

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: PROGRAMS

TITLE: NONDISCRIMINATION –  
QUALIFIED STUDENTS WITH  
DISABILITIES

1<sup>st</sup> Read: ~~August 19, 2013~~ July 2013  
ADOPTED:

REVISED:

103.1. NONDISCRIMINATION – QUALIFIED STUDENTS WITH  
DISABILITIES

- 1. Authority
  - Title 22
  - Sec. 4.4, 12.1,
  - 12.4,
  - 15.1 et seq
  - 29 U.S.C.
  - Sec. 794
  - 42 U.S.C.
  - Sec. 12101 et seq
  - 28 CFR
  - Part 35
  - 34 CFR
  - Part 104
  - Pol. 103

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.

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 action be taken for substantiated allegations. Confidentiality of all parties shall be maintained, consistent with the district’s legal and investigative obligations.

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.

- 2. Definitions
  - Title 22
  - Sec. 15.2
  - 42 U.S.C.
  - Sec. 12102

**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.

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## 103.1. NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES - Pg. 2

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| Title 22<br>Sec. 15.1 et seq<br>34 CFR<br>Part 104         | <b>Section 504 Team</b> - 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.  |
| Title 22<br>Sec. 15.7                                      | <b>Section 504 Service Agreement (Service Agreement)</b> - 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. |
| Pol. 248   | <b>Disability harassment</b> - 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.  |
| 3. Delegation of<br>Responsibility<br>34 CFR<br>Sec. 104.7 | In order to maintain a program of nondiscrimination practices that is in compliance with applicable law and regulations, the Board designate the Directors of Special Education K-12 as the district's Section 504 Coordinators.<br><br>In addition, each school within the district shall have a Section 504 building administrator.  |
| Title 22<br>Sec. 15.4<br>34 CFR<br>Sec. 104.32             | 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. 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.  |
| 4. Guidelines<br><br>34 CFR<br>Sec. 104.32<br>Pol. 113     | <u>Identification And Evaluation</u><br><br>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.   |
| Title 22<br>Sec. 15.5, 15.6<br>34 CFR<br>Sec. 104.35       | 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.   |

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## 103.1. NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES - Pg. 3

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| 34 CFR<br>Sec. 104.35                          | 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.  |
| 34 CFR<br>Sec. 104.35                          | <p>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.</p> <p>The district shall establish procedures for evaluation and placement that assure tests and other evaluation materials:</p> <ol style="list-style-type: none"><li>1. Have been validated and are administered by trained personnel.</li><li>2. Are tailored to assess educational need and are not based solely on IQ scores.</li><li>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).</li></ol> |
| Title 22<br>Sec. 15.7                          | <p><u>Service Agreement</u></p> <p>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.</p>   |
| Title 22<br>Sec. 15.7                          | <p>The district shall not implement a Service Agreement until the written agreement is executed by a representative of the district and a parent/guardian.</p>  |
| Title 22<br>Sec. 15.5                          | <p>The district shall not modify or terminate a student's current Service Agreement without the parent's/guardian's written consent.</p>  |
| Title 22<br>Sec. 15.3<br>34 CFR<br>Sec. 104.34 | <p><u>Educational Programs/Nonacademic Services/Extracurricular Activities</u></p> <p>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.</p>   |
| Title 22<br>Sec. 15.3                          | <p>The district shall not discriminate against any qualified student with a disability in its provision of nonacademic services and extracurricular activities, including but not</p>   |

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## 103.1. NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES - Pg. 4

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| <p>34 CFR<br/>Sec. 104.34,<br/>104.37<br/>Pol. 112, 122,<br/>123, 810</p>  | <p>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.</p>  |
| <p>Title 22<br/>Sec. 15.6, 15.7,<br/>15.8<br/>34 CFR<br/>Sec. 104.35</p>   | <p><u>Parental Involvement</u></p> <p>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.</p>   |
| <p>Title 22<br/>Sec. 15.9<br/>Pol. 216</p>   | <p><u>Confidentiality Of Student Records</u></p> <p>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.</p>   |
| <p>Pol. 218, 233</p>   | <p><u>Discipline</u></p> <p>When necessary, the district shall discipline qualified students with disabilities in accordance with state and federal laws and regulations and Board policies.</p>   |
| <p>SC 1303-A<br/>Title 22<br/>Sec. 10.2<br/>35 P.S.<br/>Sec. 780-102</p>   | <p><u>Referral To Law Enforcement And Reporting Requirements</u></p> <p>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.</p>  |
| <p>SC 1302.1-A<br/>Title 22<br/>Sec. 10.2, 10.21,<br/>10.22, 10.23,<br/>10.25, 15.2,<br/>15.3, 15.7,<br/>15.9<br/>Pol. 113.2, 218,<br/>218.1, 218.2,<br/>222, 227,<br/>805.1</p> | <p>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.</p> |

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## 103.1. NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES - Pg. 5

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| <b>Title 22<br/>Sec. 10.22, 15.1<br/>Pol. 103, 805.1</b>  | <b>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.</b>   |
| <b>Title 22<br/>Sec. 10.23, 15.7</b>  | <b>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.</b>  |
| <b>SC 1303-A<br/>Pol. 805.1</b>   | <b>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.</b> |
| <b>PROCEDURAL SAFEGUARDS</b>  |   |
| <b>Title 22<br/>Sec. 15.8<br/>34 CFR<br/>Sec. 104.36</b>  | <b>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.</b>                                    |
| <b>Title 22<br/>Sec. 15.6</b>   | <b>A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.</b>  |
| <b><u>Parental Request For Assistance</u></b>   |   |
| <b>Title 22<br/>Sec. 15.8</b>   | <b>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:</b>   |
| <b>1. The district is not providing the related aids, services and accommodations specified in the student’s Service Agreement.</b><br><b>2. The district has failed to comply with the procedures and state regulations.</b> |   |
| <b>Title 22<br/>Sec. 15.8</b>   | <b>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.</b>  |

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## 103.1. NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES - Pg. 6

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| Title 22<br>Sec. 15.8            | <p><u>Informal Conference</u></p> <p>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.</p>  |
| Title 22<br>Sec. 14.162,<br>15.8 | <p><u>Formal Due Process Hearing</u></p> <p>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.</p>   |
| Title 22<br>Sec. 15.8            | <p><u>Judicial Appeals</u></p> <p>The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction.</p>   |
| <b>COMPLAINT PROCEDURE</b>       |   |
| Pol. 103                         | <p>This complaint procedure is in addition to and does not prevent parents/guardians from using any option in the procedural safeguards system.</p> <p><u>Step 1 – Reporting</u></p> <p>A student or parent/guardian who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the Section 504 building administrator.</p> <p>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.</p> <p>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.</p> <p>{ } The complainant or reporting employee is encouraged to use the report form available from the Section 504 building administrator, but oral complaints shall be acceptable. Oral complaints shall be documented by the Section 504 building administrator.</p> |

Step 2 – Investigation

Upon receiving a complaint of discrimination, the Section 504 building administrator shall immediately notify the district’s Section 504 Coordinator. The Section 504 Coordinator shall authorize the Section 504 building administrator to investigate the complaint, unless the Section 504 building administrator is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the Section 504 building administrator shall inform law enforcement authorities about the incident.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

Step 3 – Investigative Report

The Section 504 building administrator shall prepare and submit a written report to the Section 504 Coordinator within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

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 is not satisfied with a finding of no violation of the policy or with the 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 investigation.
3. The Section 504 Coordinator shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the Section 504 building administrator who conducted the initial investigation.

**References:**

**School Code – 24 P.S. Sec. 1302.1-A, 1303-A**

**PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-102**

**State Board of Education Regulations – 22 PA Code Sec. 4.4, 10.2, 10.21, 10.22, 10.23, 10.25, 12.1, 12.4, 14.162, 15.1 et seq.**

**Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g**

**Section 504 of the Rehabilitation Act of 1973 – 29 U.S.C. Sec. 794**

**Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.**

**Nondiscrimination on the Basis of Disability, Title 28, Code of Federal Regulations – 28 CFR Part 35**

**Family Educational Rights and Privacy Act, Title 34, Code of Federal Regulations – 34 CFR Part 99**

**Nondiscrimination on the Basis of Handicap, Title 34, Code of Federal Regulations – 34 CFR Part 104**

**Board Policy – 103, 112, 113, 113.2, 122, 123, 216, 218, 218.1, 218.2, 222, 227, 233, 248, 805.1, 810**

**PSBA Revision 4/13**



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No. 113.1

## EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PROGRAMS  
TITLE: DISCIPLINE OF STUDENTS  
WITH DISABILITIES  
ADOPTED: August 19, 2002  
REVISED: October 18, 2010  
~~1<sup>st</sup> READ: August 19, 2013~~ <sup>July 2013</sup>

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| 113.1. DISCIPLINE OF STUDENTS WITH DISABILITIES                               |  |
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| 1. Purpose<br>Title 22<br>Sec. 14.133<br>Pol. 113, 113.2                      | The district shall develop and implement positive Behavior Support Plans and programs for students with disabilities who require specific interventions to address behaviors that interfere with learning.   |
| Title 22<br>Sec. 14.133,<br>14.143<br>34 CFR<br>Sec. 300.530<br>Pol. 218, 233 | Students with disabilities who violate the Code of Student Conduct, or engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others, which would typically result in corrective action or discipline of students without disabilities, shall be disciplined in accordance with state and federal laws and regulations and Board policy and, if applicable, their Individualized Education Program (IEP) and Behavior Support Plan. |
| 2. Definitions<br>Pol. 113  | <b>Students with disabilities</b> - school-aged children within the jurisdiction of the district who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services.  |
| Title 22<br>Sec. 12.6<br>Pol. 233   | <b>Suspensions from school</b> - disciplinary exclusions from school for a period of one (1) to ten (10) consecutive school days.  |
| Title 22<br>Sec. 12.6<br>Pol. 233   | <b>Expulsions from school</b> - disciplinary exclusions from school by the Board for a period exceeding ten (10) consecutive school days and may include permanent exclusion from school.  |
| 20 U.S.C.<br>Sec. 1415(k)<br>34 CFR<br>Sec. 300.530(g)                        | <b>Interim alternative educational settings</b> - removal of a student with a disability from his/her current placement. Interim alternative educational settings may be used by school personnel for up to forty-five (45) school days for certain infractions committed by students with disabilities. The IEP team shall determine the interim alternative educational setting; <u>however, this does not constitute a change in placement for a student with a disability.</u>           |

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## 113.1. DISCIPLINE OF STUDENTS WITH DISABILITIES - Pg. 2

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| <p>3. Authority<br/>Title 22<br/>Sec. 14.143<br/>20 U.S.C.<br/>Sec. 1415(k)<br/>34 CFR<br/>Sec. 300.530</p>                          | <p>The Board directs that the district shall comply with provisions and procedural safeguards of the Individuals With Disabilities Education Act (IDEA) and federal and state regulations when disciplining students with disabilities for violations of Board policy or district rules or regulations. No student with a disability shall be subjected to a disciplinary change in placement if the student's particular misconduct is a manifestation of his/her disability. However, under certain circumstances a student <u>with a disability</u> may be placed in an interim alternative educational setting by school personnel or the IEP team could, if appropriate, change the student's educational placement to one which is more restrictive than the placement where the misconduct occurred.</p> |
| <p>Title 22<br/>Sec. 12.6(e)<br/>20 U.S.C.<br/>Sec. 1412(a)<br/>34 CFR<br/>Sec. 300.530(b),<br/>(d)</p>                              | <p><u>Provision Of Education During Disciplinary Exclusions</u></p> <p>During any period of expulsion, or suspension from school for more than ten (10) cumulative days in a year, or placement in an interim alternative educational setting for disciplinary reasons, a student with a disability shall continue to receive a free and appropriate education, in accordance with law.</p>   |
| <p>4. Guidelines<br/><br/>Title 22<br/>Sec. 12.6, 14.143<br/>20 U.S.C.<br/>Sec. 1415(k)<br/>34 CFR<br/>Sec. 300.530,<br/>300.536</p> | <p><u>Suspension From School</u></p> <p>A student with a disability may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, for the same reasons and duration as a student without a disability. Such suspension shall not constitute a change in the student's educational placement. <u>Also, use of interim alternative educational settings permitted by law does not constitute a change in educational placement for these purposes.</u></p>  |
| <p>Title 22<br/>Sec. 14.143<br/>34 CFR<br/>Sec. 300.530</p>  | <p><u>Changes In Educational Placement/Manifestation Determinations</u></p> <p>For disciplinary exclusions which constitute a change in educational placement, the district shall first determine whether the student's behavior is a manifestation of his/her disability. Expulsion, or exclusion from school for more than fifteen (15) cumulative days in a year, or patterns of suspensions for substantially identical behaviors constitute changes in educational placements requiring a manifestation determination. For students with <u>mental retardation an intellectual disability</u>, any disciplinary suspension or expulsion is a change in educational placement.</p>  |
| <p>Title 22<br/>Sec. 14.143<br/>34 CFR<br/>Sec. 300.530(c)<br/>Pol. 218, 233</p>   | <p>A student with a disability whose behavior is not a manifestation of his/her disability may be disciplined in accordance with Board policy, district rules and regulations in the same manner and to the same extent as students without disabilities.</p>   |

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## 113.1. DISCIPLINE OF STUDENTS WITH DISABILITIES - Pg. 3

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| <p>20 U.S.C.<br/>Sec. 1415(k)<br/>34 CFR<br/>Sec. 300.532</p>  | <p><u>Parent/Guardian Appeals From Disciplinary Actions/Request For Hearing By District For Students Who Are A Danger To Themselves Or Others</u></p> <p>A due process hearing may be requested by a parent/guardian of a student with a disability who disagrees with a disciplinary placement or manifestation determination, or by the district if the district believes that the current placement is substantially likely to result in injury to the student or others. On parent/guardian appeal, or when the district requests a due process hearing, the hearing officer may return the student to the placement from which s/he was removed or order his/her removal to an appropriate interim alternative educational setting for up to forty-five (45) school days if the hearing officer determines that maintaining the child's current placement is substantially likely to result in an injury to the student or others.</p> |
| <p>20 U.S.C.<br/>Sec. 1415(k)<br/>34 CFR<br/>Sec. 300.533</p>  | <p>Placement during appeals of disciplinary actions shall be in the interim alternative educational setting pending the decision of the hearing officer or expiration of the time period set for the disciplinary exclusion from the student's regular placement unless the district and the parent/guardian agree otherwise.</p>   |
| <p>20 U.S.C.<br/>Sec. 1415(k)<br/>34 CFR<br/>Sec. 300.534</p>  | <p><u>Students Not Identified As Disabled/Pending Evaluation</u></p> <p>Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the district did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation shall be expedited.</p>   |
| <p>20 U.S.C.<br/>Sec. 1415(k)<br/>34 CFR<br/>Sec. 300.530(g)</p>   | <p><u>Administrative Removal To Interim Alternative Educational Setting For Certain Infractions</u></p> <p>School personnel may remove a student with a disability, including <del>mental retardation</del> <u>those with an intellectual disability</u>, to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student:</p>  |
| <p>18 U.S.C.<br/>Sec. 930<br/>20 U.S.C.<br/>Sec. 1415(k)<br/>34 CFR<br/>Sec. 300.530(i)<br/>Pol. 218.1</p> | <ol style="list-style-type: none"><li>1. Carries a weapon to or possesses a weapon at school, on school property, or at school functions under the jurisdiction of the district. For purposes of this provision, <b>weapon</b> is defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half (2 ½) inches in length.</li></ol>   |

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## 113.1. DISCIPLINE OF STUDENTS WITH DISABILITIES - Pg. 4

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| <p>20 U.S.C.<br/>Sec. 1415(k)<br/>21 U.S.C.<br/>Sec. 812(c)<br/>34 CFR<br/>Sec. 300.530(i)<br/>Pol. 227</p> <p>18 U.S.C.<br/>Sec. 1365(h)(3)<br/>20 U.S.C.<br/>Sec. 1415(k)<br/>34 CFR<br/>Sec. 300.530(i)</p>            | <p>2. Knowingly possesses or uses illegal drugs, as defined by law, or sells or solicits the sale of a controlled substance, as defined by law, while at school, on school property, or at school functions under the jurisdiction of the district.</p> <p>3. Has inflicted serious bodily injury upon another person while at school, on school property, or at school functions under the jurisdiction of the district. For purposes of this provision, <b>serious bodily injury</b> means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.</p>  |
| <p><del>20 U.S.C.<br/>Sec. 1415(k)<br/>34 CFR<br/>Sec. 300.535</del></p> <p><u>SC 1303-A<br/>Title 22<br/>Sec. 10.2<br/>35 P.S.<br/>Sec. 780-102</u></p>  | <p><del>The district shall report crimes committed by a student with a disability to the appropriate authorities in the same manner as it reports crimes committed by students without disabilities.</del></p> <p><u>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.</u></p>   |
| <p><u>SC 1302.1-A<br/>Title 22<br/>Sec. 10.2, 10.21,<br/>10.22,<br/>10.23,<br/>10.25,<br/>14.104,<br/>14.133</u></p> <p><u>20 U.S.C.<br/>Sec. 1415(k)<br/>34 CFR<br/>Sec. 300.535<br/>Pol. 103.1, 113,<br/>113.2,</u></p> | <p><u>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 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 to such incidents in accordance with the district's Special Education Plan and, if applicable, the procedures, methods and techniques defined in the student's Behavior Support Plan.</u></p> |

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## 113.1. DISCIPLINE OF STUDENTS WITH DISABILITIES - Pg. 5

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| <u>113.3, 218,</u><br><u>218.1,</u><br><u>218.2, 222,</u><br><u>227, 805.1</u>  |   |
| <u>Title 22</u><br><u>Sec. 10.23,</u><br><u>14.133</u><br><u>Pol. 113.2, 113.3</u>  | <u>For a student with a disability who does not have a Behavior Support Plan, subsequent to notification to law enforcement, the district shall convene the student's IEP team to consider whether a Behavior Support Plan should be developed to address the student's behavior, in accordance with law, regulations and Board policies.</u>   |
| <u>Title 22</u><br><u>Sec. 10.2, 10.21,</u><br><u>10.22, 10.23</u><br><u>20 U.S.C.</u><br><u>Sec. 1415(k)(6)</u><br><u>34 CFR</u><br><u>Sec. 300.535</u><br><u>Pol. 113.4, 216,</u><br><u>805.1</u> | <u>When reporting an incident committed by a student with a disability to the appropriate authorities, the district shall provide the information required by state and federal laws and regulations and shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by these authorities. The district shall transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.</u>                                     |
| <u>SC 1303-A</u><br><u>Pol. 805.1</u>   | <u>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 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.</u>   |
|   | <u>References:</u><br><br><u>School Code – 24 P.S. Sec. 510, 1302.1-A, 1303-a</u><br><br><u>PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-102</u><br><br><u>State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.22, 10.23, 10.25, 12.6, 14.104, 14.133, 14.143</u><br><br><u>Crimes Code, Possession of Firearms and Dangerous Weapons –</u><br><u>18 U.S.C. Sec. 930</u><br><br><u>Crimes Code, Definition, Serious Bodily Injury – 18 U.S.C. Sec. 1365(h)(3)</u><br><br><u>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.</u> |

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## 113.1. DISCIPLINE OF STUDENTS WITH DISABILITIES - Pg. 6

Controlled Substances Act – 21 U.S.C. Sec. 812

Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations –  
34 CFR Part 300

Board Policy – 103.1, 113, 113.2, 113.3, 218, 218.1, 227, 233, 805.1

PSBA Revision 4/13

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No. 113.2

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: PROGRAMS  
TITLE: BEHAVIOR SUPPORT  
ADOPTED: August 19, 2002  
REVISED: July 21, 2003  
October 18, 2010

1<sup>st</sup> READ: ~~August 19, 2013~~ <sup>July 2013</sup>

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| 113.2. BEHAVIOR SUPPORT  |   |
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| <p>1. Purpose<br/>Title 22<br/>Sec. 14.133,<br/>14.145<br/>20 U.S.C.<br/>Sec. 1414(d)<br/>34 CFR<br/>Sec. 300.114,<br/>300.324(a)</p>  | <p>Students with disabilities shall be educated in the least restrictive environment and shall only be placed in settings other than the regular education class when the nature or severity of the student's disability is such that education in the regular education class with the use of appropriate supplementary aids and services cannot be achieved satisfactorily. The IEP team for a student with <u>a disabilityies</u> shall develop a positive behavior support plan if the student requires specific intervention to address behavior that interferes with learning. The identification, evaluation, and plan or program shall be conducted and implemented in accordance with state and federal law and regulations.</p> |
| <p>2. Authority<br/>Title 22<br/>Sec. 14.133<br/>20 U.S.C.<br/>Sec. 1414(d),<br/>1415(k)<br/>34 CFR<br/>Sec. 300.34(c),<br/>300.324(a),<br/>300.530(d),<br/>(f)<br/>Pol. 113, 113.1,<br/>113.3</p> | <p>The Board directs that the district's behavior support programs shall be based on positive rather than negative behavior techniques to ensure that students shall be free from demeaning treatment and unreasonable use of restraints or other aversive techniques. The use of restraints shall be considered a measure of last resort and shall only be used after other less restrictive measures, including de-escalation techniques. Behavior support programs and plans shall be based on a functional assessment of behavior and shall include a variety of research-based techniques to develop and maintain skills that will enhance students' opportunity for learning and self-fulfillment.</p>                              |
| <p>3. Definitions<br/>Title 22<br/>Sec. 14.133</p>   | <p>The following terms shall have these meanings, unless the context clearly indicates otherwise:</p> <p><b>Aversive techniques</b> – Deliberate activities designed to establish a negative association with a specific behavior.</p> <p><b>Behavior support</b> – The development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.</p>   |

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| Pol. 113 | <p><b>Behavior Support Plan or Behavior Intervention Plan</b> - plan for students with disabilities who require specific intervention to address behavior that interferes with learning. A positive Behavior Support Plan shall be developed by the IEP team, be based on a functional behavioral assessment, and become part of the individual student's IEP. These plans must include methods that use positive reinforcements, other positive techniques and related services required to assist a student with a disability to benefit from special education.</p> <p><b>Positive techniques</b> – Methods which utilize positive reinforcement to shape a student's behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.</p> <p><b>Restraints</b> – application of physical force, with or without the use of any device, designed to restrain free movement of a student's body, excluding the following:</p> <ol style="list-style-type: none"><li>1. Briefly holding a student, without force, to calm or comfort him/her.</li><li>2. Guiding a student to an appropriate activity.</li><li>3. Holding a student's hand to escort him/her safely from one area to another.</li><li>4. Hand-over-hand assistance with feeding or task completion.</li><li>5. Techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student's parents/guardians and specified in the IEP.</li><li>6. Mechanical restraints governed by this policy, such as devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices.</li></ol> <p><b>Seclusion</b> - confinement of a student in a room, with or without staff supervision, in order to provide a safe environment to allow the student to regain self-control.</p> <p><b>Students with disabilities</b> - school-aged children within the jurisdiction of the district who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services.</p> |
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| 4. Delegation of Responsibility                                       | The Superintendent or designee shall ensure that this Board policy is implemented in accordance with federal and state laws and regulations.   |
|   | <b>The Superintendent or designee shall develop administrative regulations to implement this policy.</b>   |
| Title 22<br>Sec. 14.133   | The Superintendent or designee shall provide regular training, and retraining as needed, of staff in the use of specific procedures, methods and techniques, including restraints and seclusions, that will be used to implement positive behavior supports or interventions in accordance with students' IEPs and Board policy.   |
| Title 22<br>Sec. 14.133   | The Superintendent or designee shall maintain and report data on the use of restraints, as required. Such report shall be readily available for review during the state's cyclical compliance monitoring. Procedures shall be established requiring reports be made to the district by entities educating students with disabilities who attend programs or classes outside the district, including private schools, agencies, intermediate units and vocational schools.  |
| 5. Guidelines<br>Title 22<br>Sec. 14.133<br>34 CFR<br>Sec. 300.324(a) | Development of a separate Behavior Support Plan is not required when appropriate positive behavioral interventions, strategies and supports can be incorporated into a student's IEP.  |
|   | When an intervention is necessary to address problem behavior, the types of intervention chosen for a student shall be the least intrusive necessary.  |
|   | <u>Physical Restraints</u>   |
| Title 22<br>Sec. 14.133   | Restraints to control acute or episodic aggressive behavior may be used only when the student is acting in a manner that presents a clear and present danger to the student, other students or employees, and only when less restrictive measures and techniques have proven to be or are less effective.  |
| Title 22<br>Sec. 14.133   | The Building Administrator or designee shall notify the parent/guardian and Director of Special Education as soon as practicable of the use of restraints to control the aggressive behavior of the student and shall convene a meeting of the IEP team within ten (10) school days of the use of restraints, unless the parent/guardian, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs a functional behavioral assessment, re-evaluation, a new or revised positive Behavior Support Plan, or a change of placement to address the inappropriate behavior. |
| Title 22<br>Sec. 14.133   | The use of restraints shall not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment. Restraints may   |

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|                         | <p>be included in an IEP only if:</p> <ol style="list-style-type: none"><li>1. The restraint is used with specific component elements of a positive Behavior Support Plan.</li><li>2. The restraint is used in conjunction with teaching socially appropriate alternative skills or behaviors.</li><li>3. Staff are authorized to use the restraint and have received appropriate training.</li><li>4. Behavior Support Plan includes efforts to eliminate the use of restraints.</li></ol>   |
| Title 22<br>Sec. 14.133 | <p><u>Mechanical Restraints</u></p> <p>Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student's parents/guardians.</p> <p>Mechanical Restraints shall prevent a student from injuring him/herself or others or promote normative body positioning and physical functioning.</p> |
| Title 22<br>Sec. 14.133 | <p><u>Seclusion</u></p> <p>The district permits involuntary seclusion of a student in accordance with the student's IEP or in an emergency to prevent immediate or imminent injury to the student or others, but the seclusion must be the least restrictive alternative.</p> <p>The district prohibits the seclusion of students in locked rooms, locked boxes and other structures or spaces from which the student cannot readily exit.</p>  |
| Title 22<br>Sec. 14.133 | <p><u>Aversive Techniques</u></p> <p>The following aversive techniques of handling behavior are considered inappropriate and <del>may</del>shall not be used in educational programs:</p> <ol style="list-style-type: none"><li>1. Corporal punishment.</li><li>2. Punishment for a manifestation of a student's disability.</li></ol>  |

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Title 22  
Sec. 14.143

3. Locked rooms, locked boxes, other locked structures or spaces from which the student cannot readily exit.
4. Noxious substance.
5. Deprivation of basic human rights, such as withholding meals, water or fresh air.
6. Suspensions constituting a pattern as defined in state regulations.
7. Treatment of a demeaning nature.
8. Electric Shock
9. Methods implemented by untrained personnel.
10. Prone restraints, which are restraints by which a student is held face down on the floor.

**Referral To Law Enforcement**

SC 1302.1-A  
Title 22  
Sec. 10.2, 10.21,  
10.22, 10.23,  
10.25,  
14.104,  
14.133  
20 U.S.C.  
Sec. 1415(k)  
34 CFR  
Sec. 300.535  
Pol. 103.1, 113,  
113.1,  
218, 218.1,  
218.2, 222,  
227, 805.1

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 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 to such incidents in accordance with the district's Special Education Plan and, if applicable, the procedures, methods and techniques defined in the student's Behavior Support Plan.

Title 22  
Sec. 10.23,  
Sec-14.133  
Pol. 113.3

Subsequent to a notification referral to law enforcement, an updated functional behavioral assessment and Behavior Support Plan shall be required for students with disabilities who have Behavior Support Plans at the time of such referral.

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| <p>Title 22<br/>Sec. 14.133</p>   | <p>If, as a result of such referral, the student is detained or otherwise placed in a residential setting located outside the district, the Director of Special Education or designee shall ensure that the responsible school district or intermediate unit is informed of the need to update the student's functional behavioral assessment and Behavior Support Plan.</p>   |
| <p><u>Title 22</u><br/><u>Sec. 10.23,</u><br/><u>14.133</u></p>   | <p><u>For a student with a disability who does not have a Behavior Support Plan, subsequent to notification to law enforcement, the district shall convene the student's IEP team to consider whether a Behavior Support Plan should be developed to address the student's behavior, in accordance with law, regulations and Board policy.</u></p>   |
| <p><u>Title 22</u><br/><u>Sec. 10.23,</u><br/><u>14.104</u><br/><u>Pol. 113, 805.1</u></p>                    | <p><u>Relations With Law Enforcement</u></p> <p><u>The district shall provide a copy of its administrative regulations and procedures for behavior support, developed in accordance with the Special Education Plan, to each local police department that has jurisdiction over school property. Updated copies shall be provided each time the administrative regulations and procedures for behavior support are revised by the district.</u></p>  |
| <p><u>Title 22</u><br/><u>Sec. 10.23,</u><br/><u>14.104,</u><br/><u>14.133</u><br/><u>Pol. 113, 805.1</u></p> | <p><u>The district shall invite representatives of each local police department that has jurisdiction over school property to participate in district training on the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require intervention, as included in the district's Special Education Plan and positive behavior support program.</u></p>   |
|   | <p>References:</p> <p><u>School Code – 24 P.S. Sec. 1302.1-A, 1303-A</u></p> <p><u>State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.22, 10.23, 10.25, 14.104, 14.133, 14.143, 14.145</u></p> <p><u>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.</u></p> <p><u>Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300</u></p> <p><u>Pennsylvania Training and Technical Assistance Network, Questions and Answers on the Restraint Reporting Requirements and System, June 2009 – www.pattan.net</u></p> <p><u>Board Policy – 000, 103.1, 113, 113.1, 113.3, 218, 218.1, 218.2, 222, 227, 805.1</u></p> <p><u>PSBA Revision 4/13</u></p> |

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No. 122

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: PROGRAMS

TITLE: EXTRACURRICULAR  
ACTIVITIES

ADOPTED: August 19, 2002

REVISED: February 28, 2005  
December 19, 2005  
July 17, 2006  
November 20, 2006  
June 25, 2007

1<sup>st</sup> Read: July 2013

| 122. EXTRACURRICULAR ACTIVITIES        |  |
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| 1. Purpose<br>SC 511                   | <p>The Board believes that some of the goals and objectives of this school district are supported by learning experiences, which may be more appropriately conducted outside the regular classroom curricular program and hours of the school.</p> <p>Learning experiences offered by the schools of this district, curricular and extracurricular, should be planned and integrated toward the attainment of the school district's goals and objectives.</p>  |
| 2. Definition<br>Title 22<br>Sec. 12.1 | <p>For purposes of this policy, extracurricular activities shall be those activities which are sponsored or approved by the Board. Such activities shall ordinarily be:</p> <ol style="list-style-type: none"><li>1. Not assigned grades or credits.</li><li>2. Conducted wholly or partly outside the regular school day.</li><li>3. Marked by student participation in the processes of initiation, planning, organizing and execution.</li><li>4. Available to all students enrolled in the school district who voluntarily elect to participate, except that where eligibility requirements are necessary or desirable, the Board shall be so informed and must approve the establishment of eligibility standards before they may be operable.</li></ol> <p>5. Shall ordinarily include: <u>intramural sports and clubs, not classified as interscholastic athletics.</u></p> <p><del>a. Intramural sports.</del></p> <p><del>b. Clubs.</del></p> |

Pol. 123

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122. EXTRACURRICULAR ACTIVITIES – Pg. 2

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| <p>3. Authority<br/>SC 511<br/>20 U.S.C.<br/>Sec. 4071 et<br/>seq<br/>Pol. 103</p> <p>Pol. 110</p> | <p>The Board may make school facilities, supplies and equipment available and assign staff members for the support of a program of extracurricular activities for students. Such availability and assignment shall be in accordance with the Equal Access Act and with other applicable state and federal laws. Meetings regarding extracurricular activities cannot materially and substantially interfere with the order of conduct of the educational activities of the school.</p> <p>Any extracurricular activity shall be considered to be under the sponsorship of the Board when it has been approved by the Board.</p> <p>The Superintendent or designee shall establish the length of sessions, number per week, and other limitations deemed reasonably necessary.</p> <p>With the approval of the Superintendent and school principal, student groups may be organized into clubs, which are subject area related. Each student organization must have a faculty sponsor.</p> <p>The Board shall maintain the program of extracurricular activities at no cost to participating students, except that the Board's responsibility for the provision of supplies shall carry the same exemptions as listed in the Board's policy on regular school supplies.</p> <p>Students may assume all or part of the costs of travel and attendance at extracurricular events and trips.</p> |
| <p>4. Delegation of<br/>Responsibility</p> <p>5. Guidelines<br/>20 U.S.C.<br/>Sec. 4071 et seq</p> | <p>The Superintendent shall prepare and disseminate procedures to implement an extracurricular program which shall:</p> <ol style="list-style-type: none"><li>1. Be directed toward student attainment of the school district's goals and objectives for students.</li><li>2. Assess the needs and interests of the students of the school district.</li><li>3. Invite the participation of parents and community in the development of a program of extracurricular activities in accordance with the Equal Access Act.</li><li>4. Involve students in the planning of extracurricular activities.</li><li>5. Be responsive to the articulated needs of students.</li></ol>   |

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## 122. EXTRACURRICULAR ACTIVITIES – Pg. 3

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| <p>Title 22<br/>Sec. 12.1, 12.4</p> | <ol style="list-style-type: none"><li>6. Ensure the provision of competent guidance and supervision of staff.</li><li>7. Guard against the exploitation of students.</li><li>8. Provide for a variety of experiences and a diversity of organizational models.</li><li>9. Provide for the continuing evaluation of the extracurricular program.</li><li>10. Ensure that all extracurricular activities are open to all students enrolled in the school district and that all students are informed of the extracurricular opportunities open to them.</li></ol> <p>Students who are enrolled in the school district shall have the opportunity to participate in extracurricular activities.</p> |
| <p>Pol. 104.1</p>                   | <p>A charter or cyber charter school student may participate in the school district's extracurricular activities as long as the student is a resident of the school district, the charter or cyber charter school does not provide the same extracurricular activity, and the student fulfills all requirements for participation in the activity required for school district students. The opportunity for participation in co-curricular and/or extracurricular activities may be rescinded for good cause by the Superintendent or designee.</p>   |
| <p>Pol. 137</p>                     | <p>A home education student may participate in the school district's extracurricular activities as long as the student is a resident of the school district and the student fulfills all requirements for participation in the activity required for school district students. The opportunity for participation in co-curricular and/or extracurricular activities may be rescinded for good cause by the Superintendent or designee.</p>   |
| <p>Pol 218</p>                      | <p>Advisors of extracurricular programs may develop and disseminate criteria that determines student eligibility for participation in an extracurricular activity.</p> <p><u>Off-Campus Activities</u></p> <p>This policy shall also apply to student conduct that occurs off school property and would violate the Code of Student Conduct if:</p> <ol style="list-style-type: none"><li>1. There is a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.</li></ol>   |

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122. EXTRACURRICULAR ACTIVITIES – Pg. 4

Pol. 123

2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, such as an agreement to complete a transaction outside of school that would violate the Code of Student Conduct.
5. The conduct involves the theft or vandalism of school property.

~~The Board directs that no student may participate in the program of interscholastic extracurricular activities if s/he has not maintained a record of academic proficiency as per guidelines set forth by the P.I.A.A., when applicable, and is sufficient to insure that participation in interscholastic athletic activities will not interfere with his/her instructional program.~~

~~Participation in P.I.A.A. interscholastic extracurricular activities is dependent upon the student's maintaining an appropriate academic standing in his/her class work. Any student not passing (achieving an average of at least 65%) at least two (2) full credit subjects or the equivalent under a block scheduling format or four (4) full credit subjects or the equivalent under a traditional scheduling format will be declared ineligible for further participation until passing averages have been re-attained. Academic eligibility will be monitored on a weekly basis and checked on Fridays. For any student deemed academically ineligible, the ineligibility period will be in effect from the immediately following Sunday through the next Saturday, as determined on the immediately preceding Friday, except in cases whereby, at the conclusion of a marking period, the student has failed to meet academic eligibility requirements. That ineligibility period will last for fifteen (15) school days of the next grading period, unless any deficiencies have been corrected over the summer. The fifteen (15) school day ineligibility period, when applied to the end of the school year, uses final averages to determine eligibility. Any student who has been deemed academically ineligible may be at practice only for the purpose of maintaining proper conditioning or the like. S/He may not participate in any team-oriented work, in skill work, in concerts/performances or in competition during the period of ineligibility. (See Board Policy No. 123 for more information).~~

~~Participation in interscholastic athletics requires the student's passing a pre-season physical examination. Home education students will be allowed to receive an athletic physical exam if and when such exams are available to~~

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122. EXTRACURRICULAR ACTIVITIES – Pg. 5

20 U.S.C.  
Sec. 4071 et seq

~~students enrolled in the school district. Student athletes are reminded that they may not participate in the same sport during the same season as an individual or as a member of the team outside of the school program (P.I.A.A., Section 1A). STUDENTS WHO RECEIVE ANY TYPE OF SUSPENSION (IN SCHOOL OR OUT OF SCHOOL) WILL BE PROHIBITED FROM ATTENDING AND/OR PARTICIPATING IN AFTER SCHOOL ACTIVITIES FOR THE DURATION OF THE SUSPENSION. HOWEVER, STUDENTS RECEIVING IN-SCHOOL SUSPENSION (ISS) WILL BE REQUIRED TO ATTEND ANY SCHEDULED AFTER SCHOOL DETENTION. NO STUDENT, DURING THE TIME OF OUT OF SCHOOL SUSPENSION (OSS), MAY ATTEND OR PARTICIPATE IN ANY SCHOOL ACTIVITY. ANY STUDENT WHOSE PERIOD OF SUSPENSION SPANS A WEEKEND MAY NOT PARTICIPATE IN WEEKEND EVENTS/ACTIVITIES.~~

It must be emphasized that students involved in extracurricular activities carry a great responsibility in representing the school wherever they are. The manner in which they carry themselves determines, in good measure, the reputation of our programs.

Equal Access Act

The school district shall provide secondary students the opportunity for non-curriculum related student groups to meet on the school premises during non-instructional time for the purpose of conducting a meeting within the limited open forum on the basis of religious, political, philosophical, or other content of the speech at such meetings. Such meetings must be voluntary, student-initiated, and not sponsored in any way by the school, its agents or employees. Non-instructional time is the time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

The meetings cannot materially and substantially interfere with the orderly conduct of the educational activities in the school.

The Superintendent or designee shall establish the length of sessions, number per weeks and other limitations deemed reasonably necessary.

The school district retains the authority to maintain order and discipline on school premises in order to protect the well-being of students and employees and to ensure that student attendance at such meetings is voluntary.

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# EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PROGRAMS

TITLE: INTERSCHOLASTIC  
ATHLETICS

ADOPTED: August 19, 2002

REVISED: February 28, 2005  
December 19, 2005  
July 17, 2006  
November 20, 2006  
June 25, 2007

1ST READ: July 2013

## 123. INTERSCHOLASTIC ATHLETICS

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| <p>1. Purpose</p> <p>2. Definition</p> <p>3. Authority<br/>Title 22<br/>Sec. 4.27<br/>34 CFR<br/>106.41<br/>Pol. 103</p> <p>SC 511</p> | <p>The Board recognizes the value of a program of interscholastic athletics as an integral part of the total school experience for all school district students and as a conduit for community involvement.</p> <p>For purposes of this policy, the program of interscholastic athletics shall include all activities relating to competitive or exhibition sport contests, games or events involving individual students or teams of students when such events occur between schools within this school district or outside this school district.</p> <p>It shall be the policy of the Board to offer opportunities for participation in interscholastic athletic programs to male and female students on as equal a basis as is practicable and without discrimination, in accordance with law and regulations.</p> <p>The Board shall approve a program of interscholastic athletics and require that all facilities utilized in that program, whether or not the property of this Board, properly safeguard both players and spectators and are kept free from hazardous conditions.</p> <p>The Board shall determine the standards of eligibility to be met by all students participating in an interscholastic program. Such standards shall require that each student, before participating in any interscholastic activity, be covered by student accident insurance; be in good physical condition; and be free of injury, as determined by the school district physician.</p> <p>The Board further adopts those eligibility standards set by the Constitution of the Pennsylvania Interscholastic Athletic Association.</p> <p><del>P.I.A.A. regulations require that all students have a physical exam no more than six (6) weeks prior to participation in a sport. All exams may be done by a</del></p> |
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123. INTERSCHOLASTIC ATHLETICS – Pg. 2

~~private physician if the parent chooses. However, times are scheduled by the school for the exams if not done privately. School exams are done by the school physician at no expense to the parent. Students who are enrolled in the school district shall have the opportunity to participate in interscholastic athletics.~~

~~The Board directs that no student may participate in interscholastic athletics who has not:~~

- ~~1. Met the requirements for academic eligibility.~~
- ~~2. Attended school regularly.~~
- ~~3. Been in attendance on the day of the athletic event or practice.~~
- ~~4. Maintained a record of academic proficiency sufficient to ensure that participation in interscholastic athletic activities will not interfere with academic achievement.~~

Pol. 209

The Board directs that no student may participate in the program of interscholastic athletics if s/he has not maintained a record of academic proficiency that satisfies guidelines set forth by the P.I.A.A. and is sufficient to insure that participation in interscholastic athletic activities will not interfere with his/her instructional program.

The Board shall adopt an Athletic Handbook to govern student participation in Interscholastic Athletics. Each student must adhere to Board Policies and the Athletic Handbook governing student eligibility participation and discipline.

~~Participation in interscholastic athletics requires the student's passing a pre-season physical examination. Home Education students will be allowed to receive an athletic physical exam from the school district if and when such exams are available to students enrolled in the school district. Student athletes are reminded that they may not participate in the same sport during the same season as an individual or as a member of the team outside of the school program (P.I.A.A., Section IA).~~

~~The Board directs that all students participating in interscholastic athletics shall follow any and all standards established by the administration and approved by the Board.~~

~~Participation in interscholastic extracurricular activities and athletics is dependent upon the student's maintaining an appropriate academic standing in his/her class work. Any student not passing (achieving an average of at least~~

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~~65%) at least 2 major (full credit) academic classes under an intensive or "block" scheduling format or at least 4 major (full credit) academic classes under a traditional scheduling format will be declared ineligible for further participation until passing averages have been re-attained. Academic eligibility will be~~

~~Pol. 140.1~~

~~monitored on a weekly basis and checked on Fridays. For any student deemed academically ineligible, the ineligibility period will be in effect from the immediately following Sunday through the next Saturday, as determined on the immediately preceding Friday, except in cases whereby, at the conclusion of a marking period, the student has failed to meet academic eligibility requirements. That ineligibility period will last for fifteen (15) school days of the next grading period, unless any deficiencies have been corrected over the summer. The fifteen (15) school day ineligibility period, when applied to the end of the school year, uses final averages to determine eligibility.~~

~~Any student who has been deemed academically ineligible may be at practice only for the purpose of maintaining proper conditioning or the like. S/He may not participate in any team oriented work, in skill work, in performances, or in competition during the period of ineligibility.~~

Pol. 137

A charter or cyber charter school student may participate in the school district's interscholastic athletic programs as long as the student is a resident of the school district, the charter or cyber charter school does not provide the same interscholastic athletic program, and the student fulfills all requirements for participation in the program required for school district students. The opportunity for such participation may be rescinded for good cause by the Superintendent or designee.

4. Delegation of Responsibility

A home education student may participate in the school district's interscholastic athletics program as long as the student is a resident of the school district and the student fulfills all requirements for participation in the activity required for school district students. The privilege of participation in interscholastic athletics may be rescinded for good cause by the Superintendent or designee.

The Superintendent shall annually prepare, approve and present to the Board for its consideration a program of interscholastic athletics, which shall include a complete schedule of events.

She/He shall inform the Board of changes in that schedule as they occur.

Title 22  
Sec. 12.1, 12.4

The Superintendent shall prepare rules for the conduct of students participating in interscholastic athletics. Such rules shall be in conformity with regulations of the State Board of Education, the P.I.A.A. and the school district.

The Superintendent shall ensure that similar athletic programs are offered to both sexes in proportion to the school district's enrollment.

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| 5. Guidelines | <p>The Superintendent shall ensure that interscholastic athletics are open to all eligible students and that all students are fully informed of the opportunities available to them.</p> <p><u>Athletic Awards</u></p> <p><del>There will be only one (1) chenille letter awarded to a student for the entire year and only one (1) of its type to be awarded to the student throughout his/her high school career. The student who participates in a second or third year of competition on the same level and earns his/her varsity letter will be awarded a certificate indicating his/her accomplishments. All seniors who have been awarded a varsity letter in their senior year will be presented a plaque indicating their service to the athletic program. Certificates of athletic achievement will be awarded to participants in sports at the junior varsity and freshman levels.</del></p> <p><u>Staff</u></p> <p>All teaching staff, support staff, and members of the community who meet the requirements of the job description and legal requirements shall be eligible to serve as an activity sponsor or athletic coach. The selection process shall be governed by the appropriate collective bargaining agreement with teaching staff receiving first consideration.</p> <p>Athletic coaches must be knowledgeable regarding training and conditioning and sports skills as evidenced by appropriate course work either completed or being taken, past experiences or responses to questions during interviews for a coaching position.</p> <p>Because of the extent of responsibilities in many areas of school operations, school district administrators shall be eligible to serve as volunteers to assist coaches, directors or advisors for any scholastic or intramural program or activities program; but, only after completion of their normal daily administrative duties.</p> <p>All appointments to extra-responsibility positions are for a one-year period only.</p> |
|               | <p><del>The school district shall take those steps necessary to ensure the return of all applicable athletic equipment.</del></p> <p><u>Guidelines for the Conduct of Student Athletes</u></p>   |

~~The student athlete represents his/her school both on and off the playing field or court. She/He is expected to model appropriate behavior at all times as well as to maintain appropriate academic standing. The following regulations apply to all student athletes in every sport.~~

~~To remain eligible for athletic competition, students must meet the academic standards established by the P.I.A.A. Academic eligibility for senior high school student athletes is dependent upon the student athlete passing, under a block scheduling format, two (2) full credit subjects or the equivalent per grading period. Intermediate school student athletes are required to maintain passing grades in four (4) full credit subjects or the equivalent per grading period. This determination will be made weekly and is checked on Fridays. Where a student's cumulative work from the beginning of the grading period does not, as of any Friday, meet these eligibility standards, the student shall be considered ineligible. Student athletes who do not meet the minimum requirement of maintaining passing grades are not eligible to participate in any interscholastic competition during the period of ineligibility. The P.I.A.A. defines this period of ineligibility as from the immediately following Sunday through the next Saturday, as determined on the immediately preceding Friday.~~

~~In addition, at the conclusion of each marking period, the high school student athlete must have passed, under a block scheduling format, two (2) full credit subjects or the equivalent per grading period and the intermediate school student athlete must have passed four (4) full credit subjects or the equivalent per grading period. If the student athlete fails to do so, he/she is ineligible to participate in any interscholastic competition for fifteen (15) school days, beginning the day report cards are issued or the next school day thereafter.~~

~~Additionally, all student-athletes are expected to abide by the rules of conduct stated in the applicable school's Code of Student Conduct.~~

~~STUDENT-ATHLETES WHO RECEIVE ANY TYPE OF SUSPENSION (IN-SCHOOL OR OUT-OF-SCHOOL) WILL BE PROHIBITED FROM ATTENDING AND/OR PARTICIPATING IN AFTER-SCHOOL ACTIVITIES FOR THE DURATION OF THE SUSPENSION. HOWEVER, STUDENTS RECEIVING IN-SCHOOL SUSPENSION (ISS) WILL BE REQUIRED TO ATTEND ANY SCHEDULED AFTER-SCHOOL DETENTION. NO STUDENT, DURING THE~~

Pol. 218

TIME OF OUT-OF-SCHOOL SUSPENSION (OSS), MAY ATTEND OR PARTICIPATE IN ANY SCHOOL ACTIVITY.

Any student whose period of suspension spans a weekend may not participate in weekend athletic contests, events or practices.

Off-Campus Activities

This policy shall also apply to student conduct that occurs off school property

and would violate the applicable student Code of Conduct if:

1. There is a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.
2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, such as an agreement to complete a transaction outside of school that would violate the student Code of Conduct.
5. The conduct involves the theft or vandalism of school property.

Rules At Athletic Events

As members of the Mountain Valley Conference, the schools of the school district are firmly committed to the belief that athletic competition is a vital part of our educational program. The Mountain Valley Conference expects its member schools to exhibit only the highest standards of sportsmanship. To this end, all member schools have agreed that:

1. No alcoholic beverages or use thereof are permitted at any athletic contests.
2. Players, coaches, and fans are asked to refrain from the use of foul, abusive and/or abrasive language.

3. The throwing of objects onto the playing area is strictly prohibited.

~~3.4.~~ Home and visiting spectators are asked to remain in designated areas. In addition, the school district has specific guidelines for conduct at all sporting events as follows

1. Profanity of any type directed at anyone will be cause for immediate removal from the playing area. This includes group cheers that are of a less-than-desirable nature.
2. Insults directed at either opponents or officials will also lead to expulsion from the playing area.
3. All fans are to keep off the gym floor during intermission.

4. No one will be allowed to leave the gym and return during a varsity contest. This will be allowed only before the game starts and during halftime.
5. Any kind of liquid refreshment must be consumed outside of the gym.
6. Anyone intoxicated or exhibiting behavior unbecoming a sport fan will be ejected from the playing area.
7. It is expected that all fans will extend every possible courtesy to our opponent, for example, remaining silent while an opponent's basketball player is attempting a foul shot.
8. According to P.I.A.A. guidelines, noisemakers and signs are not allowed in a gym during any athletic contest.
9. At any time that it becomes necessary due to lack of compliance with these rules by a large number of fans, the playing area will be cleared of spectators (without refund of admission price), and the contest will be concluded in closed session.
10. Anyone who is ejected from the gym/playing area due to lack of compliance with any of these rules will not be granted a refund.

Pa Code  
Title 22  
Sec. 4.27  
School Code 511  
Board Policy 103



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No. 137

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: PROGRAMS  
TITLE: HOME EDUCATION  
PROGRAMS  
ADOPTED: August 19, 2002  
REVISED: November 17, 2003  
October 4, 2005  
December 19, 2005  
1<sup>st</sup> READ: July, 2013

Formatted: Superscript

| 137. HOME EDUCATION PROGRAMS |  |
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| 1. Authority<br>SC1327,327.1 | The Board shall approve a program of home education, pursuant to law, permitting students to study at home in accordance with the Board policy.  |
| 2. Definitions<br>SC 1327.1  | <p><b>Home Education Program</b> – a program conducted in compliance with law by the parent/guardian or person having legal custody of a child. A home education program shall not be considered a nonpublic school under the provisions of law.</p> <p><b>Supervisor</b> – the parent/guardian or person having legal custody of a child who is responsible for providing instruction, provided that such person has a high school diploma or its equivalent.</p> <p><b>Hearing Examiner</b> – shall not be an officer, employee or agent of the Department of Education or of the school district or intermediate unit of residence of the child in the home education program.</p> <p><b>Appropriate Education</b> – a program consisting of instruction in the required subjects for the time required by law and in which the student demonstrates sustained progress in the overall program.</p> |
| 3. Guidelines<br>SC 1327.1   | <p><u>Eligibility/Affidavits</u></p> <p>A notarized affidavit of the parent/guardian or person having legal custody of the child shall be filed prior to commencement of the home education program and annually thereafter on August 1 with the Superintendent. The affidavit shall set forth:</p> <ol style="list-style-type: none"><li>1. Name of the supervisor of the home education program who will be responsible for program who will be responsible for the provision of instruction.</li><li>2. Name and age of each child who will participate in the home education program.</li></ol>  |

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## 137. HOME EDUCATION PROGRAMS – Pg. 2

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| Pol. 203, 209 | <ol style="list-style-type: none"><li>3. Address and telephone number of the home education program site.</li><li>4. That subjects required by law are offered in the English language, including an outline of proposed education objectives by subject area.</li><li>5. Evidence that the child has been immunized and has received the health and medical services required for students of the child's age or grade level.</li></ol>  |
| SC 111        | <p>The affidavit shall contain certification signed by the supervisor that the supervisor, all adults in the home and persons having legal custody of a child in the home education program have not been convicted of criminal offenses as enumerated in the School Code.</p>  |
| SC 1327.1     | <p><u>Transfers</u></p> <p>When a home education program is relocating to another school district, the supervisor is responsible to follow the requirements of law.</p>   |
| SC 1327.1     | <p><u>Program</u></p> <p>A student who is enrolled in a home education program shall be deemed to have met the requirements if the program provides a minimum of one hundred eighty (180) days of instruction, or nine hundred (900) hours of instruction per year at the elementary level, or nine hundred ninety (990) hours per year at the secondary level.</p> <p>At the elementary level, the following courses shall be taught: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; music; and art.</p> <p>At the secondary level, the following courses shall be taught: English, to include language, literature, speech and composition; science; geography; social studies, to include civics, world history, history of the United States and Pennsylvania; mathematics, to include general mathematics, algebra and geometry; art; music; physical education; health; and safety education, including regular and continuous instruction in the dangers and prevention of fires.</p> |
| SC 1327.1     | <p><u>Requirements of Supervisor</u></p> <p>In order to demonstrate that an appropriate education is occurring, the supervisor shall provide and maintain on file for each student enrolled in the home education program a portfolio of records and materials.</p> <p>The portfolio shall consist of a log, made contemporaneously with the instruction, that designates by title the reading materials used; samples of any writings; worksheets,</p>   |

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137. HOME EDUCATION PROGRAMS – Pg. 3

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| SC 1327.1 | <p>workbooks or creative materials used or developed by the student; and in grades three, five and eight, results of nationally normed standardized achievement tests in reading, language arts and mathematics or results of statewide tests administered in these grade levels.</p> <p>The supervisor shall ensure that the nationally normed standardized tests or the statewide tests are not administered by the child's parent or guardian.</p> <p><u>Evaluation Requirements</u></p> <p>A teacher or administrator who evaluates a portfolio at the elementary level or secondary level shall meet the requirements established in law.</p> <p>An annual written evaluation of the student's educational process as determined by a licensed clinical or school psychologist, a teacher certified by the Commonwealth, or a nonpublic school teacher or administrator is required. The evaluation shall also be based on an interview of the child and a review of the portfolio and shall certify whether or not an appropriate education is occurring. At the request of the supervisor, persons with other qualifications may conduct the evaluation with the prior consent of the Superintendent. In no event shall the evaluator be the supervisor or his/her spouse.</p> <p>Documentation required by this policy shall be provided to the school district Superintendent or designee at the conclusion of each school year. The Superintendent shall determine whether the child is receiving appropriate education, as defined in this policy and law, as a program consisting of instruction in the required subjects for the time required and in which the student demonstrates sustained progress in the overall program.</p> <p>If the Superintendent or designee has a reasonable belief that, at any time during the school year, an appropriate education may not be occurring in the home education program, s/he may require documentation pertaining to the portfolio to be submitted to the school district by certified mail with return receipt requested within fifteen (15) days, and the evaluation to be submitted within thirty (30) days.</p> <p>If the Superintendent or designee determines, based on documentation, that an appropriate education is not occurring, s/he shall send a letter to the supervisor stating that, in his/her opinion, an appropriate education is not occurring in the home education program and shall return all documentation, specifying what aspect(s) of the documentation are inadequate.</p> <p>The supervisor of the program shall have twenty (20) days from receipt of the certified letter to submit additional documentation demonstrating that an appropriate education is taking place. If documentation is not submitted within that time, the home education program shall be out of compliance; and the student shall be promptly enrolled in the public school or a nonpublic school.</p> |
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137. HOME EDUCATION PROGRAMS – Pg. 4

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| SC 1327.1 | <p><u>Right of Hearing</u></p> <p>The Board shall provide for a proper hearing by a duly qualified and impartial hearing examiner within thirty (30) days. The examiner shall render a decision within fifteen (15) days of the hearing, except that s/he may require the establishment of a remedial education plan mutually agreed to by the Superintendent and supervisor of the home education program which shall continue the home education program. The decision of the examiner may be appealed by either the supervisor or the Superintendent to the Secretary of Education or Commonwealth Court.</p> <p>If the hearing examiner finds that the documentation does not indicate that an appropriate education is taking place in the home education program, the home education program shall be out of compliance; and the student shall be promptly enrolled in a public school or nonpublic school.</p> |
| SC 1327.1 | <p><u>Loan of Instructional Materials</u></p> <p>The school district of residence shall, at the request of the supervisor, lend to the home education program copies of the school's planned courses, textbooks, and other curriculum materials appropriate to the student's age and grade level.</p> <p>A supervisor borrowing materials pursuant to this section shall agree prior to receipt of any materials to reasonable conditions established by the school district for the use of materials which require their return in good condition, reasonable wear and tear excepted. There will be a charge for reusable materials not returned and/or damaged.</p>   |
| SC 1327.1 | <p><u>Graduation Requirements</u></p> <p>The following minimum courses in grades 9 through 12 are established as a requirement for graduation in a home education program: four (4) years of English; three (3) years of mathematics; three (3) years of science; three (3) years of social studies; two (2) years of arts and humanities.</p>  |
| SC 1327   | <p><u>Handicapped Students</u></p> <p>A home education program shall meet compulsory attendance requirements for a student identified as handicapped only when the program addresses the specific needs of the student and is approved by a teacher with a valid education certificate from the Commonwealth to teach special education, or a licensed clinical or certified school psychologist. Written notice of such approval must be submitted with the required affidavit.</p> <p>The supervisor may request that the school district or intermediate unit of residence provide services that address the exceptional student's specific needs.</p>   |

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137. HOME EDUCATION PROGRAMS – Pg. 5

When the provision of services is agreed to by both the supervisor and the school district or intermediate unit, all services shall be provided in the public schools or in a private school licensed to provide such programs and services.

Participation in Curricular and Co-Curricular Activities

Home education students may not participate in curricular and/or co-curricular activities in grades K-8. In grades 9-12, home education students may participate only in high school band and/or chorus programs in the high school serving the attendance area in which the student resides. Such participation is contingent upon the following criteria:

1. Only band and/or chorus courses normally offered to 9<sup>th</sup>-12<sup>th</sup> grade students may be available to home education students.
2. Course enrollment is limited to grades 9-12 only.
3. Enrollment in band and/or chorus courses is based on seat availability.
4. Home education students must follow the same entry procedure/recommendation process as regular students.
5. Specific courses may carry admission requirements, prerequisites, or other prior learning.
6. Home education students may need to evidence readiness for the course(s), if applicable, through the administration of a pretest selected or developed by instructional supervisors, department heads or teachers.
7. Requests for enrollment shall be made to the Superintendent in writing prior to June 1 proceeding the school year in which such enrollment is requested.
8. Courses may be closed if subscription levels fill available seats and the school will not be required to create new sections to accommodate requests.
9. Students enrolled in the school district shall be given priority over home education students in course selection.
10. Transportation of the home education student is the sole responsibility of the parent.
11. Home education students are responsible for keeping track of dates for practices, rehearsals and/or performances. Announcements regarding school cancellations, delays, early dismissals and other special schedule changes are made over traditional media conveyances such as local radio and TV. No special contacts will be provided for the home education student by the school district.

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137. HOME EDUCATION PROGRAMS – Pg. 6

12. Home education students will be required to sign in and out of the building at the main office or other designated area each day that he or she is in attendance.
13. The time of day when a course may be available is determined by the principal of his/her respective building.
14. Home education students are required to follow the rules and regulations of the school and school district. Failure to follow these standards or accept disciplinary consequences can result in removal from the selected course(s).
15. Any home education student who withdraws from a selected course shall not be eligible to enroll in any course until the following school year.
16. No transcripts will be maintained, forwarded or verified for home education students. A letter of completion listing the final grade will be provided at the request of the student.
17. Home education students are required to provide their own musical instruments.
18. Any written materials or other equipment associated with the selected course will be issued to home education students with a fifty-dollar (\$50.00) refundable deposit required for each major item. Library materials and other ancillary items will be used by the home education students at the school location only. Deposits must be made by cash, certified check or money order.
19. No homebound instruction services will be provided should the home education student become ill for an extended period of time. The student may withdraw in such cases and re-enroll the following semester, if possible.
20. A lack of regular attendance could result in removal from the course. The number of days absent used for determining loss of credit for regular students will be the same number used to determine dismissal from the course.
21. School photos, yearbooks, class rings, diplomas, awards, scholarships and all other such supplemental items will not be made available to home education students.
22. Prior to acceptance into an eligible class, home education students must provide evidence of required immunizations and other medical tests as required by law for all students attending public schools.

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137. HOME EDUCATION PROGRAMS – Pg. 7

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| <p>Pol. 137</p> <p>Pol. 122, 123</p> <p>Pol. 218</p> | <p>23. Home education students will receive, upon request for band and/or chorus course enrollment, a student handbook and, if applicable, a course guide. They will be asked to sign and have their parent(s) sign an acknowledgment of and agreement with the handbook contents.</p> <p>24. Home education students will be assessed equally with school district students and be subject to the same acceptance or elimination process based on ability and talent.</p> <p>25. Home education students will be asked to sign a covenant agreeing to the above criteria. Any attempt to circumvent, violate or challenge these criteria will be considered a breach of the covenant and grounds for removal from the course(s).</p> <p><u>Participation in Extracurricular Activities and Interscholastic Athletics</u></p> <p>Home education students shall be given an opportunity to compete for positions in extracurricular activities and interscholastic athletic programs.</p> <p>The following guidelines shall govern participation in the school district's extracurricular activities and interscholastic athletic programs by eligible home education students, who shall:</p> <ol style="list-style-type: none"><li>1. Establish that they are residents of the school district.</li><li>2. Meet the same eligibility criteria required of school district students.</li><li>3. Fulfill all requirements for participation in the activity or program required for school district students.</li><li>4. Fulfill all requirements of home education as per applicable state laws and regulations and Board policies.</li><li>5. Maintain appropriate insurance coverage, consistent with the coverage requirements for school district students.</li><li>6. Comply with Board policies and school rules and regulations regarding extracurricular activities and interscholastic athletics.</li><li>7. Comply with Board policies and school rules and regulations regarding student discipline.</li><li>8. Meet the requirements for physical examinations and physical fitness.</li><li>9. Comply with all requirements and directives of the school district staff, coaches and administrators involved with the extra curricular activity or interscholastic athletic program.</li></ol> <p>A home education student may only participate in extracurricular activities and interscholastic athletic programs at the school building the student would be assigned to if s/he was enrolled in the school district.</p> |
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## 137. HOME EDUCATION PROGRAMS – Pg. 8

The Director of Athletics and Activities shall be responsible to receive and review written confirmation from the home education program supervisor that a student has met and continues to meet the established participation requirements for the extracurricular activity or interscholastic athletic program. The confirmation shall include the student's attendance record and grades, where applicable.

~~Home education students shall be allowed to participate in PIAA athletic activities provided they meet and maintain all PIAA eligibility requirements applicable to any student athlete, including verifying academic attendance and course eligibility. During the season, should the student athlete be selected for the team, the Home Education Program Supervisor must verify, in writing to the Director of Athletics and Activities, that the student is passing (achieving an average of at least 65%) at least 2 major (full credit) academic classes under an intensive or "block" scheduling format or at least 4 major (full credit) academic classes under a traditional scheduling format. Academic eligibility information must be submitted no later than 2:40 P.M. each Friday during the season to ensure eligibility for the following week. Also, on school days on which a practice or game occurs, the Home Education Program Supervisor must verify that the student was in attendance at least one-half (1/2) day.~~

Home education student-athletes are also subject to any other rules, regulations and expectations set forth by their respective coaches, the athletic department and the school district, as they pertain to all other student-athletes.

The Board shall not provide transportation to the school for individual home education students who participate in the school district's extracurricular activities or interscholastic athletic programs.

~~Participation in interscholastic athletics requires the student's passing a preseason physical examination. Home education students will be given access to such examinations as provided by the school district. Student athletes are reminded that they may not participate in the same sport during the same season as an individual or as a member of the team outside of the school program (P.I.A.A., Section 1A).~~

Home education students who are residents of the school district may participate in Career & Technical Institute programs at the Monroe Career & Technical Institute without being enrolled in the school district, subject to course availability. Requests for enrollment will be considered following subscription by regularly enrolled students and subject to available slots in area as annually allocated to the school district. Requests for enrollment shall be submitted in writing to the Assistant Superintendent for Pupil Services. The Career & Technical Institute reserves the right to remove a home education student from any of its programs as it would for any student not meeting the school's established standards, rules or regulations.



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137. HOME EDUCATION PROGRAMS – Pg. 9

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|  | <p><u>Enrollment in the School District</u></p> <p>Home education students who wish to enroll in the school district will be placed in appropriate grades and/or classes for instruction as a result of an assessment process to be conducted by the school district, which could include assessment of the child's home education portfolio, results of standardized testing, curriculum-based assessment, and other applicable forms of academic screening and assessment at the school's discretion. At the secondary level, students who wish to obtain credit towards graduation must, in addition to the submission of the home education portfolio (including pertinent work samples and other applicable materials), pass subject-specific final examinations and/or other appropriate forms of subject-specific assessment as approved by the Superintendent.</p> |
|  | <p><u>It is the responsibility of the home education student to keep track of all dates and times of practices, games or other functions of the extracurricular activity in which s/he is involved and to monitor the potential for postponements or cancellations of such due to inclement weather or other circumstances.</u></p>  |

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EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: PROGRAMS  
TITLE: EXTRACURRICULAR  
PARTICIPATION BY CHARTER/  
CYBER CHARTER STUDENTS  
ADOPTED: FEBRUARY 28, 2005  
REVISED: December 19, 2005  
1<sup>st</sup> READ: July, 2013

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| <p>1. Authority<br/>SC 1719-A,<br/>1749-A</p> <p>2. Guidelines</p> | <p>140.1. EXTRACURRICULAR PARTICIPATION BY CHARTER/CYBER CHARTER STUDENTS</p> <p>The Board shall approve participation in the school district’s extracurricular activities and interscholastic athletic programs by a student enrolled in a charter or cyber charter school if all of the following conditions are met:</p> <ol style="list-style-type: none"> <li>1. The student is a resident of the school district.</li> <li>2. The charter or cyber charter school does not provide the same extracurricular activity or interscholastic athletic program.</li> <li>3. The student fulfills all requirements for participation in the activity or program required for school district students.</li> </ol> <p>The Board shall not provide transportation, from their homes or other non-school areas, for individual students enrolled in charter or cyber charter schools who participate in the school district’s extracurricular activities or interscholastic athletic programs.</p> <p>The Board shall require the charter or cyber charter school to pay the cost of the expenses for its students’ participation in the school district’s extracurricular activities or interscholastic athletic programs.</p> <p>Charter and cyber charter school students shall be given an equal opportunity to compete for positions in extracurricular activities and interscholastic athletic programs.</p> <p>The following guidelines shall govern participation in the school district’s extracurricular activities and interscholastic athletic programs by eligible charter and cyber charter school students, who shall:</p> <ol style="list-style-type: none"> <li>1. Meet the same eligibility criteria required of school district students.</li> <li>2. Maintain appropriate insurance coverage, consistent with the coverage requirements for school district students.</li> </ol> |
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## 140.1. EXTRACURRICULAR PARTICIPATION BY CHARTER/CYBER CHARTER STUDENTS Pg. - 2

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| Pol. 122, 123                   | 3. Comply with Board policies and school rules and regulations regarding extracurricular activities and interscholastic athletics.   |
| Pol. 218                        | 4. Comply with Board policies and school rules and regulations regarding student discipline.<br><br>5. Meet the requirements for physical examinations and physical fitness.<br><br>6. Comply with all requirements and directives of the school staff, coaches and administrators involved with the extracurricular activity or interscholastic athletic program.   |
| 3. Delegation of Responsibility | <p>A charter or cyber charter school student may only participate in extracurricular activities and interscholastic athletic programs at the school building the student would be assigned to if s/he was enrolled in the school district.</p> <p>The Director of Athletics and Activities shall be responsible to receive and review written confirmation from the charter or cyber charter school that a student has met and continues to meet the established participation requirements for the extracurricular activity or interscholastic athletic program. The confirmation shall include the student's attendance record and grades, where applicable.</p>   |
|                                 | <p><del>Charter or cyber charter school students shall be allowed to participate in PIAA athletic activities provided they meet and maintain all PIAA eligibility requirements applicable to any student athlete, including verifying academic attendance and course eligibility. During the season, should the student athlete be selected for the team, the charter or cyber charter school must verify, in writing to the Director of Athletics and Activities, that the student is passing (achieving an average of at least 65%) at least 2 major (full credit) academic classes under an intensive or "block" scheduling format or at least 4 major (full credit) academic classes under a traditional scheduling format. Academic eligibility information must be submitted no later than 2:40 P.M. on each Friday during the season to ensure eligibility for the following week. Also, on school days on which a practice or game occurs, the charter or cyber charter school must verify that the student was in attendance at least one half (1/2) day.</del></p> |
|                                 | <p>Charter or cyber charter school student-athletes are also subject to any other rules, regulations and expectations set forth by their respective coaches, the athletic department and the school district, as they pertain to all other student-athletes.</p>   |

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140.1. EXTRACURRICULAR PARTICIPATION BY CHARTER/CYBER  
CHARTER STUDENTS Pg. - 3

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|  | <p>It is the responsibility of the charter or cyber charter school student to keep track of all dates and times of practices, games or other functions of the extracurricular activity in which s/he is involved and to monitor the potential for postponements or cancellations of such due to inclement weather or other circumstances.</p> |
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No. 218

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: PUPILS  
TITLE: STUDENT DISCIPLINE  
ADOPTED: August 19, 2002  
REVISED: July 17, 2006  
November 20, 2006  
1<sup>st</sup> READ: ~~August 19, 2013~~ <sup>July 2013</sup>

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| 218. STUDENT DISCIPLINE   |   |
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| 1. Purpose  | The Board finds that student conduct is closely related to learning. An effective educational program requires a safe and orderly school environment.   |
| 2. Definition<br>Title 22<br>Sec. 12.16   | Corporal punishment – a form of physical discipline intended to cause pain and fear, in which a student is spanked, paddled or hit on any part of the body with a hand or instrument.   |
| 3. Authority<br>SC 510<br>Title 22<br>Sec. 12.3, 12.4<br><u>Pol. 103, 103.1</u>   | The Board shall establish fair, reasonable and nondiscriminatory rules and regulations regarding the conduct of all students in the school district during the time they are under the supervision of the school or at any time while on school property, while present at school-sponsored activities, and while traveling to or from school and school-sponsored activities.  |
| Title 22<br>Sec. <u>12.2</u> , 12.3,<br>12.4<br><u>Pol. 103, 103.1,</u><br><u>235</u>   | The Board shall adopt a Code of <u>Student</u> Conduct to govern student discipline, and students shall not be subject to disciplinary action based upon race, gender, color, religion, sexual orientation, national origin or handicap/disability. <u>Each student must adhere to Board policies and the Code of Student Conduct governing student discipline.</u>   |
| <u>Title 22</u><br><u>Sec. 10.23</u><br><u>20 U.S.C.</u><br><u>Sec. 1400 et seq</u><br><u>Pol. 103.1, 113.1,</u><br><u>113.2, 805.1</u> | <u>Each student must adhere to Board policies and the Code of Conduct governing student discipline.</u><br><u>In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations; the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.</u> |
|   | Off-Campus Activities   |
|   | This policy shall also apply to student conduct that occurs off school property and would <u>otherwise</u> violate the Code of <u>Student</u> Conduct if <u>any of the following circumstances exist</u> :  |
|   | 1. <u>The conduct occurs during the time the student is traveling to and from school</u>  |

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218. STUDENT DISCIPLINE Pg. 2

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| <p>Pol. 122, 123</p>              | <p><u>or traveling to and from school-sponsored activities, whether or not via school district furnished transportation.</u></p> <p><del>1-2</del>. There is <u>otherwise</u> a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.</p> <p><del>2-3</del>. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.</p> <p><del>3-4</del>. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.</p> <p><del>4-5</del>. The conduct has a direct nexus to attendance at school or a school-sponsored activity, such as an agreement made on school property to complete a transaction outside of school that would violate the Code of <u>Student</u> Conduct.</p> <p><del>5-6</del>. The conduct involves the theft or vandalism of school property.</p> |
| <p>4. Guidelines<br/>Pol. 233</p> | <p>Any student disciplined by a school district employee shall have the right to notice of the infraction.</p>  |
| <p>Pol. 233</p>                   | <p>Suspensions and expulsions shall be carried out in accordance with Board Policy No. 233.</p>   |
| <p>Title 22<br/>Sec. 12.5</p>     | <p><b>Corporal Punishment</b></p> <p>The Board prohibits the use of corporal punishment to discipline students for violations of school district policies, rules or regulations.</p>  |
| <p>Title 22<br/>Sec. 12.5</p>     | <p>Reasonable force may be used by teachers and school authorities under any of the following circumstance: to quell a disturbance, obtain possession of weapons or other dangerous objects, for the purpose of self-defense, and for the protection of persons or property.</p> <p>Examples of the use of reasonable physical force to quell a disturbance and for protection of person and/or property would include, when reasonably necessary, among others:</p> <ol style="list-style-type: none"><li>1. For direct defiance of a reasonable request.</li><li>2. To cease obscenities or abusive language directed at another person.</li></ol>  |

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218. STUDENT DISCIPLINE Pg. 3

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| <p><u>SC 1303-A</u><br/><u>Title 22</u><br/><u>Sec. 10.2</u><br/><u>35 P.S.</u><br/><u>Sec. 780-102</u></p>                          | <p><u>Referral To Law Enforcement And Reporting Requirements</u></p> <p><u>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.</u></p>   |
| <p><u>SC 1302.1-A,</u><br/><u>1303-A</u><br/><u>Title 22</u><br/><u>Sec. 10.2, 10.21,</u><br/><u>10.22</u><br/><u>Pol. 805.1</u></p> | <p><u>The Superintendent or designee shall immediately report required incidents and may report discretionary incidents 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.</u></p>  |
| <p><u>SC 1303-A</u><br/><u>Pol. 218.1, 218.2,</u><br/><u>222, 227,</u><br/><u>805.1</u></p>  | <p><u>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.</u></p>   |
| <p><u>5. Delegation of</u><br/><u>Responsibility</u></p>   | <p><u>The Superintendent or designee shall ensure that reasonable and necessary rules and regulations are developed to implement Board policy governing student conduct and which:</u></p> <ol style="list-style-type: none"><li><u>1. Are not arbitrary, but bear a reasonable relationship to the need to maintain a school environment conducive to learning.</u></li><li><u>2. Do not discriminate among students.</u></li><li><u>3. Do not demean students.</u></li><li><u>4. Do not violate any individual rights guaranteed to students.</u></li></ol> <p><u>Sanctions for infractions of rules and regulations shall:</u></p> <ol style="list-style-type: none"><li><u>1. Relate in kind and degree to the infractions.</u></li><li><u>2. Help the student learn to accept responsibility for actions.</u></li><li><u>3. Help to ameliorate harm caused by the student's misconduct.</u></li><li><u>4. Hold parents and guardians accountable for the actions of their students.</u></li></ol> |
| <p><u>Title 22</u><br/><u>Sec. 12.3</u><br/><u>Pol. 235</u></p>  | <p><u>The Superintendent or designee shall publish and distribute to all staff, students and parents/guardians the rules and regulations for student behavior contained in the Code of Student Conduct and the sanctions that may be imposed for violations of those rules and a listing of students' rights and responsibilities. A copy of the Code of Student Conduct shall be available in each school library and in the main office of</u></p>   |

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218. STUDENT DISCIPLINE Pg. 4

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| <p>SC 1317, <u>1318</u></p> <p>SC 1317</p> | <p>each school.</p> <p><u>Rules governing student conduct shall require students to:</u></p> <ol style="list-style-type: none"><li>1. Conform to reasonable standards of socially acceptable behavior.</li><li>2. Respect the rights, person, and property of other.</li><li>3. Preserve the degree of order necessary to the educational program in which they are engaged.</li><li>4. Obey constituted authority and respond to those who hold that authority.</li></ol> <p>The building principal or designee shall have the authority to assign discipline to students, subject to the policies, rules and regulations of the school district and to the student's due process right to notice, hearing and appeal.</p> <p>Teaching staff and other school district employees responsible for students shall have the authority to take reasonable actions necessary to control the conduct of students in all situations and in all places where students are within the jurisdiction of this Board, and when such conduct interferes with the educational program of the schools or threatens the health and safety of others.</p> <p>Students, with the help of their parents/guardians, are responsible for reading all information on student rules and for learning them so they will know what to expect in the event they behave inappropriately. In addition, parents/guardians shall be informed of student misbehavior with the intent of establishing a home and school relationship that will impact in positive ways on student behavior.</p> <p>Listing of disciplinary offenses is not all-inclusive. Therefore, the administration reserves the right to act as it sees fit regarding misbehavior not specifically covered in policy. Further, the administration may feel the need, based upon the seriousness of an infraction and/or the age of the student involved, to deviate from the set of rules presented herein and/or in any Board-approved policy and/or <u>Code of Student eConduct</u> with regard to consequences.</p> |
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218. STUDENT DISCIPLINE Pg. 5

**References:**

School Code – 24 P.S. Sec. 510, 1302.1-A, 1303-A, 1317, 1318

**PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-102**

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.22, 10.23, 10.25, 12.1 et seq., 403.1

**Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.**

No Child Left Behind Act – 20 U.S.C. Sec. 7114

**Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300**

Board Policy – 103, 103.1, 113.1, 113.2, 122, 123, 218.1, 218.2, 222, 227, 233, 235, 805, 805.1

**NOTES:**

Act 116 of 2002 defines graffiti as it relates to criminal mischief offenses and defines defiant trespassers – Title 18, Sec. 3304 (3503)

**PSBA Revision 4/13**

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No. 218.1

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: PUPILS

TITLE: WEAPONS

ADOPTED: August 19, 2002

1<sup>st</sup> READ: ~~August 19, 2013~~ <sup>July 2013</sup>

REVISED:

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| 218.1. WEAPONS              |   |
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| 1. Purpose                  | The Board recognizes the importance of safe and secure schools to provide students, teachers and staff members with an opportunity to go about daily activity in a positive atmosphere. The Board will endeavor to provide a safe and secure environment within school buildings, on school property, on school buses, at any school activity, event or function before, during or after school hours for all district students, all professional and non-certificated district employees and all legitimate visitors to the school district, pursuant to law.  |
| 2. Definitions<br>SC 1317.2 | <p><b>Weapon</b> is defined as an instrument of any type which can be used to cause harm to an individual. While not all-inclusive, a weapon shall include any firearm, handgun, rifles, shotgun, spring gun, air gun, sling shot, bludgeon or club, metal or artificial knuckles, cutting instrument, knife, pocketknife, sword, machete, cutting tool, nunchaku, pellet gun; nightstick, ax handle, any explosive device, ammunition, dangerous chemical, razor, any other tool, instrument or implement capable of inflicting serious bodily injury; or an instrument which, in the judgement of the administration, could be used as a weapon or mistaken for one. An imitation or replica of any of the foregoing may be considered a "weapon".</p> <p>Any instrument, tool, implement, or substance while being used by a student participating in an educational and/or vocational process or program approved by a school, as determined by a(n) administrator, teacher and/or other Board-authorized adult supervisor, will not be defined as a weapon as long as that instrument, tool or implement is being used for its educationally and/or vocationally defined purpose.</p> <p><b>Possession</b> - a student is in possession of a weapon when the weapon is found on the person of the student; in the student's locker; under the student's control while on school property, on property being used by the school, at any school function or activity, at any school event held away from the school, or while the student is coming to or from school.</p> |

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3. Authority  
SC 1317.2  
Policy 218

The Board prohibits students from possessing and bringing weapons and replicas of weapons into any school district buildings, onto school property, to any school sponsored activity, and onto any public vehicle providing transportation to school or a school sponsored activity or while the student is coming to or from school.

Any student who bringsing a weapon onto, or is in possessionng of a weapon on, any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity, shall be subject to an pre-expulsion administrative review hearing before the Superintendent or designee. Such student will be suspended from school for a period of ten (10) school days, and such suspension may be continued pending an expulsion hearing before the Board or a committee of the Board in the event that it is determined by the Superintendent or his/her designee that the student's presence in his/her normal class assignment would constitute a threat to the health, safety, morals or welfare of others and it is possible to hold a formal hearing within the ten (10) day initial suspension period.

SC 1317.2  
Pol. 233

In the event that it is determined by the Board or a committee of the Board that a student has brought a weapon onto, or has possessed a weapon on, any school property, at any school-sponsored activity or any public conveyance providing transportation to a school or a school-sponsored activity, such student shall be expelled for a period of not less than one (1) year; provided that the Superintendent may recommend a modification of this expulsion requirement on a case-by-case basis.

A student will be considered as being in possession of a weapon under this policy if the weapon is found on the person of the student or if it is determined to be under his/her control.

Violations of this policy will be reported to the School pPolice and/or other local law enforcement agency.

SC 1317.2  
Title 22  
Sec. 10.23  
20 U.S.C.  
Sec. 1400 et seq  
Pol. 103.1, 113.1,  
113.2, 805.1

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.

4. Delegation of  
Responsibility  
P.L. 91-230  
20 U.S.C.  
Sec. 1400 et seq

In the case of an exceptional student, the Superintendent shall take all necessary steps to comply with the Individuals With Disabilities Education Act.

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| <p><u>4. Delegation of Responsibility</u><br/> <u>SC 1302.1-A</u><br/> <u>Pol. 805, 805.1</u></p>  | <p>Any professional staff member or other school employee who has reason to believe that a student is in possession of and/or is transporting and/or transmitting a weapon or look-alike weapon, shall immediately inform the school principal or designee who will conduct the complete investigation. <u>Such action shall be in compliance with state law and regulations and with the procedures set forth in the memorandum of understanding with local law enforcement officials and the district's emergency preparedness plan.</u></p>  |
| <p><u>5. Guidelines</u><br/> <u>SC 1302.1-A,</u><br/> <u>1303-A,</u><br/> <u>1317.2</u><br/> <u>Title 22</u><br/> <u>Sec. 10.2, 10.21</u><br/> <u>Pol. 805.1</u></p> | <p><u>Upon determining that a reasonable suspicion of possession of a weapon exists, and in an effort to preserve a safe school environment, the school principal or designee may request that the student(s) involved volunteer to be searched, or to have his/her locker, clothing, bookbag(s), vehicle and/or other property searched by a school official, in the presence of a witness. Such a search could include the student's locker, clothing, bookbag(s), vehicle, or other property. Should the student refuse or resist such a search, verbally and/or physically, the school principal or designee may continue with the search to protect the well-being and safety of the school population under the doctrine of in loco parentis.</u></p>   |
| <p><u>Title 22</u><br/> <u>Sec. 10.2, 10.25</u><br/> <u>Pol. 805.1</u></p>   | <p>Upon investigation and/or confiscation of any weapon and/or look-alike, the school principal or designee, <u>the following guidelines shall be applied: may immediately notify and/or summon:</u></p> <ol style="list-style-type: none"> <li><u>1. The local police: The school principal shall promptly report the incident to the Superintendent.</u></li> <li><u>2. The school principal shall immediately report incidents involving weapons 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.</u></li> <li><u>2. The East Stroudsburg Area School District Security Department:</u></li> <li><u>3. The Superintendent. 3. The school principal shall immediately suspend the student.</u></li> <li><u>4. The parent(s)/guardian(s) of any and all students involved in the accident. The school principal shall notify the parent/guardian of any student directly involved in an incident involving a weapon as a victim or suspect immediately, as soon as practicable. The school principal 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 school principal shall document attempts made</u></li> </ol> |

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to reach the parent/guardian.

~~Upon determining that a reasonable suspicion of possession of a weapon exists, and in an effort to preserve a safe school environment, the school principal or designee may request that the student(s) involved volunteer to be searched, or to have his/her locker, clothing, bookbag(s), vehicle and/or other property searched by a school official, in the presence of a witness. Should the student refuse or resist such a search, verbally and/or physically, the school principal or designee may continue with the search to protect the well being and safety of the school population under the doctrine of in loco parentis.~~

~~The parent(s)/guardian(s) is/are to be notified as soon as possible.~~

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5. The school principal will cooperate with the Superintendent and develop a public statement as well as determine the most effective method for informing school personnel, as necessary. The Superintendent, subject to confidentiality and due process requirements, may inform the Board of an incident as soon as measures have been taken to eliminate any immediate danger associated with such incident.

6. The school principal will coordinate with the informal hearing procedures which pertain to the investigation, securing information, such as witness' statements and anecdotal records substantiating the alleged violation.

7. The school principal will assist in the informational and notification requirements for the ~~pre-expulsion administrative review~~hearing before the Superintendent and for the recommendation before the Board for expulsion in accordance with the Pennsylvania School Code.

8. If a student is expelled for a violation of this policy, the Superintendent and/or Board may require, as a condition of readmission, that the student provide acceptable proof, whether in the form of a psychiatric/psychological report or otherwise, that s/he does not pose a risk of harm to himself/herself and/or others.

9. A student who is suspended and/or expelled for violating this policy, upon return to school, shall be subject to random searches.

SC 1317.2  
SC1303-A  
Pol. 805.1

In accordance with state law, The Superintendent shall annually, by July 31, report all incidents relating to expulsion for involving possession of a weapon to the Office of Safe Schools, Department of Education.

The school principal shall annually inform all students of this policy and the consequences for violation of this policy as well as their personal responsibility to guard the health, safety and welfare of the school community, and to protect school property.

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|                            | <p><u>Information within this policy is to be given to students within the first three (3) days of the beginning day of each school year. New students shall be informed of this policy upon application for admission. Reminders of this policy are to be provided to students periodically throughout the school year.</u></p>            |
| <u>SC 1317.2</u>           | <p><u>An exception to this policy may be made by the Superintendent, who shall prescribe special conditions or procedures to be followed.</u></p>   |
| SC 1303-A                  | <p>The Superintendent shall be responsible to develop a memorandum of understanding with local law enforcement officials that sets forth procedures to be followed when an incident occurs involving an act of violence or possession of a weapon by any person on school property.</p>   |
| SC 1303-A                  | <p>Acts of violence or possession of a weapon in violation of this policy shall be reported to the Office for Safe Schools on the required form at least once each year.</p>  |
| 5. Guidelines              | <p>The school principal shall inform all students of this policy and the consequences for violation of this policy as well as their personal responsibility to guard the health, safety and welfare of the school community, and to protect school property.</p>  |
|                            | <p><u>Information within this policy is to be given to students within the first three (3) days of the beginning day of each school year. New students shall be informed of this policy upon application for admission. Reminders of this policy are to be provided to students periodically throughout the school year.</u></p>            |
| SC 1317.2                  | <p><u>An exception to this policy may be made by the Superintendent, who shall prescribe special conditions or procedures to be followed.</u></p>   |
|                            | <p>Weapons under the control of law enforcement personnel are permitted.</p>  |
| 18 U.S.C.<br>Sec. 921, 922 | <p>In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in, on, or within 1,000 feet of school grounds is prohibited. Violations shall be reported to the appropriate law enforcement agency.</p>  |
|                            | <p><u>Transfer Students</u></p>   |
| SC 1317.2                  | <p>When the school district receives a student who transfers from a public or private school during an expulsion period for an offense involving a weapon, the school district may assign that student to an alternative assignment or may provide alternative education, provided the assignment does not exceed the expulsion period.</p> |

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218.1 WEAPONS – Pg. 6

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References:

School Code – P.S. Sec. 1301-A, 1302.1-A, 1303-A, 1317.2

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.23, 10.25, 403.1

Possession of Weapon on School Property – 18 Pa. C.S.A. Sec. 912

Gun Control Act – 18 U.S.C. Sec. 921, 922

Individuals With Disabilities Education Act – 20 U.S.C. Sec 1400 et seq.

No Child Left Behind Act – 20 U.S.C. Sec. 7114

Gun-Free Schools Act – 20 U.S.C. Sec. 7151

Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300

Board Policy – 103.1, 113.1, 113.2, 218, 233, 805, 805.1

NOTES:

Gun-Free School Zone Act was found unconstitutional – change language to read “In accordance with federal law...” and keep cites to 18 U.S.C. Sec. 921, 922.

PSBA Revision 4/13

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No. 218.2

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: PUPILS

TITLE: TERRORISTIC THREATS/ACTS

ADOPTED: August 19, 2002

1<sup>st</sup> READ: ~~August 19, 2013~~  
July 2013

REVISED:

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218.2. TERRORISTIC THREATS/ACTS

1. Purpose  
Title 22  
Sec. 12.3  
SC 1317

The Board recognizes the danger that terroristic threats and acts by students presents to the safety and welfare of students, staff and community. In a continuing effort to provide a safe and secure environment within school buildings, on school property, on school buses, at any school activity, event or function before, during or after school hours for all school district students, all professional and non-certificated school district employees and all legitimate visitors to the school district, pursuant to law, the Board acknowledges the need for an immediate and effective response to a situation involving such a threat or act.

2. Definitions  
18 Pa. C.S.A.  
Sec. 2706

Communicate shall mean to convey in person or by written or electronic means, including telephone, electronic mail, Internet, facsimile, telex and similar transmissions.

18 Pa. C.S.A.  
Sec. 2706

A terroristic threat shall mean a threat communicated either directly or indirectly to commit any crime of violence with the intent to terrorize another, or to cause evacuation of a building, place of assembly or facility of public transportation, or otherwise to cause serious public inconvenience, or cause terror or serious public inconvenience reckless disregard of the risk of causing such terror or inconvenience.

A terroristic act shall mean an offense against property or involving danger to another person.

3. Authority

~~Therefore,~~ the Board prohibits any district student from communicating terroristic threats or committing terroristic acts directed at any student, employee, Board member, community member or property owned, leased or being used by the district, school building.

Title 22  
Sec. 10.23  
20 U.S.C.  
Sec. 1400 et seq  
Pol. 103.1, 113.1,  
113.2, 805.1

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.

~~2. Definitions  
18 Pa. C.S.A.~~

~~A terroristic threat shall mean a threat to commit violence communicated with the intent to terrorize another, or to cause evacuation of a building, place of assembly or~~

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218.2. TERRORISTIC THREATS/ACTS - Pg. 2

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| <p><del>Sec. 2706</del></p>  | <p><del>facility of public transportation, or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience.</del></p> <p><del>A terroristic act shall mean an offense against property or involving danger to another person.</del></p>  |
| <p>43. Delegation of Responsibility<br/><u>SC 1302.1-A</u><br/><u>Pol. 805, 805.1</u></p>  | <p>The <del>Board</del> directs the Superintendent or designee to shall react promptly and appropriately to information or knowledge concerning a possible or actual terroristic threat or act. The Superintendent shall be responsible for developing administrative procedures to implement this policy. Written site-specific procedures and guidelines will be developed at the building level, under the auspices of the school principal, and will be available in each site's administrative offices. <u>Such action shall be in compliance with state law and regulations and with the procedures set forth in the memorandum of understanding with local law enforcement officials and the district's emergency preparedness plan.</u></p>   |
| <p>5. Guidelines<br/>Title 22<br/>Sec. 12.2</p>  | <p>Staff members and students shall be responsible for immediately informing the school principal or designee regarding any information or knowledge relevant to a possible or actual terroristic threat or act.</p> <p>The school principal shall immediately inform the Superintendent upon receiving a report of such a threat or act.</p>   |
| <p><u>SC 1303-A</u><br/><u>Pol. 805.1</u></p>  | <p><u>In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of terroristic threats to the Office for Safe Schools.</u></p>  |
| <p>4. Guidelines<br/><u>SC 1302.1-A,</u><br/><u>1303-A</u><br/><u>Title 22</u><br/><u>Sec. 10.2, 10.22,</u><br/><u>10.25</u><br/><u>Pol. 805.1</u></p> | <p>Where an investigation conducted by the school principal indicates a reasonable suspicion that the commission of such (an) act(s) has occurred, the following guidelines shall be applied:</p> <ol style="list-style-type: none"><li>1. In an effort to preserve a safe school environment, the student involved in the commission of the threat/act may be requested to participate in a voluntary search by the school principal, in the presence of a witness. Such a search could include the student's locker, clothing, bookbag(s), vehicle, or other property. Should the student object to being searched, either verbally or physically, the school principal will continue with the search out of concern for the well-being and safety of the school population under the doctrine of in loco parentis.</li><li>2. <del>The school principal shall immediately suspend the student.</del></li></ol> |

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218.2. TERRORISTIC THREATS/ACTS - Pg. 3

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|  | <p><del>3. The student's parent(s)/guardian(s) are to be notified as soon as possible.</del></p> <p>4.2. The school principal shall promptly report the incident to the Superintendent.</p> <p><u>3. The school principal may report incidents involving terroristic threats 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.</u></p> <p>4. The school principal shall immediately suspend the student.</p> <p>5. <del>The parent(s)/guardian(s) of any and all students involved in the accident should be notified.</del><u>The school principal shall notify the parent/guardian of any student directly involved in an incident involving a terroristic threat as a victim or suspect immediately, as soon as practicable. The school principal 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 school principal shall document attempts made to reach the parent/guardian.</u></p> <p><del>6. Based on the results of the investigation, the Superintendent may report the student to law enforcement officials.</del></p> <p>7.6. The school principal will coordinate the informal hearing procedures that pertain to the investigation and charges, securing written statements that include witness statements and anecdotal records substantiating or refuting the charges.</p> <p>8.7. The school principal will cooperate with the Superintendent in the development of a public statement as well as determining the most effective method of informing school personnel, should there be such a need.</p> <p>9.8. <u>An administrative review pre-expulsion</u> hearing, if deemed necessary, shall be convened before the Superintendent, who may recommend expulsion of the student to the Board.</p> <p>10.9. As is appropriate, the school principal will assist in the informative and notification requirements for the <u>pre-expulsion administrative review</u> hearing before the Superintendent and recommendation before the Board for expulsion or other disciplinary action in accordance with the Pennsylvania School Code and Department of Education regulations or guidelines.</p> |
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218.2. TERRORISTIC THREATS/ACTS - Pg. 4

- ~~11.10.~~ Any student who physically assaults a staff member during an investigation or otherwise will be immediately excluded from school and scheduled for an administrative review ~~pre-expulsion~~ hearing.
- ~~12.11.~~ An elementary school student (K-5) who is found to have violated this policy shall be subject to disciplinary action up to and including expulsion from the school district. The age of the student and the nature of the violation may be considered in determining appropriate disciplinary action.
- ~~13.12.~~ If a student is expelled for making terroristic threats or committing terroristic acts, the Superintendent and/or Board may require, prior to readmission, that the student provide competent and credible evidence that the student does not pose a risk of harm to himself/herself or to others.
- ~~14.13.~~ If a student is expelled for making terroristic threats or committing terroristic acts, upon return to school, the student shall be subject to random searches.

~~20 U.S.C.  
Sec. 1400 et seq~~

~~15. In the case of exceptional students, the school district will take all steps necessary to comply with the Individuals with Disabilities Education Act, Board policy, and applicable laws and regulations.~~

References:

School Code – 24 P.S. Sec. 1302.1-A, 1303-A

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.22, 10.23, 10.25, 12.2

Terroristic Threats – 18 Pa. C.S.A. Sec. 2706

Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.

Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300

Board Policy – 000, 103.1, 113.1, 113.2, 233, 805, 805.1

NOTES:

Act 76 of 1998 – Restitution Payments – 18 Pa. C.S.A. Sec. 2706

PSBA Revision 4/13

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No. 222

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: PUPILS

TITLE: TOBACCO ~~USE~~

ADOPTED: August 19, 2002

~~1st READ: August 19, 2013~~  
July 2013

REVISED:

| 222. TOBACCO <del>USE</del>   |   |
|---|---|
| 1. Purpose  | The Board recognizes that tobacco <del>use by students</del> presents a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools.  |
| 2. Definition<br><del>18 Pa. C.S.A.<br/>Sec. 6306.1<br/>35 P.S.<br/>Sec. 1223.5</del>   | For purposes of this policy, tobacco <del>includes use shall be defined as use and/or</del> possession of a lighted or unlighted cigarette, cigar, <del>and pipe, or</del> other lighted smoking product <del>or material</del> ; and smokeless tobacco in any form.  |
| 3. Authority<br><del>SC 510<br/>18 Pa. C.S.A.<br/>Sec. 6305<br/>Title 22<br/>Sec. 12.3<br/>35 P.S.<br/>Sec. 1223.5<br/>20 U.S.C.<br/>Sec. 7183</del><br><br><del>Title 22<br/>Sec. 10.23<br/>20 U.S.C.<br/>Sec. 1400 et seq<br/>Pol. 103.1, 113.1<br/>113.2, 805.1</del><br><br>18 Pa. C.S.A<br>Sec. 6306.1 | <p>The Board prohibits <del>tobacco use and</del> possession, <del>use or sale of tobacco</del> by students at any time in a school building and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.</p> <p>The Board prohibits <del>tobacco use and</del> possession, <del>use or sale of tobacco</del> by students at school sponsored activities that are held off school property.</p> <p><u>In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.</u></p> <p>The school district may initiate prosecution of a student who possesses, <del>or</del> uses <u>or sells</u> tobacco in violation of this policy.</p> |
| 4. Delegation of Responsibility   | The Superintendent <u>or designee</u> shall annually notify students, parents/ <u>guardians</u> and staff about the school district's tobacco <del>use</del> policy <u>by publishing such policy in the Code of Student Conduct, posted notices, district website and other efficient</u>   |

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| <p><u>5. Guidelines</u><br/><u>SC 1303-A</u><br/><u>SC 1301-A</u><br/><u>Pol. 805.1</u><br/><u>18 Pa. C.S.A</u><br/><u>Sec. 6306.1</u></p> <p><u>5. Guidelines</u><br/><u>SC 1302.1-A,</u><br/><u>SC 1303-A</u><br/><u>Title 22</u><br/><u>Sec. 10.2, 10.22</u><br/><u>Pol. 805.1</u></p> <p><u>Title 22</u><br/><u>Sec. 10.2, 10.25</u><br/><u>Pol. 805.1</u></p> <p><u>SC 1301-A</u><br/><u>Pol. 805.1</u></p> <p><u>18 Pa. C.S.A</u><br/><u>Sec. 6306.1</u></p> | <p><u>methods.</u></p> <p>The Superintendent <u>or designee</u> shall develop procedures to implement this policy.</p> <p><u>Incidents of possession, use and sale of tobacco in violation of this policy by any person on school property shall be reported to the Office of Safe Schools on the required form at least once each year.</u></p> <p><u>A student convicted of possessing or using tobacco in violation of this policy may be fined up to \$50 plus court costs or admitted to alternative adjudication in lieu of imposition of a fine.</u></p> <p><u>The Superintendent or designee may report incidents of possession, use or sale of tobacco 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.</u></p> <p><u>The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use or sale of tobacco 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.</u></p> <p><u>In accordance with state law, the Superintendent shall annually, by July 31, report all -incidents of possession, use and sale of tobacco in violation of this policy by any person on school property to the Office of Safe Schools.</u></p> <p><u>A student convicted of possessing or using tobacco in violation of this policy may be fined up to fifty dollars (\$50) plus court costs or admitted to alternative adjudication in lieu of imposition of a fine.</u></p> <p><u>References:</u></p> <p><u>School Code – 24 P.S. Sec. 510, 1302.1-A, 1303-A</u></p> <p><u>State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.22, 10.23, 10.25, 403.1</u></p> <p><u>Sale of Tobacco – 18 Pa. C.S.A. Sec. 6305</u></p> |
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222. TOBACCO USE- Pg. 3

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| <p><u>Tobacco Use Prohibition – 18 Pa. C.S.A. Sec. 6306.1</u></p> <p><u>School Tobacco Control – 35 P.S. Sec. 1223.5</u></p> <p><u>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.</u></p> <p><u>No Child Left Behind Act – 20 U.S.C. Sec. 7114</u></p> <p><u>Pro-Children Act of 2001 – 20 U.S.C. Sec. 7181 et seq.</u></p> <p><u>Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300</u></p> <p><u>Board Policy – 000, 103.1, 113.1, 113.2, 805.1</u></p> <p><u>PSBA Revision 4/13</u></p> |
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No. 323

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: ADMINISTRATIVE  
EMPLOYEES

TITLE: TOBACCO ~~USE~~

ADOPTED: August 19, 2002

1<sup>st</sup> READ: ~~August 19, 2013~~ <sup>July 2013</sup>

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REVISED:

323. TOBACCO ~~USE~~

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| <p>1. Purpose</p> <p>2. Definition<br/><del>18 Pa. C.S.A.</del><br/>35 P.S.<br/><del>6306.1</del><br/><u>Sec. 1223.5</u></p> <p>3. Authority<br/>35 P.S.<br/><u>Sec. 1223.5</u><br/><u>20 U.S.C.</u><br/><u>Sec. 7183</u><br/><u>35 P.S.</u><br/><u>Sec. 1223.5</u></p> <p><del>4. Guidelines</del><br/><u>35 P.S.</u><br/><u>Sec. 1223.5</u></p> <p><u>4. Guidelines</u><br/><u>SC 1302.1-A,</u><br/><u>1303-A</u><br/><u>Title 22</u><br/><u>Sec. 10.2, 10.22</u><br/><u>18 Pa. C.S.A.</u><br/><u>Sec. 6305</u><br/><u>Pol. 805.1</u></p> | <p>The Board recognizes that tobacco <del>use</del> during school hours and on school property presents a health and safety hazard that can have serious consequences for the user and the nonuser and the safety of the schools.</p> <p>For purposes of this policy, tobacco <del>use</del> shall mean all use of tobacco, including <u>lighted or unlighted cigarettes, cigars, e-cigarettes, pipes or other smoking product or material and smokeless tobacco in any form.</u></p> <p>The Board prohibits tobacco <del>use</del> by administrative employees in a school building and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.</p> <p>The Board prohibits tobacco use by administrative employees at school sponsored activities that are held off school property.</p> <p>Furnishing tobacco (including <u>lighted or unlighted cigarettes, cigars, e-cigarettes, pipes or other smoking product or material and smokeless tobacco in any form</u>) or <del>e-cigarette paper</del> to any student is prohibited.</p> <p>The school district shall annually notify employees about the school district's tobacco use policy by publishing such in handbooks, newsletters, posted notices, and other efficient methods.</p> <p><u>The Superintendent or designee may report incidents involving the sale of tobacco to minors by employees 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.</u></p> |
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323.TOBACCO – Pg. 2

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| <p>SC 1303-A<br/><u>Pol. 805.1</u></p> | <p><u>In accordance with state law, the Superintendent shall annually, by July 31, report incidents of possession, use and sale of tobacco by any person on school property shall be reported to the Office of Safe Schools, on the required form at least once each year.</u></p> <p><u>References:</u></p> <p><u>School Code – 24 P.S. Sec. 1302.1-A, 1303-A</u></p> <p><u>State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.22</u></p> <p><u>Sale of Tobacco – 18 Pa. C.S.A. Sec. 6305</u></p> <p><u>School Tobacco Control – 35 P.S. Sec. 1223.5</u></p> <p><u>Pro-Children Act of 2001 – 20 U.S.C. Sec. 7181 et seq.</u></p> <p><u>Board Policy – 805.1</u></p> <p><u>PSBA Revision 4/13</u></p> |
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No. 423

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: PROFESSIONAL EMPLOYEES

TITLE: TOBACCO ~~USE~~

ADOPTED: August 19, 2002

1<sup>st</sup> READ: ~~August 19, 2013~~ <sup>July 2013</sup>

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| <b>423. TOBACCO <del>USE</del></b>  |  |
| <p>1. Purpose</p>   | <p>The Board recognizes that tobacco <del>use</del> during school hours and on school property presents a health and safety hazard that can have serious consequences for the user and the nonuser and the safety of the schools.</p>  |
| <p>2. Definition<br/><del>18 Pa. C.S.A. 6306.1</del><br/><del>35 P.S. Sec. 1223.5</del></p>   | <p>For purposes of this policy, <b>tobacco <del>use</del></b> shall mean all use of tobacco, including <u>lighted or unlighted cigarettes, cigars, <del>eigarettes</del>, pipes or other smoking product or material</u> and smokeless tobacco <u>in any form</u>.</p>   |
| <p>3. Authority<br/>35 P.S. Sec. 1223.5<br/><del>20 U.S.C. Sec. 7183</del></p> <p><del>35 P.S. Sec. 1223.5</del></p>  | <p>The Board prohibits tobacco use by professional employees in a school building and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.</p> <p>The Board prohibits tobacco use by professional employees at school sponsored activities that are held off school property.</p> <p>Furnishing tobacco (including <u>lighted or unlighted cigarettes, cigars, <del>eigarettes</del>, pipes or smoking product or material</u> and smokeless tobacco <u>in any form</u>) <del>or eigarette paper</del> to any student is prohibited.</p> |
| <p><del>4. Guidelines</del><br/><del>35 P.S. Sec. 1223.5</del></p>  | <p>The school district shall annually notify employees about the school district's tobacco use policy by publishing such in handbooks, newsletters, posted notices, and other efficient methods.</p>   |
| <p>4. Guidelines<br/><del>SC 1302.1-A, 1303-A</del><br/><del>Title 22 Sec. 10.2, 10.22</del><br/><del>18 Pa. C.S.A. Sec. 6305</del><br/><del>Pol. 805.1</del></p> | <p><u>The Superintendent or designee may report incidents involving the sale of tobacco to minors by employees 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.</u></p>   |

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423. TOBACCO – Pg. 2

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| <p><u>SC 1303-A</u><br/><u>Pol. 805.1</u></p> | <p><u>In accordance with state law, the Superintendent shall annually, by July 31, report incidents of possession, use and sale of tobacco by any person on school property shall be reported to the Office of Safe Schools, <del>on the required form at least once</del> each year.</u></p> <p><u>References:</u></p> <p><u>School Code – 24 P.S. Sec. 1302.1-A, 1303-A</u></p> <p><u>State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.22</u></p> <p><u>Sale of Tobacco – 18 Pa. C.S.A. Sec. 6305</u></p> <p><u>School Tobacco Control – 35 P.S. Sec. 1223.5</u></p> <p><u>Pro-Children Act of 2001 – 20 U.S.C. Sec. 7181 et seq.</u></p> <p><u>Board Policy – 805.1</u></p> <p><u>PSBA Revision 4/13</u></p> |
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No. 523

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: SUPPORT EMPLOYEES

TITLE: TOBACCO ~~USE~~

ADOPTED: August 19, 2002

~~1<sup>st</sup> READ:~~ <sup>July 2013</sup> August 19, 2013

REVISED:

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|   | 523. TOBACCO <del>USE</del>   |
|---|---|
| 1. Purpose  | The Board recognizes that tobacco <del>use</del> during school hours and on school property presents a health and safety hazard that can have serious consequences for the user and the nonuser and the safety of the schools.  |
| 2. Definition<br><del>18 Pa. C.S.A.<br/>6306.1<br/>35 P.S.<br/>Sec. 123.5</del>   | For purposes of this policy, tobacco <del>use</del> shall mean all use of tobacco, including <u>lighted or unlighted cigarettes, cigars, e-cigarettes, pipes or other smoking product or material</u> and smokeless tobacco <u>in any form</u> .  |
| 3. Authority<br>35 P.S.<br><del>Sec. 1223.5<br/>20 U.S.C.<br/>Sec. 7183</del>   | The Board prohibits tobacco use by support employees in a school building and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.<br><br>The Board prohibits tobacco use by support employees at school sponsored activities that are held off school property.<br><br>Furnishing tobacco (including <u>lighted or unlighted cigarettes, cigars, e-cigarettes, pipes or other smoking product or material</u> and smokeless tobacco <u>in any form</u> ) <del>or e-cigarette paper</del> to any student is prohibited. |
| 4. <del>Guidelines<br/>35 P.S.<br/>Sec. 1213.5</del>  | The school district shall annually notify employees about the school district's tobacco use policy by publishing such in handbooks, newsletters, posted notices, and other efficient methods.   |
| 4. Guidelines<br><del>SC 1302.1-A,<br/>1303-A<br/>Title 22<br/>Sec. 10.2, 10.22<br/>18 Pa. C.S.A.,<br/>Sec. 6305<br/>Pol. 805.1</del> | <u>The Superintendent or designee may report incidents involving the sale of tobacco to minors by employees 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.</u>   |

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| <p>SC 1303-A<br/><u>Pol. 805.1</u></p> | <p><u>In accordance with state law, the Superintendent shall annually, by July 31, report incidents of possession, use and sale of tobacco by any person on school property shall be reported to the Office of Safe Schools <del>on the required form at least once each year.</del></u></p> <p><u>References:</u></p> <p><u>School Code – 24 P.S. Sec. 1302.1-A, 1303-A</u></p> <p><u>State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.22</u></p> <p><u>Sale of Tobacco – 18 Pa. C.S.A. Sec. 6305</u></p> <p><u>School Tobacco Control – 35 P.S. Sec. 1223.5</u></p> <p><u>Pro-Children Act of 2001 – 20 U.S.C. Sec. 7181 et seq.</u></p> <p><u>Board Policy – 805.1</u></p> |
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No. 351

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: ADMINISTRATIVE  
EMPLOYEES

TITLE: DRUG AND SUBSTANCE  
ABUSE

ADOPTED: August 19, 2002  
~~July 2013~~

1<sup>st</sup> READ: ~~August 19, 2013~~

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REVISED:

| 351. DRUG AND SUBSTANCE ABUSE   |   |
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| 1. Purpose  | <p>The Board recognizes that the misuse of drugs is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by employees, especially as the use relates to an employee's safety, efficiency and productivity.</p> <p>The primary purpose and justification for any school district action will be for the protection of the health, safety and welfare of students, staff and school property.</p> |
| 2. Definitions<br><u>P.S. 35 P.S.</u><br>Sec. 780-101<br>et seq       | <p><b>Drugs</b> shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.</p>  |
| <u>P.L. 100-690</u><br><u>41 U.S.C.</u><br><u>Sec. 8101</u>           | <p><b>Conviction</b> - A finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statute.</p>  |
| <u>41 U.S.C.</u><br><u>Sec. 8101</u>                                  | <p><b>Criminal Drug Statute</b> - A federal or <del>nonfederal-state</del> criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.</p>   |
| <u>41 U.S.C.</u><br><u>Sec. 8101</u>                                  | <p><b>Drug-free Workplace</b> - The site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.</p>  |
| 3. Authority<br><u>SC 111</u><br><u>41 U.S.C.</u><br><u>Sec. 8103</u> | <p>The Board requires that each administrative employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the school district of any criminal drug statute conviction for a violation occurring in the workplace <del>immediately, but no later than seventy-two (72) hours, no later than five (5) days</del> after such conviction.</p>  |
| <u>SC 527</u><br><u>35 P.S.</u><br><u>Sec. 780-101</u><br>et seq      | <p>An employee convicted of delivery of <u>a controlled substance or convicted of</u> possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the school district.</p>   |

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## 351. DRUG AND SUBSTANCE ABUSE - Pg. 2

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| <p>4. Delegation of Responsibility<br/><u>P.L. 101-226</u><br/><u>Sec. 5115</u><br/><u>41 U.S.C.</u><br/><u>Sec. 8103, 8104</u></p> <p><u>41 U.S.C.</u><br/><u>Sec. 8103</u></p> <p><u>41 U.S.C.</u><br/><u>Sec. 8103, 8104</u></p> <p><u>41 U.S.C.</u><br/><u>Sec. 8103</u></p> <p><u>41 U.S.C.</u><br/><u>Sec. 8103</u></p> <p>5. Guidelines<br/><u>SC 1302.1-A,</u><br/><u>1303-A</u><br/><u>Title 22</u><br/><u>Sec. 10.2, 10.21</u><br/><u>35 P.S.</u><br/><u>Sec. 780-102</u><br/><u>Pol. 805.1</u></p> | <p>A statement notifying employees that the unlawful manufacture, distribution, dispensationing, possession, or use of a controlled substance is prohibited in the employee's workplace shall be provided by the Superintendent and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination and referral for prosecution.</p> <p>Grantors of funds shall be notified within ten (10) days after the school district receives notice from an employee or receives actual notice of a conviction.</p> <p>The school district shall be responsible for taking <u>appropriate personnel</u> action within thirty (30) days of receiving notice, with respect to any convicted employee, <u>up to and including termination, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.</u></p> <p>In establishing a drug-free awareness program, the Superintendent shall inform employees about the:</p> <ol style="list-style-type: none"><li>1. Dangers of drug abuse in the workplace.</li><li>2. School district's policy of maintaining a drug-free workplace.</li><li>3. Availability of drug counseling, drug rehabilitation, and employee assistance programs.</li><li>4. Penalties that may be imposed for drug abuse violations occurring in the workplace.</li></ol> <p>The school district shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.</p> <p><u>The Superintendent or designee shall immediately report incidents involving the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act by any employee while 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.</u></p> |
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351. DRUG AND SUBSTANCE ABUSE - Pg. 3

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| <p><u>SC 1303-A</u><br/><u>Pol. 805.1</u></p> | <p><u>In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of controlled substances or drug paraphernalia to the Office for Safe Schools on the required form.</u></p> <p>References:</p> <p><u>School Code – 24 P.S. Sec. 111, 527, 1302.1-A, 1303-A</u></p> <p><u>State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21</u></p> <p><u>PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-101 et seq.</u></p> <p><u>Drug-Free Workplace Act – 41 U.S.C. Sec. 8101 et seq.</u></p> <p><u>Board Policy – 317, 805.1</u></p> <p><b>PSBA Revision 4/13</b></p> |
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No. 451

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: PROFESSIONAL EMPLOYEES

TITLE: DRUG AND SUBSTANCE  
ABUSE

ADOPTED: August 19, 2002

1<sup>st</sup> READ: ~~August 19, 2013~~ <sup>July 2013</sup>

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REVISED:

| 451. DRUG AND SUBSTANCE ABUSE  |   |
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| <p>1. Purpose</p> <p><u>P.L. 100-690</u></p>   | <p>The Board recognizes that the misuse of drugs is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by employees, especially as the use relates to an employee's safety, efficiency and productivity.</p> <p>The primary purpose and justification for any school district action will be for the protection of the health, safety and welfare of students, staff and school property.</p>   |
| <p>2. Definitions</p> <p><u>P.S. 35 P.S.</u><br/><u>Sec. 780-101</u><br/>et seq</p> <p><u>P.L. 100-690</u><br/><u>41 U.S.C.</u><br/><u>Sec. 8101</u></p> <p><u>41 U.S.C.</u><br/><u>Sec. 8101</u></p> <p><u>41 U.S.C.</u><br/><u>Sec. 8101</u></p> | <p><b>Drugs</b> shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.</p> <p><b>Conviction</b> - A finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statute.</p> <p><b>Criminal Drug Statute</b> - A federal or <del>nonfederal-state</del> criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.</p> <p><b>Drug-free Workplace</b> - The site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensationing, possession or use of a controlled substance.</p> |
| <p>3. Authority</p> <p><u>SC 111</u><br/><u>41 U.S.C.</u><br/><u>Sec. 8103</u></p> <p><u>SC 527</u><br/><u>35 P.S.</u><br/><u>Sec. 780-101</u></p>   | <p>The Board requires that each professional employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the school district of any criminal drug statute conviction for a violation occurring in the workplace <u>immediately, but no later than seventy-two (72) hours, no later than five (5) days</u> after such conviction.</p> <p>An employee convicted of delivery of <u>a controlled substance or convicted of or</u> possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the school district.</p>   |



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451. DRUG AND SUBSTANCE ABUSE - Pg. 2

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| <p>4. Delegation of Responsibility<br/><u>P.L. 101-226</u><br/><u>Sec. 5115</u><br/><u>41 U.S.C.</u><br/><u>Sec. 8103, 8104</u></p>   | <p>A statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the employee's workplace shall be provided by the Superintendent and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination and referral for prosecution.</p>   |
| <p><u>41 U.S.C.</u><br/><u>Sec. 8103</u></p>  | <p>Grantors of funds shall be notified within ten (10) days after the school district receives notice from an employee or receives actual notice of a conviction.</p>  |
| <p><u>41 U.S.C.</u><br/><u>Sec. 8103, 8104</u></p>  | <p><del>The school district shall be responsible for taking action within thirty (30) days of receiving notice, with respect to any convicted employee.</del></p>  |
| <p><u>41 U.S.C.</u><br/><u>Sec. 8103, 8104</u></p>  | <p>The school district shall <del>be responsible for taking</del> appropriate personnel action against such an employee, <del>up to and including termination within thirty (30) days of receiving notice, with respect to any convicted employee, up to and including termination, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.</del></p>   |
| <p><u>41 U.S.C.</u><br/><u>Sec. 8103</u></p>  | <p>In establishing a drug-free awareness program, the Superintendent shall inform employees about the:</p>   |
| <p><u>41 U.S.C.</u><br/><u>Sec. 8103</u></p>  | <ol style="list-style-type: none"><li>1. Dangers of drug abuse in the workplace.</li><li>2. School district's policy of maintaining a drug-free workplace.</li><li>3. Availability of drug counseling, drug rehabilitation, and employee assistance programs.</li><li>4. Penalties that may be imposed for drug abuse violations occurring in the workplace.</li></ol>   |
| <p><u>41 U.S.C.</u><br/><u>Sec. 8103</u></p>  | <p>The school district shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.</p>   |
| <p>5. Guidelines<br/><u>SC 1302.1-A,</u><br/><u>1303-A</u><br/><u>Title 22</u><br/><u>Sec. 10.2, 10.21</u><br/><u>35 P.S.</u><br/><u>Sec. 780-102</u><br/><u>Pol. 805.1</u></p> | <p><del>The Superintendent or designee shall immediately report incidents involving the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act by any employee while 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</del></p> |

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451. DRUG AND SUBSTANCE ABUSE - Pg. 3

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| <p><u>SC 1303-A</u><br/><u>Pol. 805.1</u></p> | <p><b><u>Board policies.</u></b></p> <p><b><u>In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of controlled substances or drug paraphernalia to the Office for Safe Schools on the required form.</u></b></p> <p><b><u>References:</u></b></p> <p><b><u>School Code – 24 P.S. Sec. 111, 527, 1302.1-A, 1303-A</u></b></p> <p><b><u>State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21</u></b></p> <p><b><u>PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-101 et seq.</u></b></p> <p><b><u>Drug-Free Workplace Act – 41 U.S.C. Sec. 8101 et seq.</u></b></p> <p><b><u>Board Policy – 317, 805.1</u></b></p> <p><b><u>PSBA Revision 4/13</u></b></p> |
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No. 551

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: SUPPORT EMPLOYEES  
TITLE: DRUG AND SUBSTANCE  
ABUSE

ADOPTED: August 19, 2002

1<sup>st</sup> READ: ~~August 19, 2013~~ <sup>July 2013</sup>

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REVISED:

| 551. DRUG AND SUBSTANCE ABUSE   |  |
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| <p>1. Purpose</p> <p><del>P.L. 100-690</del></p>  | <p>The Board recognizes that the misuse of drugs is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by employees, especially as the use relates to an employee's safety, efficiency and productivity.</p> <p>The primary purpose and justification for any school district action will be for the protection of the health, safety and welfare of students, staff and school property.</p>  |
| <p>2. Definitions</p> <p><del>P.S. 35 P.S.</del><br/>Sec. 780-101<br/>et seq</p> <p><del>P.L. 100-690</del><br/><del>41 U.S.C.</del><br/><del>Sec. 8101</del></p> <p><del>41 U.S.C.</del><br/><del>Sec. 8101</del></p> <p><del>41 U.S.C.</del><br/><del>Sec. 8101</del></p> | <p><b>Drugs</b> shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.</p> <p><b>Conviction</b> - A finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or State criminal drug statute.</p> <p><b>Criminal Drug Statute</b> - A federal or <del>nonfederal-state</del> criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.</p> <p><b>Drug-free Workplace</b> - The site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.</p> |
| <p>3. Authority</p> <p><del>SC 111</del><br/><del>41 U.S.C.</del><br/><del>Sec. 8103</del></p> <p><del>SC 527</del><br/><del>35 P.S.</del><br/><del>Sec. 780-101</del><br/>et seq</p>   | <p>The Board requires that each support employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the school district of any criminal drug statute conviction for a violation occurring in the workplace <u>immediately, but no later than seventy-two (72) hours, no later than five (5) days</u> after such conviction.</p> <p>An employee convicted of delivery of <u>a controlled substance or convicted of</u> possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the school district.</p>  |

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551. DRUG AND SUBSTANCE ABUSE - Pg. 2

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| <p>4. Delegation of Responsibility<br/><u>41 U.S.C. Sec. 8103, 8104</u></p> <p><u>41 U.S.C. Sec. 8103</u></p> <p><u>41 U.S.C. Sec. 8103, 8104</u></p> <p><u>41 U.S.C. Sec. 8103</u></p> <p><u>41 U.S.C. Sec. 8103</u></p> | <p>A statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the employee's workplace shall be provided by the Superintendent and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination and referral for prosecution.</p> <p>Grantors of funds shall be notified within ten (10) days after the school district receives notice from an employee or receives actual notice of a conviction.</p> <p>The school district shall be responsible for taking <u>appropriate personnel</u> action within thirty (30) days of receiving notice, with respect to any convicted employee, <u>or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.</u></p> <p><u>In establishing a drug-free awareness program, the Superintendent shall inform employees about the:</u></p> <ol style="list-style-type: none"><li>1. Dangers of drug abuse in the workplace.</li><li>2. School district's policy of maintaining a drug-free workplace.</li><li>3. Availability of drug counseling, drug rehabilitation, and employee assistance programs.</li><li>4. Penalties that may be imposed for drug abuse violations occurring in the workplace.</li></ol> <p>The school district shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.</p> |
| <p>5. Guidelines<br/><u>SC 1302.1-A, 1303-A Title 22 Sec. 10.2, 10.21 35 P.S. Sec. 780-102 Pol. 805.1</u></p> <p><u>SC 1303-A Pol. 805.1</u></p>  | <p><u>The Superintendent or designee shall immediately report incidents involving the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act by any employee while 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.</u></p> <p><u>In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of controlled substances or drug</u></p>   |

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551. DRUG AND SUBSTANCE ABUSE - Pg. 3

paraphernalia to the Office for Safe Schools on the required form.

References:

School Code – 24 P.S. Sec. 111, 527, 1302.1-A, 1303-A

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21

PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S.  
Sec. 780-101 et seq.

Drug-Free Workplace Act – 41 U.S.C. Sec. 8101 et seq.

Board Policy – 317, 805.1

PSBA Revision 4/13

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No. 805

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: OPERATIONS  
TITLE: EMERGENCY PREPAREDNESS  
ADOPTED: August 19, 2002  
~~1<sup>st</sup> READ: August 19, 2013~~ <sup>July 2013</sup>  
REVISED: September 17, 2007

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| 805. EMERGENCY PREPAREDNESS  |   |
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| 1. Purpose   | The Board recognizes its responsibility to safeguard the health and welfare of district students and employees. Therefore, the Board shall provide the facilities, equipment and training necessary to minimize the effects of all hazards and emergencies, including but not limited to natural disasters, hazardous chemicals, fires, weapons, bomb threats, terrorism, communicable diseases and pandemics. Advance planning and comprehensive implementation are key components in ensuring the protection of the school community.   |
| 2. Authority<br>35 Pa. C.S.A.<br>Sec. 7701<br><u>Title 22</u><br><u>Sec. 10.24</u><br><br><u>SC 1517, 1518</u><br><u>35 Pa. C.S.A.</u><br><u>Sec. 7701</u> | <p>The district, in cooperation with the <del>local</del>county Emergency Management Agency and the Pennsylvania Emergency Management Agency (PEMA), shall develop and implement a comprehensive disaster response and emergency preparedness plan, consistent with the guidelines developed by the Pennsylvania Emergency management Agency and other applicable state requirements.</p> <p>The Board shall also utilize the resources of and comply with the requirements of the Pennsylvania Department of Health and the Pennsylvania Emergency management Agency and other applicable state requirements.</p> <p>The Board shall ensure that emergency and evacuation drills are conducted at intervals required by state law.</p> |
| 3. Delegation of Responsibility  | <p>The Superintendent or designee shall collaborate with relevant stakeholders, including parents/guardians, staff, community agencies and first responders, during the development and implementation of the emergency preparedness plan.</p> <p><u>District staff shall be trained to assist in implementing the emergency preparedness plan.</u></p> <p>The Superintendent or designee shall implement a communication system to notify parents/guardians of the evacuation of students and to alert the entire school community when necessary.</p>   |

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| <p><u>SC 1517</u></p>   | <p><u>Annually, by April 10, the Superintendent shall certify that emergency and evacuation drills have been conducted in the manner prescribed by law.</u></p>   |
| <p><u>SC 1303-A</u><br/><u>Title 22</u><br/><u>Sec. 10.11</u><br/><u>Pol. 805.1</u></p>   | <p><u>In accordance with state law and regulations, the Superintendent shall execute a memorandum of understanding with each local police department that has jurisdiction over school property.</u></p>  |
| <p>4. Guidelines<br/><u>SC 1302.1-A</u><br/><u>35 Pa. C.S.A.</u><br/><u>Sec. 7701</u><br/><u>Title 22</u><br/><u>Sec. 10.25</u></p> | <p>The emergency preparedness plan shall be <u>maintained in each school building, be reviewed at least annually and modified as necessary. A copy of the plan shall be provided to the county Emergency Management Agency, each local police department and each local fire department that have jurisdiction over school property. The emergency preparedness plan shall be</u> and communicated to students, parents/guardians, relevant stakeholders, and the community.</p>  |
| <p><u>Title 22</u><br/><u>Sec. 10.24</u><br/><u>Pol. 805.1</u></p>  | <p><u>Annually, by September 30, the district shall assemble information required to assist local police and fire departments in responding to an emergency. The required information shall be deployed immediately to the Incident Command Post in the event of an emergency incident or disaster.</u></p>   |
|   | <p><u>Continuity Of Student Learning/Core Operations</u></p>  |
| <p><u>35 Pa. C.S.A.</u><br/><u>Sec. 7701</u></p>  | <p>In the event of an emergency, local, county or state officials may require that schools be closed to serve as mass-care facilities or to mitigate the spread of infection or illness. Local, county or state officials may also utilize district-owned buses and other transportation vehicles.</p>  |
| <p><u>Pol. 810</u></p>  | <p>The district shall make provisions in the emergency preparedness plan for the continuity of student learning during school closings or excessive absences. Such alternatives may include:</p> <ul style="list-style-type: none"><li>Web-based district instruction.</li><li>Telephone trees.</li><li>Mailed lessons and assignments.</li><li>Instruction via local television or radio stations.</li></ul> <p>The continuity of core operations such as payroll and ongoing communication with students and parents/guardians shall be an essential part of the emergency preparedness plan.</p> |

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|                                | <p><u>Education</u></p> <p>Students and staff members shall be instructed and shall practice how to respond appropriately to emergency situations.</p>  |
| <u>Pol. 203.1</u>              | <p>Effective infection control and prevention procedures, such as frequent hand washing and cough/sneeze etiquette, shall be encouraged continually to help limit the spread of germs at district schools.</p>  |
|                                | <p><u>Required Drills</u></p>   |
| <u>35 Pa. C.S.A. Sec. 7701</u> | <p>At least annually, all district schools shall conduct a disaster response or emergency preparedness plan drill.</p>  |
| <u>SC 1517, 1518</u>           | <p>Fire drills shall be conducted at least once a month during the school year.</p>   |
| <u>SC 1517</u>                 | <p>Bus evacuation drills shall be conducted twice a year, in accordance with law.</p>   |
|                                | <p>References:<br/>School Code – 24 P.S. Sec. <u>1302.1-A</u>, 1517,1518</p> <p><u>State Board of Education Regulations – 22 PA Code Sec. 10.11, 10.24</u></p> <p><u>Pennsylvania consolidated Statutes Annotated – 35 Pa. C.S.A. Sec. 7701</u></p> <p>Disaster Prevention – 35 Pa. C.S.A. Sec. 7701</p> <p>Board Policy — <u>203.1, 805.1, 810, 909</u></p> <p><u>NOTES:</u></p> <p><u>False alarms – 18 Pa. C.S.A. Sec. 4905, 4906</u></p> <p><u>PSBA Revision 4/13</u></p> |



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EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: RELATIONS WITH LAW  
ENFORCEMENT AGENCIES

1<sup>ST</sup> READ: July 2013  
ADOPTED:

REVISED:

| <b>805.1. RELATIONS WITH LAW ENFORCEMENT AGENCIES</b>                          |   |
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| 1. Purpose   | The Board recognizes that cooperation with law enforcement agencies is considered essential for protecting students and staff, maintaining a safe environment in schools, and safeguarding district property.   |
| 2. Authority<br>SC 1303-A<br>Title 22<br>Sec. 10.1                             | It shall be the policy of the Board to establish and maintain a cooperative relationship between the school district and local police departments in the reporting and resolution of incidents that occur on school property, at any school-sponsored activity, or on any conveyance providing transportation to or from a school or school-sponsored activity.   |
| SC 1303-A<br>Title 22<br>Sec. 10.11  | The Board directs the Superintendent to execute and update, on a biennial basis, a memorandum of understanding with each local police department that has jurisdiction over school property in accordance with state law and regulations.   |
| 3. Definition<br>SC 1303-A<br>Title 22<br>Sec. 10.2<br>35 P.S.<br>Sec. 780-102 | <b>Incident</b> - an instance involving an act of violence; the possession of a weapon by any person; 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 by any person on school property; or conduct that constitutes an offense listed under the Safe Schools Act. |
| 4. Guidelines  | <u>Memorandum Of Understanding</u>  |
| SC 1303-A<br>Title 22<br>Sec. 10.11  | In accordance with state law and regulations, the Superintendent shall execute and update, every two (2) years, a memorandum of understanding with each local police department that has jurisdiction over school property. The memorandum of understanding shall be signed by the Superintendent, police chief and each building principal, and be filed with the Office for Safe Schools.   |
| SC 1303-A<br>Title 22<br>Sec. 10.11  | In developing and updating the memorandum of understanding, the district shall consult and consider the State Board of Education model memorandum of understanding. If the district's memorandum of understanding with local law enforcement contains substantive differences from the State Board of Education   |

805.1. RELATIONS WITH LAW ENFORCEMENT AGENCIES - Pg. 2

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|  | <p>model memorandum of understanding, the Superintendent shall provide a written statement which identifies the differences and the reasons for the differences as part of the biennial filing with the Office for Safe Schools.</p>  |
| <p>Pol. 218, 218.1,<br/>218.2, 222,<br/>227</p>  | <p>The memorandum of understanding shall comply with state law and regulations and set forth procedures to be followed regarding incidents that include, but are not limited to, acts of violence, weapons, terroristic threats, controlled substances, alcohol and tobacco.</p>  |
| <p>SC 1303-A</p>   | <p>The memorandum of understanding may specify other matters related to crime prevention mutually agreed upon by the Superintendent and the local police department that has jurisdiction over the school property.</p>   |
|  | <p><u>Students With Disabilities</u></p>  |
| <p>Title 22<br/>Sec. 10.23,<br/>14.104<br/>Pol. 113, 113.2</p>   | <p>The district shall provide a copy of its administrative regulations and procedures for behavior support, developed in accordance with the Special Education Plan, to each local police department that has jurisdiction over school property. Updated copies shall be provided each time the administrative regulations and procedures for behavior support are revised by the district.</p>   |
| <p>Title 22<br/>Sec. 10.23,<br/>14.104,<br/>14.133<br/>Pol. 113, 113.2</p>   | <p>The district shall invite representatives of each local police department that has jurisdiction over school property to participate in district training on the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require intervention, as included in the district's Special Education Plan and positive behavior support program.</p>   |
|  | <p><u>Referral To Law Enforcement</u></p>   |
| <p>SC 1302.1-A,<br/>1303-A<br/>Title 22<br/>Sec. 10.2, 10.21,<br/>10.22<br/>Pol. 103.1, 113.1,<br/>113.2, 218,<br/>218.1, 218.2,<br/>222, 227,<br/>323, 351,<br/>904</p> | <p>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, 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.</p> |

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| <p>SC 1303-A</p> | <p><u>Safe Schools Report</u></p> <p>Annually, by July 31, the Superintendent shall report on the designated form, to the Office for Safe Schools, all new incidents as required by state law.</p> <p>Prior to submitting the Safe Schools report, the Superintendent and each police department having jurisdiction over school property shall do all of the following:</p> <ol style="list-style-type: none"><li>1. No later than thirty (30) days prior to the deadline for submitting the Safe Schools report to the Office for Safe Schools, the Superintendent shall submit the report to the police department that has jurisdiction over the relevant school property. The police department shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects police incident data.</li><li>2. No later than fifteen (15) days prior to the deadline for the Superintendent to submit the report to the Office for Safe Schools, the police department shall notify the Superintendent, in writing, whether the report accurately reflects police incident data. Where the police department determines that the report accurately reflects police incident data, the chief of police shall sign the report. Where the police department determines that the report does not accurately reflect police incident data, the police department shall indicate any discrepancies between the report and police incident data.</li><li>3. Where a police department fails to take action as required above, the Superintendent shall submit the report to the Office for Safe Schools and indicate that the police department failed to take the required action.</li></ol> <p>References:</p> <p>School Code – 24 P.S. Sec. 1302.1-A, 1303-A</p> <p>PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-102</p> <p>State Board of Education Regulations – 22 PA Code Sec. 10.1, 10.2, 10.11, 10.21, 10.22, 10.23, 10.24, 14.104, 14.133</p> <p>Board Policy – 103.1, 113, 113.1, 113.2, 218, 218.1, 218.2, 222, 227, 323, 351, 805, 904, 909</p> <p><b>PSBA New 4/13</b></p> |
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Note: Policy number change only.  
 805.1 is now Relations with Law Enforcement Agencies No. 805.~~1~~<sup>12</sup>

**EAST  
 STROUDSBURG  
 AREA  
 SCHOOL DISTRICT**

DRAFT

SECTION: OPERATIONS  
 TITLE: EMERGENCY PLAN  
 ADOPTED: August 19, 2002  
 1st Read: July 2013  
 REVISED:

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|               | <b>805.<del>1</del><sup>12</sup>. EMERGENCY PLAN</b>   |
| 1. Authority  | <p>The Board recognizes that it is a custodian of the next generation, our nation's most valuable resource. Consequently, this imposes the responsibility to provide facilities, equipment and training to minimize a school disaster plan that will provide as much protection as possible for children while at school and on their way to and from school and to provide adequate instruction so that the school emergency plan may be carried out with the greatest possible speed and safety. Therefore, the following responsibilities shall be assigned.</p>  |
| 2. Guidelines | <p>The Superintendent shall:</p> <ol style="list-style-type: none"> <li>1. Make recommendations for needed policy statements to the Board.</li> <li>2. Designate staff members to act as school emergency coordinators.</li> <li>3. Coordinate a school disaster plan with the local civil defense plan.</li> </ol> <p>Each school principal shall:</p> <ol style="list-style-type: none"> <li>1. Be informed concerning his/her responsibilities for organizing and implementing the emergency preparedness program in the school.</li> <li>2. Select and assign faculty members to various positions of responsibility in accordance with the school plan.</li> <li>3. Request needed emergency preparedness supplies and equipment.</li> <li>4. Inform parents concerning the emergency plan program of the school.</li> </ol> <p>Each teacher shall:</p> <ol style="list-style-type: none"> <li>1. Help students to develop confidence in their ability to take care of themselves and to be of help to others.</li> </ol> |

2. Be prepared to provide leadership and activities for students during a period of enforced confinement.
3. Be familiar with the psychological basis for working with students under the stress of emergency situations.
4. Be familiar with minimum first-aid procedures.
5. Maintain good housekeeping practices to reduce hazards.
6. Help students to understand and interpret the emergency preparedness plan to parents.

Each school nurse shall:

1. Be prepared to render first aid, treat casualties, and identify and tag young children, unconscious persons, and others as indicated and prepare patients for transportation to hospitals.
2. Participate as a health resource person in faculty studies in the area of curriculum development in determining how to best meet the need for emergency preparedness.
3. Assist the school principal in determining the need for additional emergency supplies and equipment.

The cafeteria manager and cafeteria personnel shall:

1. Maintain an adequate supply of food and water for emergency use.
2. Be prepared for feeding services under emergency conditions.

Custodians and maintenance personnel shall:

1. Inspect facilities for structural safety and report defects.
2. Chart shutoff valves and switches for gas, oil, water and electricity, and post charts so that other personnel may use them in an emergency.
3. Be prepared to inspect the building following disaster and report damage to administration.
4. Be ready to make emergency repairs to building services.

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Bus transportation personnel shall:

1. Identify various routes by which students could reach home, shelter or evacuation assembly points in case of disaster.
2. Know emergency precautions that need to be taken during school hours or while students are enroute to school or home.
3. Keep vehicles serviced and ready to transport evacuees at a moment's notice.
4. Familiarize themselves with available fuel sources in case of power stoppage.

DRAFT

No. 904

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: COMMUNITY  
TITLE: PUBLIC ATTENDANCE AT  
SCHOOL EVENTS

ADOPTED: August 19, 2002

1<sup>st</sup> READ: ~~August 19, 2013~~  
July 2013

REVISED:

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|   | 904. PUBLIC ATTENDANCE AT SCHOOL EVENTS  |
| 1. Purpose  | The Board welcomes the public at activities and events sponsored by the school district, but the Board also acknowledges its duty to maintain order and preserve school facilities during such events.   |
| 2. <u>Definition</u><br><u>35 P.S.</u><br><u>Sec. 1223.5</u>  | <u>For purposes of this policy, tobacco includes a lighted or unlighted cigarette, cigar, pipe or other smoking product or material and smokeless tobacco in any form.</u>   |
| 3. Authority<br>SC 511. 775   | The Board has the authority to prohibit at a school event the attendance of any individual whose conduct may constitute a disruption. The Board prohibits gambling and the possession and use of controlled substances, alcoholic beverages and weapons on school premises.  |
| 4. <u>Guidelines</u><br><br><u>35 P.S.</u><br><u>Sec. 1223.5</u><br><u>20 U.S.C</u><br><u>Sec. 7183</u><br><br><u>SC 1302.1-A,</u><br><u>1303-A</u><br><u>Title 22</u><br><u>Sec. 10.2, 10.22</u><br><u>18 Pa. C.S.A.</u><br><u>Sec. 6305</u><br><u>Pol. 805.1</u><br><br><u>SC 1303-A</u><br><u>Pol. 805.1</u> | <u>A schedule of fees for attendance at school events shall be prepared by the Superintendent and approved by the Board.</u><br><br><u>Tobacco</u><br><br><u>The Board prohibits tobacco use by any persons in its school buildings and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.</u><br><br><u>The Superintendent or designee may report incidents involving the sale of tobacco to minors by any person 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.</u><br><br><u>In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco by any person on school property to the Office for Safe Schools on the required form.</u> |

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## 904. PUBLIC ATTENDANCE AT SCHOOL EVENTS - Pg. 2

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| <p><u>35 P.S.</u><br/><u>Sec. 1223.5</u></p> <p><u>43 P.S.</u><br/><u>Sec. 953</u><br/><u>28 CFR</u><br/><u>Sec. 35.136</u><br/><u>Pol. 718</u></p> | <p>The school district shall annually notify staff, parents and members of the public about the school district's tobacco use policy by publishing such in handbooks, newsletters, posted notices, and other efficient methods.</p> <p><u>Service Animals</u></p> <p><u>Individuals with disabilities may be accompanied by their service animals while on district property for events that are open to the general public in accordance with Board policy and state and federal laws and regulations.</u></p> <p>The Board establishes the following regulations with respect to the conduct of school events.</p> <p><u>Violation of Law:</u></p> <p>Whenever the conduct or action of any students, faculty members, staff or other person on school property constitutes a violation of any federal, state or local law or ordinance, or reasonably appears to constitute such a violation, the appropriate law enforcement agency may be summoned and asked to take such actions as are necessary pursuant to such law or ordinance.</p> <p>Nothing in this section shall preclude additional administrative actions against any offender, nor shall acquittal in a court of law or dismissal of legal proceedings or charges preclude such administrative actions under any section of these rules or existing state laws.</p> <p><u>Other Existing Remedies:</u></p> <p>Whenever the conduct or action of any students, faculty or staff members or other employees is such as to justify disciplinary proceedings such as are provided for under Civil Service Law and/or Education Law and such other provisions of federal or state law as may provide for the filing of charges, disciplinary proceedings and punishment thereunder, the Board, or other proper administrative authority may proceed. No proceeding or penalty assessed under the within rules and regulations shall be a bar to, or prohibit in any manner whatsoever, the right of the school district or its staff and officers to proceed pursuant to the aforesaid state laws and any others which may be applicable as a result of such conduct or action.</p> |
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904. PUBLIC ATTENDANCE AT SCHOOL EVENTS - Pg. 3

Prohibited Behavior:

The following behavior, caused by action or inaction shall be prohibited to students, employees, and all other persons lawfully or unlawfully upon school-owned property:

1. Willful physical injury to any person.
2. Willful damage to or misuse of property.
3. Willful obstruction or disruption of the orderly conduct of classes, functions, Board meetings, ceremonies, athletic events or other authorized activities.
4. Entry upon any portion of the school premises for any purpose other than its authorized uses.
5. Failure to comply with the lawful directions of school officials acting in the performance of their duties.
6. Willful interference with the lawful and authorized activities of others.
7. Unauthorized parking in designated parking areas.

References:

School Code – 24 P.S. Sec. 511, 775, 1302.1-A, 1303-A

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.22, 403.1

Sale of Tobacco – 18 Pa. C.S.A. Sec. 6305

School Tobacco Control – 35 P.S. Sec. 1223.5

Pennsylvania Human Relations Act – 43 P.S. Sec. 953

Pro-Children Act of 2001 – 20 U.S.C. Sec. 7181 et seq.

Nondiscrimination on the Basis of Disability, Title 28, Code of Federal Regulations – 28 CFR Part 35

Board Policy – 718, 805.1

PSBA Revision 4/13

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No. 909

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: COMMUNITY  
TITLE: MUNICIPAL GOVERNMENT  
RELATIONS

ADOPTED: August 19, 2002

1<sup>st</sup> READ: ~~August 19, 2013~~ July 2013

REVISED:

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|   | 909. MUNICIPAL GOVERNMENT RELATIONS  |
| 1. Purpose  | It is the policy of the Board that school district officials and municipal officials maintain a close and harmonious association. Such liaison is requisite for dealing with school/community concerns and issues in a satisfactory manner while assuring prudent expenditure of tax dollars.  |
| 2. Authority<br>Pa. Const.<br>Art. III<br>Sec. 14   | The Board recognizes that its authority derives directly from the General Assembly, but it also is aware that the municipality and the school district must work together for the welfare of the residents.<br><br><u>The Board, as an independent body, has no statutory relationship to other local governmental bodies. However, the Board may cooperate with local government units and other appropriate organizations in matters that affect district responsibilities. Such organizations may include, but not be limited to, health agencies, public libraries, museums, police and fire departments, township supervisors, borough council, planning commissions and the courts.</u><br><br><u>In matters affecting the budgets of such agencies, the Board shall neither seek special consideration nor assume costs that properly fall outside its jurisdiction, except as prescribed by law.</u> |
| SC 502. 521. 706.<br>775. 790   | The Board advocates joint expenditures of district and municipal or county funds to provide facilities from which the entire community may derive benefits. <u>In accordance with this policy, the Board may, as either opportunity or need arises, and as it is entitled to do by law, enter into joint action agreements with the local municipal governing body in acquiring or leasing, improving, equipping, operating or maintaining such jointly used facilities.</u>   |
| 3. <u>Delegation of Responsibility</u><br><u>SC 1302.1-A,</u><br><u>1303-A</u><br><u>Title 22</u> | <u>The Superintendent and each local police department that has jurisdiction over school property shall enter into, and update on a biennial basis, a memorandum of understanding which shall be developed and executed in accordance with state law and regulations.</u>  |

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909. MUNICIPAL GOVERNMENT RELATIONS - Pg. 2

Sec. 10.11  
Pol. 805.1

To maintain cooperation with the municipality for fiscal and facilities planning, the

- ( ) Board or its member representative
- ( ) Superintendent or designee
- ( ) Board Secretary
- ( ) Business Manager

will meet periodically with municipal officials to discuss issues of common interest.

The public library can and should play an important role in the intellectual and educational development of district students, serving as a resource to reinforce and augment the school library and provide services and materials that may go beyond those which the school library can provide. To help achieve this end, the school district shall provide financial support for the local library.

References:

Pennsylvania Constitution – PA Const. Art. III Sec. 14

School Code – 24 P.S. Sec. 502, 521, 706, 775, 790, 1302.1-A, 1303-A

State Board of Education Regulations – 22 PA Code Sec. 10.11, 10.24

Disaster Prevention – 35 Pa. C.S.A. Sec. 7701

Board Policy – 613, 805, 805.1

PSBA Revision 4/13

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