

POLICY MEETING

09/09/2024 [05:00 PM-06:00 PM] @ Board of Directors Room

1. Call to Order

Minutes

Dr. Cysyk called the meeting to order at 5:02 p.m. The meeting was audio recorded.

2. Roll Call

Minutes

Members Present: Joshua Cysyk, Lindsay Drew, Stewart McCarver, and Tracey Royo (Board Members)

Citizen Advisors in Attendance: Donna Griffith

Citizen Advisors Absent: Beth Olmsted

Staff Members/Public Present: Michele Agee (Board Secretary), Jared Nicholson (IT), Jason Reifsnnyder, and Stacy Winslow (Administration)

3. Approval of Summary Minutes

Minutes

On a motion by Ms. Drew and a second by Dr. McCarver, the minutes were approved.

4. Unfinished Business

4.a. 600 (Series) Finance Policies

611 - Purchases Budgeted

611.1 - Requisitions and Purchase Orders

612 - Purchased Not Budgeted

613 - Cooperative Purchasing

614 - Payroll Authorization

615 - Payroll Deductions

616 - Payment of Bills

617 - Petty Cash

618 - Student Activity Accounts

619 - District Audit

620 - General Fund

620.1 - Credit Cards

621 - Local Taxpayer Bill of Rights

- 622 - GASB Statement 34
- 622.1 - Bond Post-Issuance Compliance
- 623 - LERTA - Commercial Property
- 623.1 - Tax Increment Funding
- 624 - Taxable Fringe Benefits
- 625 - Fund Balance
- 625.1 - Capital Reserve Fund
- 626 - Federal Fiscal Compliance
- 626.1 - Travel Reimbursement - Federal Programs

Minutes

Following a motion by Ms. Drew, with a second by Dr. McCarver, the 600 series for finance policies, were tabled for review by administration after the business office vacancy is filled.

5. Revised Policies

5.a. Policy 103 Discrimination/Harassment Affecting Students

On April 19, 2024, the U.S. Department of Education released its [Final Rule under Title IX, publishing revised regulations](#) for the implementation of Title IX. The regulations had been delayed multiple times due to the record number of comments received regarding their content. The final regulations are effective on August 1, 2024, and apply to complaints of sex-based discrimination or harassment regarding alleged conduct that occurs on or after that date. The Department of Education's rulemaking process is **still ongoing for a Title IX regulation related to athletics**.

It is important to note that the new Title IX regulations have been the subject of multiple legal actions in federal courts across the country. The U.S. Department of Education's resource for schools, which is linked below, contains the following note at the top:

As of July 2, 2024, the Department is currently enjoined by federal court orders from enforcing the 2024 Title IX regulations in the states of Alaska, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Montana, Ohio, Tennessee, Utah, Virginia, West Virginia, and Wyoming, and the regulations and these resources therefore do not currently apply in those states

Pennsylvania is not one of the states that has received a preliminary injunction against the enforcement of the new Title IX regulations. The U.S. Department of Education has made it clear that it plans to enforce the new Title IX regulations in all states where it has not been enjoined from enforcement. Therefore, PSBA has developed updated policy guides, reporting forms and procedures that reflect the requirements and parameters of the new Title IX regulations. School entities should work with their school solicitor in addressing questions and concerns related to Title IX implementation for their particular school entity.

U.S. Department of Education [Resource for Drafting Nondiscrimination Policies, Notices of Nondiscrimination and Grievance Procedures under 2024 Amendments to the U.S. Department of Education's Title IX Regulations](#) - (note, guidance for what should be included in nondiscrimination notices that are posted on websites, in handbooks and in other resources may be found on Page 3 of this document.)

In addition to the Title IX regulations, policy guides 103. Discrimination/Harassment Affecting Students and 104 Discrimination/Harassment Affecting Staff, as well as the attached reporting forms and procedures were modified based on changes to other state and federal laws and regulations.

In 2023, the [PA Human Relations Commission \(PHRC\) released new regulations](#) impacting entities in Pennsylvania, which provide updated definitions for sex, religious creed and race. **Sex** under the PA Human Relations Commission Regulations is now defined to include pregnancy status; childbirth status; breastfeeding status; sex assigned at birth; gender identity or expression; affectional or sexual orientation; and differences in sex development. **Race** includes traits associated with race, including hair texture and protective hairstyles. **Religious creed** includes all aspects of religious observance and practice, as well as belief.

For policy guide 104 affecting employees, the provisions of the [Pregnant Workers Fairness Act](#), the [PUMP Act](#) addressing lactation and the new [U.S. Equal Employment Opportunity Commission \(EEOC\) Enforcement Guidance on Harassment in the Workplace](#) were also incorporated into the policy language and provisions.

Policy guides 103 and 104, and the attached reporting forms and procedures, were revised extensively based on each of the legal and regulatory provisions outlined above. Some highlights of the changes include:

- Updates to the title to broadly address discrimination/harassment regardless of protected classification or specific law or regulation.
- Updated definitions and terminology based on the changes to the Title IX regulations, the PHRC regulations, the Pregnant Workers Fairness Act and the EEOC guidance.
- Actions required to be taken by the school entity if the Title IX Coordinator reasonably determines that conduct may constitute discrimination/harassment as outlined in the policy and procedures.
- Updated reporting requirements and report forms.
- Updated training requirements. (Please see the update regarding the revised School Staff Training Resource also.)
- Optional processes for handling of complaints of discrimination/harassment.

Minutes

On a motion by Dr. McCarver, with a second by Mrs. Royo, Policy 103 was recommended, as revised, to the full Board for 30-day review approval.

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

This policy was revised both to align with the terminology and provisions of the revised 103 policy on handling reports of discrimination/harassment, as well as to update the language related to school safety and security reporting based on [Act 33 of 2023](#). One of the major changes brought about by Act 33 was the removal of School Code language outlining the Office for Safe Schools in the PA Department of Education (PDE), and moving many of those assigned responsibilities to the School Safety and Security Committee, which operates under the Pennsylvania Commission on Crime and Delinquency (PCCD). PDE maintains responsibilities for collecting the annual incident reports from school entities. Based on these changes, language and legal citations that address incident reporting to law enforcement and PDE, as well as school entity responsibilities under the school safety and security sections of the School Code, were revised.

Minor revisions were made to the section on retaliation and the complaint procedure to reflect provisions included in Policy 103 and the accompanying procedures, in order to align the steps taken by school employees in responding to complaints of discrimination and harassment.

Minutes

On a motion by Ms. Drew, with a second by Dr. McCarver, Policy 103.1, as revised and to include an additional wording revision, was recommended to the full Board for 30-day review approval.

5.c. Policy 104 Discrimination/Harassment Affecting Staff

On April 19, 2024, the U.S. Department of Education released its [Final Rule under Title IX, publishing revised regulations](#) for the implementation of Title IX. The regulations had been delayed multiple times due to the record number of comments received regarding their content. The final regulations are effective on August 1, 2024, and apply to complaints of sex-based discrimination or harassment regarding alleged conduct that occurs on or after that date. The Department of Education's rulemaking process is **still ongoing for a Title IX regulation related to athletics**.

It is important to note that the new Title IX regulations have been the subject of multiple legal actions in federal courts across the country. The U.S. Department of Education's resource for schools, which is linked below, contains the following note at the top:

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Pennsylvania is not one of the states that has received a preliminary injunction against the enforcement of the new Title IX regulations. The U.S. Department of Education has made it clear that it plans to enforce the new Title IX regulations in all states where it has not been enjoined from enforcement. Therefore, PSBA has developed updated policy guides, reporting forms and procedures that reflect the requirements and parameters of the new Title IX regulations. School entities should work with their school solicitor in addressing questions and concerns related to Title IX implementation for their particular school entity.

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In addition to the Title IX regulations, policy guides 103. Discrimination/Harassment Affecting Students and 104 Discrimination/Harassment Affecting Staff, as well as the attached reporting forms and procedures were modified based on changes to other state and federal laws and regulations.

In 2023, the [PA Human Relations Commission \(PHRC\) released new regulations](#) impacting entities in Pennsylvania, which provide updated definitions for sex, religious creed and race. **Sex** under the PA Human Relations Commission Regulations is now defined to include pregnancy status; childbirth status; breastfeeding status; sex assigned at birth; gender identity or expression; affectional or sexual orientation; and differences in sex development. **Race** includes traits associated with race, including hair texture and protective hairstyles. **Religious creed** includes all aspects of religious observance and practice, as well as belief.

For policy guide 104 affecting employees, the provisions of the [Pregnant Workers Fairness Act](#), the [PUMP Act](#) addressing lactation and the new [U.S. Equal Employment Opportunity Commission \(EEOC\) Enforcement Guidance on Harassment in the Workplace](#) were also incorporated into the policy language and provisions.

Policy guides 103 and 104, and the attached reporting forms and procedures, were revised extensively based on each of the legal and regulatory provisions outlined above. Some highlights of the changes include:

- Updates to the title to broadly address discrimination/harassment regardless of protected classification or specific law or regulation.
- Updated definitions and terminology based on the changes to the Title IX regulations, the PHRC regulations, the Pregnant Workers Fairness Act and the EEOC guidance.

- Actions required to be taken by the school entity if the Title IX Coordinator reasonably determines that conduct may constitute discrimination/harassment as outlined in the policy and procedures.
- Updated reporting requirements and report forms.
- Updated training requirements. (Please see the update regarding the revised School Staff Training Resource also.)
- Optional processes for handling of complaints of discrimination/harassment.

Minutes

On a motion by Dr. McCarver, with a second by Mrs. Royo, Policy 104 was recommended, as revised, to the full Board for 30-day review approval.

5.d. Policy 234 Pregnant/Parenting/Married Students

The new Title IX regulations now include specific definitions and provisions for pregnancy, parenting and pregnancy-related conditions. Based on the new provisions, policy 234 received major revisions--the majority of the policy is completely new language. Definitions were added to define pregnancy or related conditions under Title IX and pregnancy under the Pennsylvania Human Relations Commission regulations. The provisions of the policy were drafted to reflect the requirements of each set of regulations. The policy outlines the requirement for all school employees who receive notification from a student, parent/guardian of a student or other individual with a legal right to act on behalf of the student that the student is experiencing pregnancy or pregnancy-related conditions to provide that individual with the Title IX Coordinator's contact information and inform the individual of how the Title IX Coordinator can assist in taking steps to prevent discrimination and provide equal access to the district's educational programs, activities and services. When the student, parent/guardian of the student or individual acting on behalf of the student contacts the Title IX Coordinator, the Title IX Coordinator works with the student to determine reasonable modifications that the district will offer, based on the student's individual needs.

Language on determining reasonable modifications was included in the policy to assist school entities in implementing the requirements of Title IX; schools may work with their solicitor to determine if such language would be better suited to an administrative regulation or procedure to implement the policy.

School entities may not require documentation for establishing reasonable modifications or providing equal access to district programs and activities, unless such documentation is required in accordance with law, or is required of other students, based on Board policies and administrative regulations.

Minutes

On a motion by Dr. McCarver, with a second by Ms. Drew, Policy 234 was recommended, as revised, to the full Board for 30-day review approval.

5.e. Policy 247 Hazing

The language addressing discrimination/harassment in this policy guide was revised to more broadly reference the responsibilities for coordinating with the Compliance Officer and Title IX Coordinator when reports of alleged hazing may also be impacted by laws, regulations and policies addressing discrimination/harassment.

The language on incident reporting to law enforcement and the PA Department of Education was also updated to reflect the current School Code terminology based on Act 33 of 2023. Legal citations to the new sections of the School Code were added as well.

Minutes

On a motion by Mrs. Royo, with a second by Dr. McCarver, Policy 247 was recommended, as revised, to the full Board for 30-day review approval.

5.f. Policy 249 Bullying/Cyberbullying

The language addressing discrimination/harassment in this policy guide was revised to more broadly reference the responsibilities for coordinating with the Compliance Officer and Title IX Coordinator when reports of alleged bullying may also be impacted by laws, regulations and policies addressing discrimination/harassment.

Reference to the Safe Schools reporting was replaced with language reflecting school safety and security incident reports, in accordance with Act 33 of 2023.

Minutes

On a motion by Dr. McCarver, with a second by Mrs. Royo, Policy 249 was recommended, as revised, to the full Board for 30-day review approval.

5.g. Policy 252 Dating Violence

The language addressing discrimination/harassment in this policy guide was revised to more broadly reference the responsibilities for coordinating with the Title IX Coordinator when reports of dating violence may also be impacted by laws, regulations and policies addressing discrimination/harassment.

Minutes

On a motion by Ms. Drew, with a second by Dr. McCarver, Policy 252 was recommended, as revised, to the full Board for 30-day review approval.

5.h. Policy 317.1 Educator Misconduct

The language addressing discrimination/harassment in this policy guide was revised to more broadly reference the coordination with the Title IX Coordinator when allegations of educator misconduct may also be impacted by laws, regulations and policies addressing Title IX sex-based discrimination or harassment.

Minutes

On a motion by Mrs. Royo, with a second by Ms. Drew, Policy 317.1 was recommended, as revised, to the full Board for 30-day review approval.

5.i. Policy 336 Personal Necessity Leave

Language and legal citations were added to policies 336 and 339 to address situations in which a paid or unpaid leave or absence may be part of an accommodation under the Pregnant Workers Fairness Act, Title IX, the Americans with Disabilities Act or other applicable laws and regulations.

Minutes

On a motion by Ms. Drew, with a second by Dr. McCarver, Policy 336 was recommended, as revised, to the full Board for 30-day review approval.

5.j. Policy 339 Uncompensated Leave

Language and legal citations were added to policies 336 and 339 to address situations in which a paid or unpaid leave or absence may be part of an accommodation under the Pregnant Workers Fairness Act, Title IX, the Americans with Disabilities Act or other applicable laws and regulations.

Policy 339 was also updated to reflect provisions of uncompensated leave available upon request by a school employee who has been elected to public office as a county official in Pennsylvania.

Minutes

On a motion by Dr. McCarver, with a second by Ms. Drew Policy 339 was recommended, as revised, to the full Board for 30-day review approval.

5.k. Policy 824 Maintaining Professional Adult/Student Boundaries

The language addressing discrimination/harassment in this policy guide was revised to more broadly reference the coordination with the Title IX Coordinator and the updated terminology from

Policies 103, 104 and their accompanying attachments. Minor revisions were made throughout based on recommendations for maintaining appropriate boundaries.

The language on incident reporting was also updated to reflect the current School Code terminology based on Act 33 of 2023. Legal citations to the new sections of the School Code were added as well.

Minutes

On a motion by Dr. McCarver, with a second by Mrs. Royo, Policy 824 was recommended, as revised, to the full Board for 30-day review approval.

5.l. Policy 146.1 Trauma-Informed Approach

This policy was updated with the new legal citations addressing school safety and security training requirements for school employees. The language on reporting of school safety and security incidents was also updated based on the terminology changes from the School Code.

Minutes

On a motion by Mrs. Royo, with a second by Dr. McCarver, Policy 146.1 was recommended, as revised, to the full Board for 30-day review approval.

5.m. Policy 218 Student Discipline

The language on incident reporting to law enforcement and PDE was updated to reflect the current School Code terminology. Legal citations to the new sections of the School Code were also added.

Minutes

On a motion by Dr. McCarver, with a second by Mrs. Royo, Policy 218 was recommended, as revised, to the full Board for 30-day review approval.

5.n. Policy 218.1 Weapons

The policy language on incident reporting to law enforcement and PDE was updated to reflect the current School Code provisions. Legal citations to the new sections of School Code were also added.

Minutes

On a motion by Ms. Drew, with a second by Dr. McCarver, Policy 218.1 was recommended, as revised, to the full Board for 30-day review approval.

5.o. Policy 218.2 Terroristic Threats

The language addressing students with disabilities was moved into the Authority section of the policy, to align with other policies that include similar provisions. The language and legal citations pertaining to incident reporting to law enforcement and PDE were also updated to reflect the current School Code provisions.

Minutes

On a motion by Ms. Drew, with a second by Dr. McCarver, Policy 218.2 was recommended, as revised, to the full Board for 30-day review approval.

5.p. Policy 805 Emergency Preparedness and Response

The policy language addressing law enforcement agencies was updated to reflect the current School Code terminology. The language addressing instructional time was updated to reflect both instructional days and hours, in accordance with the provisions of new School Code section 24 P.S. 1-133 under [Act 56 of 2023](#), which is explained further under the section addressing Policy 803 revisions, below.

Minutes

On a motion by Dr. McCarver, with a second by Ms. Drew, Policy 805 was recommended, as revised, to the full Board for 30-day review approval.

5.q. Policy 805.1 Relations With Law Enforcement Agencies

The language and legal citations throughout this policy were updated to reflect the current School Code provisions addressing school safety and security incident reporting and coordination with law enforcement agencies. The section on Memorandum of Understanding was updated to reflect the changes to the School Code and more closely align with those provisions of the law. The process for coordination between the Superintendent and law enforcement agency in reviewing the incident data prior to submission to PDE was also revised to reflect the current School Code requirements.

Minutes

On a motion by Ms. Drew, with a second by Dr. McCarver, Policy 805.1 was recommended, as revised, to the full Board for 30-day review approval.

5.r. Policy 805.2 School Security Personnel

The definition of "third-party vendor" was updated to reflect that these entities are now approved only by the PA Commission on Crime and Delinquency, and no longer approved by PDE's former Office for Safe Schools. The language addressing the training requirements for the School Safety and Security Coordinator under Act 55 of 2022 was updated to reflect that such training may also now be counted toward professional education credit, where applicable. Terminology related to incident

reporting to law enforcement and PDE was updated in accordance with current School Code provisions.

An additional provision was added under the section on School Police Officers, stating that the school entity must provide a copy of the court's order approving and appointing a school police officer to the state's School Safety and Security Committee within thirty (30) days of the appointment, in accordance with School Code. Language was also added, based on School Code revisions, stating that the annual report regarding school police officers must be submitted to PDE, PCCD and the School Safety and Security Committee.

Minutes

On a motion by Dr. McCarver, with a second by Mrs. Royo, Policy 805.2 was recommended, as revised, to the full Board for 30-day review approval.

5.s. Policy 806 Child Abuse

The policy language on incident reporting to law enforcement was updated to reflect the current School Code provisions. Legal citations to the new sections of School Code were also added.

Minutes

On a motion by Mrs. Royo, with a second by Dr. McCarver, Policy 806 was recommended, as revised, to the full Board for 30-day review approval.

5.t. Policy 904 Public Attendance at School Events

The policy language on incident reporting to law enforcement and PDE was updated to reflect the current School Code provisions. Legal citations to the new sections of School Code were also added. Policy 904 was also updated to remove language that specifically listed "Juul" products as an example of tobacco and vaping products, to align with policies 222, 323 and 707, which were included in last month's PNN. The attachment to the policy was also revised to align with the terminology changes in the policy.

Minutes

On a motion by Dr. McCarver, with a second by Mrs. Royo, Policy 904 was recommended, as revised, to the full Board for 30-day review approval.

5.u. Policy 909 Municipal Government Relations

The terminology and legal citations related to coordination with law enforcement agencies and the development of the memorandum of understanding were updated to reflect current School Code provisions.

Minutes

On a motion by Dr. McCarver, with a second by Ms. Drew, Policy 909 was recommended, as revised, to the full Board for 30-day review approval.

5.v. Policy 204.1 Educational Tour or Trip Requested by Parents/Guardians

Updated language to reflect changes recommended by the PSBA.

Minutes

On a motion by Dr. McCarver, with a second by Mrs. Royo, Policy 204.1 was recommended, as revised, to the full Board for 30-day review approval.

5.w. Policy 801 Public Records

PSBA revised Policy 801. Public Records to clarify the district's responsibilities regarding responding to requests for records under the Right-to-Know Law (RTKL).

Anonymous Requests -

Recently, the Office of Open Records (OOR) issued an [Alert](#) regarding FOIA Buddy and RTKL requests. The Alert pointed to several cases providing Final Determinations regarding requests received from anonymous requesters. Of particular note, the *Anonymous" v. Downingtown Area School District* case resulted in an appeal being denied because the record request was sent from an email address that provided no evidence that the requester was an identified "person that is a legal resident of the United States..." The OOR found that the requester is anonymous and does not meet the definition of a "requester" under the RTKL. In the policy, the definition of "requester" was revised to more closely align with the statutory definition, which defines a requester as a person that is a legal resident of the United States who requests access to a record. The term "requester" includes an agency. School entities are not required to fulfill anonymous requests; an optional statement has been added to the policy to clearly articulate the school board's authority for the district to deny anonymous requests.

Use of Designated Request Forms -

The RTKL does not require the use of a specific form; however, all school entities are required to accept requests completed using the form issued by the OOR. In addition, the RTKL permits a school entity to locally develop their own request form. The RTKL requires the school entity to post the designated form(s) as follows:

1. At the school entity's administration office.
2. On the school entity's website.

A statement was added to the policy to clarify that if the school entity is requiring the use of designated form(s) for records requests, the school entity needs to communicate such by including a notification along with the posted form(s) stating that the school entity may choose to deny a request for failure to submit the proper form.

Notification to Third Parties -

The order of the two paragraphs in this section have been switched to clarify that the notification requirement to a third party where a requested record contains a trade secret or confidential proprietary information will happen *prior to* the school entity producing any such record.

Appeals Involving Third Parties -

Record requests that are denied or deemed denied may be appealed to the state's OOR within fifteen (15) days. If the appeal involves a requested record of a third party which affects the legal or security interest of an employee; contains or constitutes proprietary, confidential or trademarked records of a third party; or are held by a third party contractor or vendor, the school entity is required to notify such parties of the appeal within seven (7) business days and advise them of their ability to participate. The Open Records Officer is also required to provide proof of such notice to the OOR within seven (7) business days of sending the third party notification. A new subsection was added to the policy to address appeals involving third parties.

Minutes

On a motion by Dr. McCarver, with a second by Mrs. Royo, Policy 801 was recommended, as revised, to the full Board for 30-day review approval.

5.x. Policy 803 School Calendar

[Act 56 of 2023](#) created a new section of the School Code, 24 P.S. 1-133, which addresses school instructional time and provides more flexibility for school entities to establish school calendars that provide a minimum of either 180 days of instruction to students or 450 hours of instruction for half-time pre-kindergarten and kindergarten students, 900 hours of instruction for full-time pre-kindergarten and kindergarten and elementary students (grades 1-6), and 990 hours of instruction for secondary students (grades 7-12). The policy guide was updated to provide options for the school board to direct what provisions the school calendar should normally include. The language was updated throughout the policy to reference both "instructional days" and "instructional hours." The sections addressing alteration of the school calendar in cases of emergency were also revised to reflect the current School Code provisions and address temporary provisions that may be established by the school board.

Minutes

On a motion by Dr. McCarver, with a second by Mrs. Royo, Policy 803 was recommended, as revised, to the full Board for 30-day review approval.

5.y. Policy 807 Opening Exercises/Moment of Silence/Flag Displays

Act 25 of 2024 created a new section of the PA Public School Code, Section [1555](#), which includes a requirement for each school entity to conduct a moment of silence during instructional hours for students and faculty to observe the anniversary of September 11, 2001, as a remembrance of the thousands of military servicepersons, government employees, civilians and emergency responders who lost their lives or were wounded by terrorist attacks on that date. Policy 807 was revised to include this provision for a moment of silence on the anniversary of September 11th. School entities may provide the moment of silence at any time during instructional hours.

Minutes

On a motion by Dr. McCarver, with a second by Mrs. Royo, Policy 807 was recommended, as revised, to the full Board for 30-day review approval.

6. New Policies

7. Public Comment

Minutes

There was no public comment for the committee.

8. Adjournment

Minutes

Following a motion by Mrs. Royo, with a second by Dr. McCarver, the meeting was adjourned at 6:05 p.m.