and hours of attendance.
3. School age children unable to attend school upon recommendation of the school physician and a psychiatrist or school psychologist, or both, and with approval of the Secretary of Education. [\[21\]](#)

*Parental Notice of Absence –*

Absences shall be treated as unexcused until the district receives a written excuse explaining the absence, to be submitted within three (3) days of the absence. A maximum of ten (10) days of cumulative lawful absences verified by parental notification shall be permitted during a school year. All absences beyond ten (10) cumulative days shall require an excuse from a licensed practitioner of the healing arts.

*Unexcused/Unlawful Absence*

For purposes of this policy, absences which do not meet the criteria indicated above shall be permanently considered unexcused.

An out-of-school suspension may not be considered an unexcused absence. [\[8\]](#)

*Parental Notification –*

District staff shall provide prompt notice to the person in parental relation upon each incident of unexcused absence.

## Enforcement of Compulsory Attendance Requirements

### *Student is Truant –*

When a student has been absent for three (3) days during the current school year without a lawful excuse, district staff shall provide notice to the person in parental relation who resides in the same household as the student within ten (10) school days of the student's third unexcused absence.[\[32\]](#)

The notice shall:[\[32\]](#)

1. Be in the mode and language of communication preferred by the person in parental relation;
2. Include a description of the consequences if the student becomes habitually truant; and
3. When transmitted to a person who is not the biological or adoptive parent, also be provided to the student's biological or adoptive parent, if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.

The notice may include the offer of a School Attendance Improvement Conference.[\[32\]](#)

If the student incurs additional unexcused absences after issuance of the notice and a School Attendance Improvement Conference was not previously held, district staff shall offer a School Attendance Improvement Conference.[\[32\]](#)

### *School Attendance Improvement Conference (SAIC) –*

District staff shall notify the person in parental relation in writing and by telephone of the date and time of the SAIC.[\[32\]](#)

The purpose of the SAIC is to examine the student's absences and reasons for the absences in an effort to improve attendance with or without additional services.[\[8\]](#)

The following individuals shall be invited to the SAIC:[\[8\]](#)

1. The student.
2. The student's person in parental relation.
3. Other individuals identified by the person in parental relation who may be a resource.
4. Appropriate school personnel.
5. Recommended service providers.

Neither the student nor the person in parental relation shall be required to participate, and the SAIC shall occur even if the person in parental relation declines to participate or fails to attend the scheduled conference.[\[32\]](#)

The outcome of the SAIC shall be documented in a written School Attendance Improvement Plan. The Plan shall be retained in the student's file. A copy of the Plan shall be provided to the person in parental relation, the student and appropriate district staff.[\[32\]](#)

The district may not take further legal action to address unexcused absences until the scheduled SAIC has been held and the student has incurred six (6) or more days of unexcused absences.[\[32\]](#)

*Student is Habitually Truant –*

When a student under fifteen (15) years of age is habitually truant, district staff:[\[33\]](#)

1. Shall refer the student to:
  - a. A school-based or community-based attendance improvement program; or
  - b. The local children and youth agency.
2. May file a citation in the office of the appropriate magisterial district judge against the person in parental relation who resides in the same household as the student.[\[33\]](#)

When a student fifteen (15) years of age or older is habitually truant, district staff shall:[\[33\]](#)

1. Refer the student to a school-based or community-based attendance improvement program; or
2. File a citation in the office of the appropriate magisterial district judge against the student or the person in parental relation who resides in the same household as the student.

District staff may refer a student who is fifteen (15) years of age or older to the local children and youth agency, if the student continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program, or if the student refuses to participate in such program.[\[33\]](#)

Regardless of age, when district staff refer a habitually truant student to the local children and youth agency or file a citation with the appropriate magisterial district judge, district staff shall provide verification that the school held a SAIC.[\[33\]](#)

*Filing a Citation –*

A citation shall be filed in the office of the appropriate magisterial district judge whose jurisdiction includes the school in which the student is or should be enrolled, against the student or person in parental relation to the student.[\[34\]](#)

Additional citations for subsequent violations of the compulsory school attendance requirements may only be filed against a student or person in parental relation in accordance with the specific provisions of the law.[\[34\]](#)

Special Needs and Accommodations

If a truant or habitually truant student may qualify as a student with a disability, and require special education services or accommodations, the Director of Special Education shall be notified and shall take action to address the student's needs in accordance with applicable law, regulations and Board policy.[16][35][36][37]

For students with disabilities who are truant or habitually truant, the appropriate team shall be notified and shall address the student's needs in accordance with applicable law, regulations and Board policy.[16][35][37]

#### Discipline

The district shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.[32]

### **Policy 220 Student Expression/Dissemination of Materials**

#### Purpose

The right of public school students to freedom of speech is guaranteed by the Constitution of the United States and the constitution of the Commonwealth. The Board respects the right of students to express themselves in word or symbol and to disseminate nonschool materials to others as a part of that expression. The Board also recognizes that the exercise of that right is not unlimited and must be balanced with the district's responsibility to maintain a safe and orderly school environment and to protect the rights of all members of the school community.[1]

This policy addresses student expression in general as well as dissemination of expressive materials that are not part of district-sponsored activities (nonschool materials).

This policy does not apply to materials sought to be disseminated as part of the curricular or extracurricular programs of the district, which shall be regulated separately as part of the school district's educational program.

#### Definitions

For the purposes of this policy, dissemination shall mean students distributing or publicly displaying nonschool materials to others:

On school property or during school-sponsored activities by placing such materials upon desks, tables, on or in lockers, walls, doors, bulletin boards, or easels; by handing out such materials to other persons; or by any other manner of delivery to others; or

At any time or location when creating or sending information using email, websites, online platforms, social media channels or other technological means that are owned, provided or sponsored by the school district.

Dissemination is the act or process of distributing, spreading, broadcasting or dispersing widely. Dissemination sends information to an audience without direct contact to the receiver and without a direct response or clarification method that a conversation or dialogue would have.

Expression means verbal, written, technological or symbolic representation or communication.

Nonschool materials means any printed, technological or written materials, regardless of form, source or authorship, that are not prepared as part of the curricular or approved extracurricular programs of the district. This includes, but is not limited to, fliers, invitations, announcements, pamphlets, posters, online discussion areas and digital bulletin boards, personal websites and the like.

Authority

Limitations on Student Expression

Students have the right to express themselves unless such expression is likely to or does materially and substantially disrupt or interfere with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights. Student expression is prohibited to the extent that it:[\[1\]](#)

Violates federal, state or local laws, Board policy or district rules or procedures;

Is defamatory, obscene, lewd, vulgar or profane;[\[2\]](#)

Advocates the use or advertises the availability of any substance or material that may reasonably be believed to constitute a direct and serious danger to the health or welfare of students, such as tobacco/vaping products, alcohol or illegal drugs;

Incites violence, advocates use of force or threatens serious harm to the school or community;

Materially and substantially disrupts or interferes with the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions;

Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs; or

Violates written district procedures on time, place and manner for dissemination of otherwise protected expression.

Student expression that occurs on school property or at school-sponsored events, or occurs at any time or place when created or communicated using district-provided equipment, email, websites or other technological resources, is subject to this policy. The limitations, prohibitions and requirements of this policy shall apply to expression that occurs outside the foregoing circumstances only when and to the extent that the out-of-school expression:[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)

Incites violence, advocates use of force or otherwise threatens serious harm directed at students, staff or the school environment;

Materially and substantially disrupts or interferes with the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions; or

Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs.

#### Dissemination of Nonschool Materials

The Board requires that dissemination of nonschool materials shall occur only at the places and during the times set forth in written procedures. Such procedures shall be written and publicly available to permit the safe and orderly operation of schools, while recognizing the rights of students to engage in protected expression.[\[1\]\[3\]](#)

The Board requires that students who wish to disseminate nonschool materials on school property shall obtain approval by submitting them at least one (1) school day in advance to the building principal or designee, who shall forward a copy to the Superintendent.[\[1\]](#)

If the nonschool materials include matters prohibited by this policy, the building principal or designee shall promptly notify the students of the nature of the violation and that they may not disseminate the materials until the violation is corrected and the materials are resubmitted for approval. At the time of notification of disapproval, the principal will notify the requesting student of the appeal process.

If notice of disapproval is not given during the period between submission and the time for the planned dissemination, students may consider the request approved and proceed with dissemination as requested, subject to all other established procedures and requirements relating to time, place and manner of dissemination. Students may nonetheless be directed to cease or suspend dissemination if it is later determined that the materials or the dissemination of them are in violation of this policy or implementing rules and procedures.

Students who disseminate printed nonschool materials shall be responsible for clearing any litter that results from their activity and shall schedule the event so that they do not miss instructional time themselves.

Printed nonschool materials displayed in a fixed location of a school building shall bear the date when placed in each location. The district may remove the materials within ten (10) days of the posting or other reasonable time as stated in applicable procedures.

#### Review of Student Expression

Review of nonschool materials proposed for dissemination shall be conducted promptly so as to avoid unreasonable delay in dissemination.

School officials shall not censor or restrict nonschool materials or other student expression for the sole reason that it is critical of the school or its administration, or because the views espoused are unpopular or may make people uncomfortable.

Student-initiated religious expression is permissible, and apart from regarding time, place and manner, shall not be restricted unless the expression violates some other aspect of this policy, e.g., because it is independently determined to be in violation of this policy for reasons other than the religious nature of the content.

Appeal of the reviewer's decision may be made to the Superintendent and then to the Board, in accordance with Board policy and district procedures.[5]

An appeal made to the Superintendent should be submitted in writing to the Superintendent who will review the decision and respond to the appeal within forty-eight (48) hours of receiving the appeal.

If the student would like to appeal the decision of the Superintendent to the Board, the appeal should be submitted to the Superintendent in writing and the Board will review the appeal at the next regularly scheduled meeting.

#### Delegation of Responsibility

The Superintendent shall assist the building principal in determining the designation of the places and times nonschool materials may be disseminated in each school building. Such designations may take into account maintenance of the flow of student traffic throughout the school and shall limit dissemination of nonschool materials to noninstructional times.

When student dissemination of nonschool materials or other student expression violates this policy, the building principal may determine what if any disciplinary or other consequences should be imposed. Disciplinary actions shall be in accordance with applicable Board policy and the Code of Student Conduct.[6][7]

The Superintendent shall ensure that building principals and other staff involved in reviewing nonschool materials proposed for dissemination and evaluating whether violations of this policy have occurred receive training regarding applicable standards and procedures. Special emphasis shall be given to understanding the limitations on school officials' authority to regulate off-campus student expression, as well as the need to articulate in detail the nature and extent of disruption to or interference with the school environment thought to be caused by on or off-campus student expression and the specific manner by which the student expression involved is thought to have caused it.

This Board policy and any procedures written to implement this policy shall be referenced in student handbooks so that students can access them for further information.

#### **Policy 222 Tobacco and Vaping Products (excerpt)**

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



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

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

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

### **Policy 236.1 Threat Assessment (excerpt)**

The Board directs the Superintendent or designee, in consultation with the School Safety and Security Coordinator, to establish a threat assessment team and develop procedures for assessing and intervening with students whose behavior may indicate a threat to the safety of the student, other students, school employees, school facilities, the community and others.

### **Policy 247 Hazing**

#### **Purpose**

The purpose of this policy is to maintain a safe, positive environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the district and are prohibited at all times.

#### **Definitions**

**Hazing** occurs when a person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a student with an organization, or for the purpose of continuing or enhancing membership or status in an organization, causes, coerces or forces a student to do any of the following:[1]

1. Violate federal or state criminal law.
2. Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the student to a risk of emotional or physical harm.
3. Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
4. Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.
5. Endure brutality of a sexual nature.
6. Endure any other activity that creates a reasonable likelihood of bodily injury to the student.

**Aggravated hazing** occurs when a person commits an act of hazing that results in serious bodily injury or death to the student and:[2]

1. The person acts with reckless indifference to the health and safety of the student; or
2. The person causes, coerces or forces the consumption of an alcoholic liquid or drug by the student.

**Organizational hazing** occurs when an organization intentionally, knowingly or recklessly promotes or facilitates hazing. [\[3\]](#)[\[4\]](#)

Any activity, as described above, shall be deemed a violation of this policy regardless of whether: [\[5\]](#)

1. The consent of the student was sought or obtained, or
2. The conduct was sanctioned or approved by the school or organization.

**Student activity or organization** means any activity, society, corps, team, club or service, social or similar group, operating under the sanction of or recognized as an organization by the district, whose members are primarily students or alumni of the organization. [\[6\]](#)[\[7\]](#)

For purposes of this policy, **bodily injury** shall mean impairment of physical condition or substantial pain. [\[8\]](#)

For purposes of this policy, **serious bodily injury** shall mean bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. [\[8\]](#)

### **Authority**

The Board prohibits hazing in connection with any student activity or organization regardless of whether the conduct occurs on or off school property or outside of school hours. [\[4\]](#)[\[5\]](#)[\[7\]](#)[\[9\]](#)[\[10\]](#)

No student, parent/guardian, coach, sponsor, volunteer or district employee shall engage in, condone or ignore any form of hazing.

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

### **Delegation of Responsibility**

Students, parents/guardians, coaches, sponsors, volunteers, and district employees shall be alert to incidents of hazing and shall report such conduct to the building principal or designee.

### **Title IX Sexual Harassment and Other Discrimination**

Every report of alleged hazing that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination and discriminatory harassment shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer. If, in the course of a hazing investigation, potential issues of discrimination or discriminatory harassment are identified, the Compliance Officer shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged hazing. [\[11\]](#)[\[12\]](#)

## Guidelines

In addition to posting this policy on the district's publicly accessible website, the district shall inform students, parents/guardians, sponsors, volunteers and district employees of the district's policy prohibiting hazing, including district rules, penalties for violations of the policy, and the program established by the district for enforcement of the policy by means of publication in handbooks, through the distribution of written policy and verbal instructions by the coach or sponsor at the start of the season or program.[\[4\]](#)

This policy, along with other applicable district policies, procedures and Codes of Conduct, shall be provided to all school athletic coaches and all sponsors and volunteers affiliated with a student activity or organization, prior to coaching an athletic activity or serving as a responsible adult supervising, advising, assisting or otherwise participating in a student activity or organization together with a notice that they are expected to read and abide by the policies, procedures and Codes of Conduct.[\[7\]](#)

## Complaint Procedure

A student who believes that s/he has been subject to hazing is encouraged to promptly report the incident to the building principal or designee.

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

The Board directs that verbal and written complaints of hazing shall be provided to the building principal or designee, who shall promptly notify the Superintendent or designee of the allegations and determine who shall conduct the investigation. Allegations of hazing shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. The Board directs that any complaint of hazing brought pursuant to this policy shall also be reviewed for conduct which may not be proven to be hazing under this policy but merits review and possible action under other Board policies.

## Interim Measures/Police

Upon receipt of a complaint of hazing, the building principal or designee, in consultation with the Superintendent or designee, shall determine what, if any interim measures should be put in place to protect students from further hazing, bullying, discrimination or retaliatory conduct related to the alleged incident and report. Such interim measures may include, but not be limited to, the suspension of an adult who is involved, the separation of alleged victims and perpetrators, and the determination of what the complaining student needs or wants through questioning.

Those receiving the initial report and conducting or overseeing the investigation will assess whether the complaint, if proven, would constitute hazing, aggravated hazing or organizational hazing and shall report it to the police consistent with district practice and, as appropriate, consult with legal counsel about whether to report the matter to the police at every stage of the proceeding. The decision to report a matter to the police should not involve an analysis by district personnel of whether safe harbor

provisions might apply to the person being reported, but information on the facts can be shared with the police in this regard.[\[13\]](#)

#### *Referral to Law Enforcement and Safe Schools Reporting Requirements –*

For purposes of reporting hazing incidents to law enforcement in accordance with Safe Schools Act reporting, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.[\[14\]\[15\]\[16\]](#)

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents, as defined in the Safe Schools Act, committed by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[\[14\]\[15\]\[17\]\[18\]\[19\]\[20\]](#)

The Superintendent or designee shall notify the parent/guardian of any student directly involved in a defined incident as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[\[15\]\[20\]\[21\]](#)

In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the Office for Safe Schools on the required form.[\[14\]\[20\]](#)

#### Confidentiality

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

#### Retaliation

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

#### Consequences for Violations

#### *Safe Harbor –*

An individual needing medical attention or seeking medical attention for another shall not be subject to criminal prosecution if the individual complies with the requirements under law, subject to the limitations set forth in law.[\[13\]](#)

#### *Students –*

If the investigation results in a substantiated finding of hazing, the investigator shall recommend appropriate disciplinary action up to and including expulsion, as circumstances warrant, in accordance with the Code of Student Conduct. The student may also be subject to disciplinary action by the coach or sponsor, up to and including removal from the activity or organization. The fact of whether a student qualified for and received safe harbor under a criminal investigation shall be considered in assigning discipline.[\[4\]](#)[\[7\]](#)[\[13\]](#)[\[22\]](#)[\[23\]](#)

#### *Nonstudent Violators/Organizational Hazing -*

If the investigation results in a substantiated finding that a coach, sponsor, or volunteer affiliated with the student activity or organization engaged in, condoned or ignored any violation of this policy, s/he shall be disciplined in accordance with Board policy and applicable laws and regulations. Discipline could include, but is not limited to, dismissal from the position as coach, sponsor, or volunteer, and/or dismissal from district employment.[\[24\]](#)

If an organization is found to have engaged in organizational hazing, it shall be subject to appropriate penalties. Penalties may include rescission of permission for that organization to operate on school property or to otherwise operate under the sanction or recognition of the district.

#### *Criminal Prosecution –*

Any person or organization that causes or participates in hazing may also be subject to criminal prosecution.[\[4\]](#)

### **Policy 810.2 Transportation - Video/Audio Recording**

#### **Purpose**

The use of video and audio recording equipment supports efforts to maintain discipline and to ensure the safety and security of all students, staff, contractors and others being transported on district-owned, operated, or contracted school buses or school vehicles.

#### **Definitions**

**School bus** means a motor vehicle that is designed to carry eleven (11) passengers or more, including the driver, and is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.[\[1\]](#)

**School vehicle** means a motor vehicle, except a motorcycle, designed for carrying no more than ten (10) passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to the school district. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children.[\[1\]](#)

#### **Authority**

The Board authorizes the use of video and audio recording on school buses and school vehicles for disciplinary and security purposes.[\[2\]](#)

The Board prohibits the use of audio recording on any school bus or school vehicle that is not being used for a school-related purpose.[\[2\]](#)

#### **Delegation of Responsibility**

The Board directs the Superintendent or designee to ensure that:

1. Each school bus and school vehicle that is equipped with video and audio recording equipment contains a clearly posted notice informing drivers and passengers of the potential for video and

audio recording.[\[2\]](#)

2. This policy is posted on the district's publicly accessible website.[\[2\]](#)[\[3\]](#)
3. Each school year, this policy is included in the student handbook and in any other district publication that sets forth the comprehensive rules, procedures and standards of conduct.[\[2\]](#)

### **Guidelines**

The district shall comply with the provisions of federal and state laws and regulations regarding student record requirements as applicable to the district's use and disclosure of recordings. Recordings considered part of a student's educational record shall be maintained in accordance with established student record procedures governing access, review and disclosure of student records.[\[4\]](#)

## **815 Acceptable Use of Internet, Computers And Network Resources**

### **Purpose**

The Board supports use of the computers, Internet and other network resources in the district's instructional and operational programs in order to facilitate learning, teaching and daily operations through interpersonal communications and access to information, research and collaboration.

The district provides students, staff and other authorized individuals with access to the district's computers, electronic communication systems and network, which includes Internet access, whether wired or wireless, or by any other means.

For instructional purposes, the use of network facilities shall be consistent with the curriculum adopted by the district as well as the varied instructional needs, learning styles, abilities, and developmental levels of students.

### **Definitions**

The term child pornography is defined under both federal and state law.

**Child pornography** - under federal law, is any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:[\[1\]](#)

1. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
2. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
3. Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

**Child pornography** - under state law, is any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of eighteen (18) years engaging in a prohibited sexual act or in the simulation of such act.[\[2\]](#)

The term harmful to minors is defined under both federal and state law.

**Harmful to minors** - under federal law, is any picture, image, graphic image file or other visual depiction that:[\[3\]](#)[\[4\]](#)

1. Taken as a whole, with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
2. Depicts, describes or represents in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or lewd exhibition of the genitals; and
3. Taken as a whole lacks serious literary, artistic, political or scientific value as to minors.

**Harmful to minors** - under state law, is any depiction or representation in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:[\[5\]](#)

1. Predominantly appeals to the prurient, shameful, or morbid interest of minors;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
3. Taken as a whole lacks serious literary, artistic, political, educational or scientific value for minors.

**Obscene** - any material or performance, if:[\[5\]](#)

1. The average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest;
2. The subject matter depicts or describes in a patently offensive way, sexual conduct described in the law to be obscene; and
3. The subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

**Technology protection measure** - a specific technology that blocks or filters Internet access to visual depictions that are obscene, child pornography or harmful to minors.[\[4\]](#)

### **Authority**

The availability of access to electronic information does not imply endorsement by the district of the content, nor does the district guarantee the accuracy of information received. The district shall not be responsible for any information that may be lost, damaged or unavailable when using the network or for any information that is retrieved via the Internet.

The district shall not be responsible for any unauthorized charges or fees resulting from access to the Internet or other network resources.

The Board declares that computer, electronic device, and network use is a privilege, not a right. The district's computer and network resources are the property of the district. Users shall have no expectation of privacy in anything they create, store, send, delete, receive or display on or over the district's Internet, computers or network resources, including personal files or any use of the district's Internet, computers or network resources. The district reserves the right to monitor, track, inspect, and log network access and use; monitor filespace utilization by district users; or deny access to

prevent unauthorized, inappropriate or illegal activity and may revoke access privileges and/or administer appropriate disciplinary action. All district emails and messages, as well as any files transmitted or stored on District technology resources may be inspected at any time to ensure compliance with this and other district policies, and state and federal law. The district shall cooperate to the extent legally required with the Internet Service Provider (ISP), local, state and federal officials in any investigation concerning or related to the misuse of the district's Internet, computers and network resources.[6][7][8]

The Board requires all users to fully comply with this policy and to immediately report any violations or suspicious activities to the Superintendent or designee.

The Board establishes the following materials, in addition to those stated in law and defined in this policy, that are inappropriate for access by minors:[4][9][10][11][12]

- Defamatory or personal attacks;
- Lewd, vulgar, or profane;
- Threatening;
- Harassing or discriminatory;
- Bullying;
- Terroristic;
- Violent or illegal content.

The district reserves the right to restrict access to any Internet sites or functions it deems inappropriate through established Board policy, or the use of software and/or online server blocking. Specifically, the district operates and enforces a technology protection measure(s) that blocks or filters access to inappropriate matter by minors on its computers used and accessible to adults and students. The technology protection measure shall be enforced during use of electronic devices with Internet access.[3][4][13]

Upon request by students or staff, the Superintendent or designee shall expedite a review and may authorize the disabling of Internet blocking/filtering software to enable access to material that is blocked through technology protection measures but is not prohibited by this policy.[13]

Upon request by students or staff, building administrators may authorize the temporary disabling of Internet blocking/filtering software to enable access for bona fide research or for other lawful purposes. Written permission from the parent/guardian is required prior to disabling Internet blocking/filtering software for a student's use. If a request for temporary disabling of Internet blocking/filtering software is denied, the requesting student or staff member may appeal the denial to the Superintendent or designee for expedited review.[3][14]

### **Delegation of Responsibility**

The district shall make every effort to ensure that this resource is used responsibly by students and staff.



The district shall inform staff, students, parents/guardians and other users about this policy through employee and student handbooks, posting on the district website, and by other appropriate methods. A copy of this policy shall be provided to parents/guardians, upon written request. [\[13\]](#)

Administrators, teachers and staff have a professional responsibility to work together to help students develop the intellectual skills necessary to discern among information sources, to identify information appropriate to their age and developmental levels, and to evaluate and use the information to meet their educational goals.

Students, staff and other authorized individuals have the responsibility to respect and protect the rights of every other user in the district and on the Internet.

Building administrators shall make initial determinations of whether inappropriate use has occurred.

The Superintendent or designee shall be responsible for recommending technology and developing procedures used to determine whether the district's computers are being used for purposes prohibited by law or for accessing sexually explicit materials. The procedures shall include but not be limited to: [\[3\]](#)[\[4\]](#)[\[15\]](#)

1. Utilizing a technology protection measure that blocks or filters Internet access for minors and adults to certain visual depictions that are obscene, child pornography, harmful to minors with respect to use by minors, or determined inappropriate for use by minors by the Board.
2. Maintaining and securing a usage log.
3. Monitoring online activities of minors.

### **Guidelines**

Network accounts shall be used only by the authorized owner of the account for its approved purpose except as described below under the "Security" heading. Network users shall respect the privacy of other users on the system.

Each employee or student issued district-owned technology shall be responsible for the security and care of that technology, regardless of whether the technology is used in the district, at the employee's or student's place of residence, or in any other location such as a hotel, conference room, car, or airport.

Employees and students shall be responsible for all content on their district issued technology. The district may monitor all such content on district-owned devices.

Personal files on district-owned devices and network services are discoverable under state and public record laws.

### **Safety**

It is the district's goal to protect users of the network from harassment and unwanted or unsolicited electronic communications. Any network user who receives threatening or unwelcome electronic communications or inadvertently visits or accesses an inappropriate site shall report such immediately to a teacher or administrator. Network users shall not reveal personal information to other users on the network, in chat rooms, through email, on social networking websites, etc.

Internet safety measures shall effectively address the following: [\[4\]\[15\]](#)

1. Control of access by minors to inappropriate matter on the Internet and World Wide Web.
2. Safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications.
3. Prevention of unauthorized online access by minors, including "hacking" and other unlawful activities.
4. Unauthorized disclosure, use, and dissemination of personal information regarding minors.
5. Restriction of minors' access to materials harmful to them.
6. Educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

#### Prohibitions

Users are expected to act in a responsible, ethical and legal manner in accordance with district policy, accepted rules of network etiquette, and federal and state law. Specifically, the following uses are prohibited:

1. Facilitating illegal activity.
2. Commercial or for-profit purposes.
3. Nonwork or nonschool related work.
4. Product advertisement or political lobbying.
5. Bullying/Cyberbullying. [\[12\]\[16\]](#)
6. Hate mail, discriminatory remarks, and offensive or inflammatory communication.
7. Unauthorized or illegal installation, distribution, reproduction, or use of copyrighted materials.
8. Accessing, sending, receiving, transferring, viewing, sharing or downloading obscene, pornographic, lewd, or otherwise illegal materials, images or photographs. [\[17\]](#)
9. Access by students and minors to material that is harmful to minors or is determined inappropriate for minors in accordance with Board policy.
10. Inappropriate language or profanity.
11. Transmission of material likely to be offensive or objectionable to recipients.
12. Intentional obtaining or modifying of files, passwords, and data belonging to other users.

13. Impersonation of another user, anonymity, and pseudonyms.
14. Fraudulent copying, communications, or modification of materials in violation of copyright laws.[18]
15. Loading or using of unauthorized games, programs, files, or other electronic media.
16. Disruption of the work of other users.
17. Destruction, modification, abuse or unauthorized access to network hardware, software and files.
18. Accessing the Internet, district computers or other network resources without authorization.
19. Disabling or bypassing the Internet blocking/filtering software without authorization.
20. Accessing, sending, receiving, transferring, viewing, sharing or downloading confidential information without authorization.

### Security

System security is protected through the use of passwords. Failure to adequately protect or update passwords could result in unauthorized access to personal or district files. To protect the integrity of the system, these guidelines shall be followed:

1. Only users who have agreed to abide by the terms of this policy may utilize the District's technology resources. Unauthorized use, utilizing another user's District account, or exceeding one's authorization to use District technology resources is prohibited. Nothing in this policy, however, shall prevent a Parent or Guardian from assisting his or her child with the use of the District's technology resources, or from monitoring a student's use of the District's technology resources in the student's home.
2. Employees and students shall not reveal their passwords to another individual except as described above.
3. Users are not to use a computer that has been logged in under another student's or employee's name except as described above.
4. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the network.

### Copyright

The illegal use of copyrighted materials is prohibited. Any data uploaded to or downloaded from the network shall be subject to fair use and TEACH Act guidelines of the Copyright law, and applicable laws and regulations.[18][19]

### District Website

The district may establish and maintain a website and shall develop and modify its web pages to present information about the district under the direction of the Superintendent or designee. All users publishing content on the district website shall comply with this and other applicable district policies.

Users shall not copy or download information from the district website, network, or electronic resource and disseminate such information without authorization from the building principal.

#### Consequences For Inappropriate Use

The network user shall be responsible for damages to the equipment, systems, and software resulting from deliberate or willful acts.[\[13\]](#)

Illegal use of the network; intentional deletion or damage to files or data belonging to others; copyright violations; and theft of services shall be reported to the appropriate legal authorities for possible prosecution.

General rules for behavior and communications apply when using the Internet, in addition to the stipulations of this policy.

Vandalism shall result in loss of access privileges, disciplinary action, and/or legal proceedings. **Vandalism** is defined as any malicious attempt to harm or destroy data of another user, Internet or other networks; this includes but is not limited to uploading or creating computer viruses.

Failure to comply with this policy or inappropriate use of the Internet, district network or computers shall result in usage restrictions, loss of access privileges, disciplinary action, and/or legal proceedings.[\[6\]](#)[\[7\]](#)[\[8\]](#)