

POLICY MEETING

05/08/2023 [05:00 PM-06:00 PM] @ Board of Directors Room

1. Call to Order

Minutes

Mr. Bennett called the meeting to order at 5:02 p.m. The meeting was live streamed audio recorded.

2. Roll Call

Minutes

Members Present: Robert Bennett, Donna Cronin, Lindsay Drew, and Lindsay Koch (Board Members)

Citizen Advisors in Attendance: Colby Hollinger, Beth Olmstead, and Cori Reed

Citizen Advisors Absent: Geurline Laurore

Staff Members/Public Present: Michele Agee (Board Secretary), Phil Ayala (IT), Sheryl Pursel, Jason Reifsnyder, and Stacy Winslow (Administration)

3. Approval of Summary Minutes

Minutes

On a motion by Dr. Koch and a second by Dr. Cronin, the minutes were approved.

4. Unfinished Business

4.a. Policy 221 Dress and Grooming

Policy 221 was tabled at the February Policy Standing Committee meeting for future discussion.

Minutes

On a motion by Ms. Drew, with a second by Dr. Koch, Policy 221 was recommended, as revised, to the full Board for 30-day review approval.

5. Revised Policies

Act 55 of 2022, the Omnibus School Code bill that was signed into law this past July, made several amendments to [Section 1327.1](#) of the PA School Code, which addresses home education programs. The amendments require school districts to develop policies and procedures to permit children enrolled in home education programs to participate in district cocurricular activities and academic

courses, and in career and technical education programs, on the same basis as other students enrolled in the district. The School Code states that these provisions begin with the 2023-2024 school year. Since many school districts are currently in the process of course selection and program enrollment for the 2023-2024 school year, these new provisions and recommended policy updates may impact your district now.

In drafting recommended policy updates, PSBA seeks to issue a single policy guide to address all requirements and elements of a particular subject, unless statute or regulations require separate policy documents, or if separate policies would assist districts in implementing requirements more efficiently. In Section 1327.1 of the School Code, there is language specifically stating that boards may adopt a policy to implement the requirements of the particular subsection of the law outlining the participation of home education students, and that policy may only apply to those particular provisions for participation. Based on that language in the statute, there are now four separate policies addressing home education programs and students. Policy guides 137 and 137.1 on home education programs and extracurricular participation have been updated to reference the new provisions and received minimal language revisions. There are two new policy guides 137.2 and 137.3 that address participation by home education students in district cocurricular activities and academic courses, and career and technical education programs.

5.a. Policy 137 Home Education Programs

The policy language was revised to reflect the need for additional recordkeeping based on the new participation provisions for home education students, as well as including references to the new policies. Additional policy language was added to clarify existing School Code requirements for certifications submitted with the notarized affidavit, portfolio and written evaluation provisions, programs determined to be out of compliance and transfer letters.

Minutes

On a motion by Dr. Koch, with a second by Ms. Drew, Policy 137 was recommended, as revised, to the full Board for 30-day review approval.

5.b. Policy 137.1 Extracurricular Participation by Home Education Students

The policy was updated for consistency with the new policy guides addressing participation in cocurricular activities/academic courses and career and technical education programs. Policy language on posting of information regarding extracurricular activities, eligibility criteria and dates and times of physical examinations or medical tests was updated for clarity, in accordance with School Code provisions.

Minutes

On a motion by Dr. Koch, with a second by Dr. Cronin, Policy 137.1 was recommended, as revised, to the full Board for 30-day review approval.

5.c. Policy 830 Breach of Computerized Personal Information

This policy was revised to include new definitions for Determination, Discovery, and the amended definition of Personal Information; the definitions for Encryption and Redact were added for clarity purposes; and the definition of Individual was deemed unnecessary and has been removed from the policy.

The definitions of Determination and Discovery are significant because the process for notification has changed, and it is important to understand the difference between the two. Based on Act 151, notification of a breach is no longer required based on the Discovery of a breach. **Discovery** is defined as the knowledge of or reasonable suspicion that a breach of the security of the system has occurred. Act 151 requires a Discovery of a breach to go through a **Determination** process to verify the reasonable certainty that a breach of the security of the system has occurred prior to notification.

The definition of **Personal Information** was expanded to include an individual's first name, medical information, health insurance information and user name or email address as explained below.

Personal information includes an individual's **first name or** first initial and last name when used in combination with and linked to any one or more of the following, when not encrypted or redacted:

1. Social Security number.
2. Driver's license number or state identification card number issued instead of a driver's license.
3. Financial account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account.
4. **Medical information, meaning any individually identifiable information contained in the individual's current or historical record of medical history or medical treatment or diagnosis created by a health care professional.**
5. **Health insurance information, meaning an individual's health insurance policy number or subscriber identification number in combination with access code or other medical information that permits misuse of an individual's health insurance benefits.**

6. A user name or email address, in combination with a password or security question and answer that would permit access to an online account.

Personal information does not include publicly available information that is lawfully made available to the general public from federal, state or local government records or **widely distributed media**.

Notification Requirements -

Act 151 expanded the methods of notice to include electronic notice in addition to notice provided through written, telephonic and email means. In this law, electronic notice is different than email notice because the electronic notice could include a notification that pops up directly on a platform, desktop or mobile device alerting the individual whose information has been materially compromised to promptly change their password and security question or answer, or to take other steps to protect their online account.

Upon determination of a breach, the school entity is required to provide notice within seven (7) business days to any resident of the Commonwealth whose unencrypted and unredacted personal information was or is reasonably believed to have been accessed or acquired by unauthorized persons. In addition, the district attorney in the county where the breach occurred is required to be notified within three (3) days following the determination of the breach.

The notice is required to be made without unreasonable delay unless:

1. A law enforcement agency determines that the notice would impede a criminal or civil investigation and provides the school entity with written notice specifically citing to 73 P.S. 2304.
2. It is necessary to take measures to determine the scope of the breach and to restore the reasonable integrity of the data system.

The policy now includes a requirement for the development of administrative regulations to address internal procedures following discovery of a breach, including procedures for the determination of a breach and whether notification is required, as well as details regarding timelines, who must be notified and the authorized methods of notification.

Policy 830 is mandated by the Breach of Personal Information Notification Act.

Minutes

On a motion by Dr. Koch, with a second by Dr. Cronin, Policy 830 was recommended, as revised, to the full Board for 30-day review approval.

5.d. Policy 916 Volunteers

Minutes

On a motion by Ms. Drew, with a second by Dr. Koch, Policy 916 was recommended, as revised, to the full Board for 30-day review approval.

6. New Policies

6.a. Policy 137.2 Participation in Extra Curricular Activities and Academic Courses by Home Education Students

This is a new policy guide addressing the updated requirements of Section 1327.1 pertaining to participation by home education students in district cocurricular activities and academic courses. The policy states that students attending home education programs shall be given an equal opportunity to compete for positions and participate in district cocurricular activities and academic courses in accordance with Board policy on the same basis as other students enrolled full-time in the district. It outlines the conditions for eligibility and participation, addresses transportation, and includes optional language to establish limits on participation in academic courses (up to one-quarter of the academic day for full-time district students) and prioritization for enrollment in designated activities and programs, in accordance with law.

Minutes

On a motion by Dr. Cronin, with a second by Dr. Koch, Policy 137.2 was recommended to the full Board for 30-day review approval.

6.b. Policy 137.3 Participation in Career and Technical Education Programs by Home Education Students

This is a new policy guide addressing the updated requirements of Section 1327.1 pertaining to participation by home education students in career and technical education programs that are either at an area career and technology center in which the district participates, or district-operated career and technical education programs or centers. The policy states that students attending home education programs shall be given an equal opportunity to apply for participation in career and technical education programs in accordance with Board policy on the same basis as other students enrolled full-time in the district. It outlines the conditions for eligibility and participation, addresses transportation, and includes optional language to establish prioritization procedures for enrollment in career and technical education programs with limited seat allocation provisions, in accordance with law.

Minutes

On a motion by Ms. Drew, with a second by Dr. Koch, Policy 137.3 was recommended to the full Board for 30-day review approval.

6.c. Policy 830.1 Data Governance - Storage/Security

Policy 830.1 is a new policy developed to comply with Sections 73 P.S. Sec. 2305.1 and 73 P.S. Sec. 2305.2 which are new requirements of Act 151 of 2022 regarding policy addressing data encryption/security and storage respectively. The focus of this policy is data governance and the school entity’s responsibility to ensure the integrity of data created, collected, stored and managed by the school entity.

This policy provides general guidelines regarding security measures to protect the integrity of the data, the responsibilities of service providers that are retained or contracted by the school entity, and consequences for violations of the policy.

Act 151 requires this policy to be reviewed at least annually and updated as necessary.

In accordance with Act 151, the policy includes a provision that the school entity’s data governance system will meet or exceed industry and/or government standards for data protection and privacy of personal information. The law requires school entities to reasonably consider similar existing federal policies and other policies and/or best practices identified by other states and relevant studies and other sources as appropriate in accordance with best practices as established by the federal government and Commonwealth when developing this policy. PSBA, while drafting this policy guide, conducted relevant research of policies in other states and standards at the federal level. Please see a few additional resources linked below that provide information and may be used in researching and establishing local data security and storage procedures:

Federal Industry Standards –

<https://www.itgovernanceusa.com/cybersecurity-standards>

Federal Government Standards -

<https://www.nccoe.nist.gov/data-security>

<https://www.gsa.gov/reference/gsa-privacy-program/information-security>

Policy 830.1 is mandated by the Breach of Personal Information Notification Act.

Minutes

On a motion by Ms. Drew, with a second by Dr. Koch, Policy 830.1 was recommended, with the outlined changes and removal of personal electronic device paragraph, to the full Board for 30-day review approval.

7. 2023-2024 Goals

Minutes

The following two goals were agreed upon by the committee for the next school year:

- Develop a systematic policy review cycle, prioritizing policies that dictate regular review
- Continue to review and revise policies based on PSBA and Board of School Director recommendations

8. Policies for Review

- 8.a. Policy 813 Other Insurance**
- 8.b. Policy 814 Copyright and Fair Use Policy**
- 8.c. Policy 815 Acceptable Use of Technology Resources**
- 8.d. Policy 815.1 Acceptable Use of Technology Resources (Student Version)**
- 8.e. Policy 818 Contracted Service Personnel**
- 8.f. Policy 822 Automated External Defibrillator (AED)/Cardiopulmonary Resuscitation (CPR)**
- 8.g. Policy 824 Maintaining Professional Adult/Student Boundaries**
- 8.h. Policy 827 Conflicts of Interest**
- 8.i. Policy 832 Educational Equity**
- 8.j. Policy 701 Facilities Planning**
- 8.k. Policy 702 Gifts, Grants and Donations**
- 8.l. Policy 703 Sanitary Management**
- 8.m. Policy 704 Maintenance**
- 8.n. Policy 705 Facilities and Workplace Safety**
- 8.o. Policy 706 Property Records**
- 8.p. Policy 706.1 Disposal of Surplus, Obsolete and Irreparable Furniture and Equipment**
- 8.q. Policy 707 Use of School Facilities**
- 8.r. Policy 708 Lending of Equipment and Books**
- 8.s. Policy 709 Building Security**
- 8.t. Policy 710 Use of Facilities by Staff**
- 8.u. Policy 715 Use of FAX Machines**
- 8.v. Policy 716 Integrated Pest Management**
- 8.w. Policy 717 Cellular Telephones. Electronic Communication Devices**

8.x. Policy 718 Service Animals in Schools

8.y. Policy 719 Therapy Dogs

9. Public Comment

Minutes

There was no public comment for the committee.

10. Adjournment

Minutes

The meeting was adjourned at 5.58 p.m. The next Policy Committee Meeting will be held in September 2023.