

# WYOMISSING AREA SCHOOL DISTRICT

SECTION: PROGRAMS

TITLE: NONDISCRIMINATION –  
QUALIFIED STUDENTS WITH  
DISABILITIESADOPTED: ~~January 24, 2011~~

REVISED:

	<p style="text-align: center;">103.1. NONDISCRIMINATION – QUALIFIED STUDENTS WITH DISABILITIES</p> <p>The Board declares it to be the policy of this <del>D</del>istrict to ensure that all <del>D</del>istrict 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.</p> <p>The <del>D</del>istrict shall provide to each qualified student with a disability enrolled in the <del>D</del>istrict, 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.</p> <p>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.</p> <p>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 <del>D</del>istrict's legal and investigative obligations.</p> <p>The <del>D</del>istrict 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.</p> <p><b>Qualified student with a disability</b> - a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the <del>D</del>istrict's educational programs, nonacademic services or extracurricular activities.</p>
<p>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</p> <p>2. Definitions Title 22 Sec. 15.2 42 U.S.C. Sec. 12102</p>	

<p>Title 22 Sec. 15.1 et seq 34 CFR Part 104</p>	<p><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.</p>
<p>Title 22 Sec. 15.7</p>	<p><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.</p>
<p>Pol. 248</p>	<p><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.</p>
<p>3. Delegation of Responsibility 34 CFR Sec. 104.7</p>	<p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent, Assistant Superintendent, or their designee as the <u>D</u>istrict's Section 504 Coordinator.</p>
<p>Title 22 Sec. 15.4 34 CFR Sec. 104.32</p>	<p>In addition, each school within the <u>D</u>istrict shall have a Section 504 building administrator.</p>
<p>Title 22 Sec. 15.4 34 CFR Sec. 104.32</p>	<p>The <u>D</u>istrict shall publish and disseminate this policy and complaint procedure on or before the first day of each school year by posting it on the <u>D</u>istrict's web site, if available, and in the student handbook. The <u>D</u>istrict shall notify parents/guardians of students residing in the <u>D</u>istrict of the <u>D</u>istrict's responsibilities under applicable laws and regulations, and that the <u>D</u>istrict does not discriminate against qualified individuals with disabilities.</p>
<p>4. Guidelines  34 CFR Sec. 104.32 Pol. 113</p>	<p><u>Identification And Evaluation</u></p> <p>The <u>D</u>istrict shall conduct an annual child find campaign to locate and identify every <u>D</u>istrict student with a disability thought to be eligible for Section 504 services and protections. The <u>D</u>istrict may combine this search with the <u>D</u>istrict's IDEA child find efforts, in order to not duplicate efforts.</p>

<p>Title 22 Sec. 15.5, 15.6 34 CFR Sec. 104.35</p>	<p>If a parent/guardian or the <u>D</u>istrict 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 <u>D</u>istrict shall provide the other party with written notice.</p>
<p>34 CFR Sec. 104.35</p>	<p>The <u>D</u>istrict 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.</p>
<p>34 CFR Sec. 104.35</p>	<p>The <u>D</u>istrict 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 <u>D</u>istrict 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>
<p>Title 22 Sec. 15.7</p>	<p><u>Service Agreement</u></p> <p>If a student is determined to be a qualified student with a disability, the <u>D</u>istrict shall develop a written Service Agreement for the delivery of all appropriate aids, services, or accommodations necessary to provide the student with FAPE.</p>
<p>Title 22 Sec. 15.7</p>	<p>The <u>D</u>istrict shall not implement a Service Agreement until the written agreement is executed by a representative of the <u>D</u>istrict and a parent/guardian.</p>
<p>Title 22 Sec. 15.5</p>	<p>The <u>D</u>istrict shall not modify or terminate a student's current Service Agreement without the parent's/guardian's written consent.</p>

<p>Title 22 Sec. 15.3 34 CFR Sec. 104.34</p> <p>Title 22 Sec. 15.3 34 CFR Sec. 104.34, 104.37 Pol. 112, 122, 123, 810</p> <p><del>Pol. 218, 233</del></p> <p>Title 22 Sec. 15.6, 15.7, 15.8 34 CFR Sec. 104.35</p> <p>Title 22 Sec. 15.9 Pol. 216</p> <p><u>Pol. 218, 233</u></p>	<p><u>Educational Programs/Nonacademic Services/Extracurricular Activities</u></p> <p>The <del>D</del>istrict 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 <del>D</del>istrict 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> <p>The <del>D</del>istrict shall not discriminate against any qualified student with a disability in its provision of nonacademic services and extracurricular activities, including but not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, and referrals to agencies which provide assistance to individuals with disabilities.</p> <p><u>Discipline</u></p> <p><del>When necessary, the district shall discipline qualified students with disabilities in accordance with state and federal laws and regulations and Board policies.</del></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><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><u>Discipline</u></p> <p><u>When necessary, the District shall discipline qualified students with disabilities in accordance with state and federal laws and regulations and Board policies.</u></p>
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<p>Title 22 Sec. 15.8 34 CFR Sec. 104.36</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>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.</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><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 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.</u></p> <p><u>Procedural Safeguards</u></p> <p>The <u>D</u>istrict 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</p>
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Title 22 Sec. 15.6	student's parent/guardian, and a review procedure.
Title 22 Sec. 15.8	<p>A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.</p> <p><i>Parental Request For Assistance –</i></p> <p>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:</p> <ol style="list-style-type: none"> <li>1. The <b>D</b>istrict is not providing the related aids, services and accommodations specified in the student's Service Agreement.</li> <li>2. The <b>D</b>istrict has failed to comply with the procedures and state regulations.</li> </ol>
Title 22 Sec. 15.8	<p>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 <b>D</b>istrict 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.</p> <p><i>Informal Conference –</i></p>
Title 22 Sec. 15.8	<p>At any time, parents/guardians may file a written request with the <b>D</b>istrict 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 <b>D</b>istrict shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.</p> <p><i>Formal Due Process Hearing –</i></p>
Title 22 Sec. 14.162, 15.8	<p>If the matters raised by the <b>D</b>istrict or parents/guardians are not resolved at the informal conference, the <b>D</b>istrict 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> <p><i>Judicial Appeals –</i></p>
Title 22 Sec. 15.8	<p>The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction.</p> <p><u>Complaint Procedure</u></p>

<p>Pol. 103</p>	<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><b>Step 1 – Reporting</b></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 <u>D</u>istrict'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> <p><b>Step 2 – Investigation</b></p> <p>Upon receiving a complaint of discrimination, the Section 504 building administrator shall immediately notify the <u>D</u>istrict'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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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	<p><b>Step 3 – Investigative Report</b></p> <p>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.</p> <p>The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.</p> <p><b>Step 4 – District Action</b></p> <p>If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the <u>D</u>istrict 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.</p> <p>Disciplinary actions shall be consistent with the Student Code of Conduct, Board policies and administrative regulations, <u>D</u>istrict procedures, applicable collective bargaining agreements, and state and federal laws.</p> <p><u>Appeal Procedure</u></p> <ol style="list-style-type: none"> <li>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 <u>D</u>istrict's Section 504 Coordinator within fifteen (15) days.</li> <li>2. The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable investigation.</li> <li>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.</li> </ol> <p>References:</p> <p>State Board of Education Regulations – 22 PA Code Sec. 4.4, 12.1, 12.4, 14.162, 15.1 et seq.</p> <p>Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g</p>
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	<p>Section 504 of the Rehabilitation Act of 1973 – 29 U.S.C. Sec. 794</p> <p>Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.</p> <p>Nondiscrimination on the Basis of Disability, Title 28, Code of Federal Regulations – 28 CFR Part 35</p> <p>Family Educational Rights and Privacy, Title 34, Code of Federal Regulations – 34 CFR Part 99</p> <p>Nondiscrimination on the Basis of Handicap, Title 34, Code of Federal Regulations – 34 CFR Part 104</p> <p>Board Policy – 103, 112, 113, 122, 123, 216, 218, 227, 233, 248, 810</p>
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SECTION: PROGRAMS

TITLE: DISCIPLINE OF STUDENTS  
WITH DISABILITIES

ADOPTED:

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*Adopt this version*

	113.1. DISCIPLINE OF STUDENTS WITH DISABILITIES
1. Purpose Title 22 Sec. 14.133 Pol. 113, 113.2	<p><b>D</b>            The <del>district</del> 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.</p>
Title 22 Sec. 14.133, 14.143 34 CFR Sec. 300.530 Pol. 218, 233	<p>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.</p>
2. Definitions Pol. 113	<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>
Title 22 Sec. 12.6 Pol. 233	<p><b>Suspensions from school</b> - disciplinary exclusions from school for a period of one (1) to ten (10) consecutive school days.</p>
Title 22 Sec. 12.6 Pol. 233	<p><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.</p>
20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(g)	<p><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; however, this does not constitute a change in placement for a student with a disability.</p>

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<p>3. Authority Title 22 Sec. 14.143 20 U.S.C. Sec. 1415(k) 34 CFR 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 with a disability 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><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</p> <p>Title 22 Sec. 12.6, 14.143 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530, 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.</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 <b>intellectual disability</b>, any disciplinary suspension or expulsion is a change in educational placement.</p>

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<p>Title 22 Sec. 14.143 34 CFR Sec. 300.530(c) 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>
<p>20 U.S.C. Sec. 1415(k) 34 CFR 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. Sec. 1415(k) 34 CFR 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. Sec. 1415(k) 34 CFR 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>

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<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(g)</p> <p>18 U.S.C. Sec. 930 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(i) Pol. 218.1</p> <p>20 U.S.C. Sec. 1415(k) 21 U.S.C. Sec. 812(c) 34 CFR Sec. 300.530(i) Pol. 227</p> <p>18 U.S.C. Sec. 1365(h)(3) 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(i)</p> <p>SC 1303-A Title 22 Sec. 10.2 35 P.S. Sec. 780-102</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 <b>intellectual disability</b>, 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> <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> <li>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.</li> <li>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.</li> </ol> <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>
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<p>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, 113.2, 113.3, 218, 218.1, 218.2, 222, 227, 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 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.</p>
<p>Title 22 Sec. 10.23, 14.133 Pol. 113.2, 113.3</p>	<p>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.</p>
<p>Title 22 Sec. 10.2, 10.21, 10.22, 10.23 20 U.S.C. Sec. 1415(k)(6) 34 CFR Sec. 300.535 Pol. 113.4, 216, 805.1</p>	<p>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.</p>
<p>SC 1303-A Pol. 805.1</p>	<p>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.</p>

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References:

School Code – 24 P.S. Sec. 510, 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. **10.2, 10.21, 10.22, 10.23, 10.25, 12.6, 14.104, 14.133, 14.143**

Crimes Code, Possession of Firearms and Dangerous Weapons –  
18 U.S.C. Sec. 930

Crimes Code, Definition, Serious Bodily Injury – 18 U.S.C. Sec. 1365(h)(3)

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

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, 113.4, 216, 218, 218.1, 218.2, 222, 227, 233, 805.1**

**PSBA Revision 4/13**

SECTION: PROGRAMS

TITLE: BEHAVIOR SUPPORT

ADOPTED: January 26, 2004

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## WYOMISSING AREA SCHOOL DISTRICT

	<p style="text-align: center;">113.2. BEHAVIOR SUPPORT</p>
<p>1. Authority Title 22 Sec. 14.133</p>	<p>To ensure compliance with the requirements of Chapter 14 of the regulations of the Pennsylvania State Board of Education governing behavior interventions and the use of restraint with students identified with disabilities.</p> <p>The following principles shall govern the use of behavior supports and interventions for children with disabilities:</p> <ol style="list-style-type: none"><li>1. Positive, rather than negative, measures must form the basis of behavior support programs to ensure that all students shall be free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints.</li><li>2. Behavior support programs and plans must be based on a functional assessment of behavior and use positive behavior techniques.</li><li>3. Behavior support programs must include research based practices and techniques to develop and maintain skills that will enhance an individual student's opportunity for learning and self-fulfillment.</li><li>4. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student shall be the least intrusive necessary.</li><li>5. The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques.</li><li>6. Nothing in this policy shall be construed to require the development of a separate behavior support or intervention plan when appropriate positive behavioral interventions, strategies, and supports, consistent with the requirements of this policy, can be incorporated into body of the IEP.</li></ol>
<p>2. Definitions</p>	<p>As used in this policy, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise.</p>



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Title 22 Sec. 14.133	<b>Aversive techniques</b> - Deliberate activities designed to establish a negative association with a specific behavior.
Title 22 Sec. 14.133	<b>Behavior support</b> - The development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.
Title 22 Sec. 14.133	<del>Positive behavior support plans</del> <b>Behavior Support Plan or Behavior Intervention Plan</b> - A 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 behavior assessment, and become part of the individual student's IEP. These plans must include methods that use positive reinforcement, <del>and other positive techniques</del> <b>and related services required to assist a student with a disability to benefit from special education, to shape the behavior of the student with disabilities, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.</b>
Title 22 Sec. 14.133	<p><b>Positive Techniques</b> – <del>methods that utilize positive reinforcement to shape a student's behavior, ranging from the use of positive verbal statements as a reward for good behaviors to specific tangible rewards.</del></p> <p><b>Restraints</b> - The application of physical force, with or without the use of any device, <del>for the purpose of restraining the</del> <b>designed to restrain</b> 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 or 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/<b>guardians</b> and specified in the IEP.</li> <li>6. Mechanical restraints governed by <del>the section of</del> this policy <b>entitled Use of Mechanical Restraints</b>, 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> – <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.</b></p>

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<p><u>Delegation of Responsibility</u></p>	<p><u><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.</u></p> <p><u>The Superintendent or designee shall ensure that this Board policy is implemented in accordance with federal and state laws and regulations.</u></p> <p><u>The Superintendent or designee shall develop administrative regulations to implement this policy.</u></p> <p><u>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.</u></p> <p><u>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 untis and vocational schools.</u></p> <p><u>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.</u></p> <p><u>When an intervention is necessary to address problem behavior, the types of intervention chosen for a student shall be the least intrusive necessary.</u></p>
<p>3. Guidelines</p> <p>Title 22 Sec. 14.133</p>	<p><u><del>Specific Limitations</del></u></p> <p><u><del>Use of Physical Restraints Other Than Mechanical Restraints</del></u></p> <p>Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to <del>him/herself</del> <u>the student</u>, to other students or to employees, and only when less restrictive measures and techniques have proven to be or are less effective. The Director of Special Education or <del>his or her</del> designee shall notify the parent/<u>guardian</u> as soon as practicable of the use of <del>restraining</del> <u>restraints</u> to control the aggressive behavior of <del>his or her child</del> <u>the student</u> and shall convene a meeting of the IEP team within ten (10) school days of <del>the inappropriate behavior causing</del> the use of restraints, unless the parent/<u>guardian</u>, after written notice, agrees in writing to waive</p>

<p>Title 22 Sec. 14.133</p>	<p>the meeting. At this meeting, the IEP team shall consider whether the student needs a functional behavioral assessment, reevaluation, or a new or revised positive behavior support plan, or a change of placement to address the inappropriate behavior.</p> <p><del>Whenever the use of restraint to control acute or episodic aggressive or self-injurious behavior can be reasonably anticipated for a particular student, the District shall make every effort to obtain prior parent consent for such use. Inclusion of such restraints in the IEP of the student, when the parents have received appropriate prior written notice of that IEP, shall constitute sufficient evidence of parent consent for purposes of this policy. In the event that the need to use restraint cannot be reasonably anticipated for a particular student, or the parents refuse to provide consent therefor, appropriately trained staff may use such restraint when the student is acting in a manner that constitutes a clear and present danger to him/herself, to other students, or to employees.</del></p> <p>The use of restraints <del>may only</del><u>shall not</u> be included in a student's IEP <u>for the convenience of staff, as a substitute for an educational program, or employed as punishment, under the following conditions:</u> <u>Restraints may be included in an EIP only if:</u></p> <ol style="list-style-type: none"> <li>1. The restraint is used in conjunction with specific components of positive behavior support.</li> <li>2. The restraint is used in conjunction with the teaching of socially <del>acceptable</del><u>appropriate</u> alternative skills<del>to replace problem behavior or behaviors.</del></li> <li>3. <del>Staff are authorized, and have received all training required, to use the specific procedure.</del><u>Staff are authorized to use the restraint and have received appropriate training.</u></li> <li>4. <del>The positive behavior support plan of the student includes a plan for eliminating the use of restraint through the application of positive behavior support.</del><u>Behavior support plan includes efforts to eliminate the use of restraints.</u></li> <li>5. <del>The use of restraints are not included in the IEP for the convenience of staff, as a substitute for an educational program, or to be employed as punishment.</del></li> </ol> <p><u>5.</u> <b>Use of Mechanical Restraints –</b></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</p>
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	<p>professional qualified to make the determination, and as agreed to by the student's parents or guardians. Mechanical restraints shall prevent a student from injuring himself/herself or others or promote normative body positioning and physical functioning.</p> <p><u>Seclusion</u></p> <p><u>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.</u></p> <p><u>The District prohibits the seclusion of students in locked rooms, locked boxes and other structures or spaces from which the student cannot readily exit.</u></p> <p><del>Proscription of Certain</del> <b>Aversive Techniques –</b></p>
<p>Title 22 Sec. 14.133</p>	<p>The following aversive techniques <u>for addressing of handling</u> behavior are <u>considered</u> inappropriate and <del>may</del> <u>shall</u> 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> <li>3. Locked rooms, locked boxes or other locked structures or spaces from which the student cannot readily exit.</li> <li>4. Noxious substances.</li> <li>5. Deprivation of basic human rights, such as withholding meals, water or fresh air.</li> </ol>
<p>Title 22 Sec. 14.143</p>	<ol style="list-style-type: none"> <li>6. Suspensions constituting a pattern as defined in <u>Section 14.143(a) of the regulations of the State Board of Education, 22 PA Code Sec. 14.143(a), and any successor regulation, state regulations.</u></li> <li>7. Treatment of a demeaning nature.</li> <li>8. <u>Electric shock.</u></li> <li>8. <u>9. Methods implemented by untrained personnel.</u></li> <li>9. <u>10. The use of prone</u> <del>Prone</del> restraints, which are those by which a student is held face down on the floor.</li> </ol>

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**Reporting and Monitoring –**

~~The Superintendent or designee shall maintain and report data on the use of restraints in a manner prescribed by the Secretary of Education of the Commonwealth of Pennsylvania. Such report shall be readily available for review during cyclical compliance monitoring conducted by the Pennsylvania Department of Education.~~

**Referral to Law Enforcement –**

~~Subsequent to a referral to law enforcement, an updated functional behavior assessment and positive behavior support plan shall be required for students with disabilities who have positive behavior support plans at the time of such referral. 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 functional behavioral assessment and the positive behavior support plan of the student.~~

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.

Subsequent to notification 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. 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.

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.

<p>Title 22 Sec. 14.133</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>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 the District's Special Education Plan and positive behavior support program.</u></p> <p><u>Training</u></p> <p><b><u>Regular Program of Training—</u></b></p> <p><del>The Superintendent or designee shall provide for the regular training and re-training, as needed, of personnel in the use of specific procedures, methods and techniques including restraints, that those personnel will be expected to employ in the implementation of positive behavior supports or interventions in accordance with the IEP of the student and this policy.</del></p> <p>References:</p> <p>State Board of Education Regulations – 22 PA Code Sec. 14.133, 14.143</p> <p>Individuals With Disabilities Education Act Federal Regulations Part 300, Sec. 300.346(a)(2)</p>
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# WYOMISSING AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: STUDENT DISCIPLINE

ADOPTED: November 25, 1996

REVISED: ~~March 26, 2012~~

218. STUDENT DISCIPLINE	
1. Purpose SC 510 Title 22 Sec. 12.3, 12.4 Pol. 103, 103.1	All Wyomissing Area School District students share in the responsibility of developing and maintaining a climate which is conducive to wholesome learning and living. In addition, all Wyomissing Area School District students are expected to behave in a manner which will naturally bring praise and respect to themselves, families, and school. Students are further expected to maintain good school attendance, to be conscientious in their classwork, and to conform to all school rules and regulations.
2. Authority SC 510 Title 22 Sec. 12.2, 12.3, 12.4 Pol. 103, 103.1  Pol. 122, 123	<p>The Board requires each student to adhere to Board policies and the written rules and regulations promulgated by the administration and to submit to disciplinary measures appropriately assigned for infraction of those rules. School rules and Board policies shall govern student conduct in school, at school-sponsored activities, and/or during the time spent in travel to and from school and school-sponsored activities.</p> <p>The Board also may regulate student conduct which occurs off school property, which would violate the Student Code of Conduct if committed on school property, and which is directly connected to the student's enrollment in the school district or participation in school activities.</p> <p>The Superintendent or designee shall develop a Student Code of Conduct to govern student discipline.</p>
Title 22 Sec. 12.3	A Code of Student Conduct will be included in the handbooks published by each school in the district.
Title 22 Sec. 12.2 Pol. 235	Each student must adhere to Board policies and the Student Code of Conduct governing student discipline.

	<p><u>Off-Campus Activities</u></p> <p>This policy shall also apply to student conduct that occurs off school property and would otherwise violate the Code of Student Conduct if any of the following circumstances exist:</p> <ol style="list-style-type: none"> <li>1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, via school district furnished transportation.</li> <li>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.</li> <li>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.</li> <li>4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, for example, a transaction conducted outside of school pursuant to an agreement made in school, that would violate the Code of Student Conduct if conducted in school.</li> <li>5. The conduct involves the theft or vandalism of school property.</li> <li>6. There is otherwise 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>
Pol. 122, 123	
3. Guidelines	<p>Four (4) levels of misconduct are identified, from minor misbehaviors escalating to very serious misbehaviors. The following examples are not meant to be all-inclusive, but should be viewed as guidelines. All levels of discipline will be administered in a developmentally appropriate manner. A continuation of a misconduct will elicit stricter discipline and certain misconducts will lead to exclusion from school.</p>
SC 1301-A, 1317.2 18 Pa. C.S.A. Sec. 5503	<p>Students who engage in disorderly conduct by fighting or threatening others, using obscene language or obscene gestures, or creating a hazardous or physically offensive condition, may be issued a citation for disorderly conduct by police at the request of a school administrator, in addition to appropriate school discipline.</p>



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	<p><b><u>LEVEL I</u></b></p> <p><i>Level I offenses are –</i></p> <p>Pol. 218 Minor misbehaviors on the part of the student which impede the educational process and orderly classroom procedures or interfere with the orderly operation of the school.</p> <p><i>Examples:</i></p> <p>Pol. 204 Minor classroom disturbances, classroom tardiness, failure to complete assignments, failure to return library books and magazines on time, coming unprepared for class, having food or drink in unauthorized areas, failure to meet deadlines, parking lot offenses, improper dress, loitering, littering, lying, hall pass offenses, failure to follow attendance procedures, cafeteria offenses, book damage or loss, school bus and/or bus stop behavior, etc.</p> <p><i>Discipline:</i></p> <p>Pol. 218 Can take any or all of the following forms: parental contact, special assignments, counseling, withdrawal of privileges, verbal reprimands, paying of fines, after-school detention, etc.</p> <p><b><u>LEVEL II</u></b></p> <p><i>Level II offenses are –</i></p> <p>Frequent and/or serious misbehaviors that disrupt the learning climate of the school, interfere with the school operation, and/or impact adversely on the public image.</p> <p><i>Examples:</i></p> <p>Pol. 121, 204, 222 School tardiness; truancy; class cutting; bullying; disruptive, lewd or rude behavior; abusive or obscene language; forgery; cheating on tests or assignments; smoking or possession of tobacco; cutting detention; misconduct on field trips, buses, during public programs, at athletic events, and/or assemblies; leaving school without permission; ignoring or disregarding safety rules and regulations; public displays of affection; continuation of Level I misconduct; etc.</p>
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Pol. 218, 222, 233	<p><i>Discipline:</i></p> <p>Can take any or all of the following forms: special assignments, withdrawal of privileges, after-school detention, fine for possession and/or use of tobacco, in-school suspension, suspension, and/or parental contact.</p> <p><b><u>LEVEL III</u></b></p> <p><i>Level III offenses are –</i></p>
Pol. 227	<p>Acts directed against persons and/or property, as well as incidents involving controlled substances.</p> <p><i>Examples:</i></p>
Pol. 218.2, 227, 248, 815	<p>Minor vandalism, incidents involving controlled substances, theft or possession of stolen property, threats, insubordination, false alarm, vulgar behavior, belligerent behavior, harassment, inappropriate computer use, continuation of Level II misconduct, etc.</p> <p><i>Discipline:</i></p>
SC 1301-A, 1317.2 18 Pa. C.S.A. Sec. 5503 Pol. 218, 233	<p>Can take any or all of the following forms: parental contact, detention, in-school suspension, suspension, expulsion, mandated out-of-school counseling, special assignments, arrest, and/or prosecution. If a citation is issued, legal sanctions can be imposed, including a fine levied by the district Justice.</p> <p><b><u>LEVEL IV</u></b></p> <p><i>Level IV offenses are –</i></p>
Pol. 218.2	<p>Acts which result in violence to another's person or property or which pose a direct threat to the safety of others in the school.</p> <p><i>Examples:</i></p>
Pol. 218.1, 218.2, 227, 247, 815	<p>Fighting, hazing, assault and battery, extortion, bomb threat, possession or use of weapons, arson, drug dealing, vandalism, illegal computer use, other criminal acts, continuation of Level III misconduct, etc.</p>

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<p>18 Pa. C.S.A. Sec. 5503 Act 126 of 1995 Pol. 218, 233</p>	<p><i>Discipline:</i></p> <p>Can take any or all of the following forms: suspension, expulsion, arrest, and/or prosecution. If a citation is issued, legal sanctions can be imposed, including a fine levied by the District Justice.</p> <p><u>Discipline Of Students With Disabilities</u></p>
<p>Pol. 113.1</p>	<p><del>Specific procedures for discipline of students with disabilities are outlined in Board Policy 113.1.</del></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><u>Use Of Reasonable Force</u></p>
<p>Title 22 Sec. 12.5(d)</p>	<p>The Wyomissing Area School District believes that physical punishment is not an effective or desirable form of discipline; therefore, corporal punishment, may not be administered to any student in the Wyomissing Area School District.</p> <p>Reasonable force (minimum force necessary) may be used by any staff member in the following instances:</p> <ol style="list-style-type: none"> <li>1. To quell a disturbance.</li> <li>2. To obtain possession of weapons or other dangerous objects.</li> <li>3. For the purpose of self-defense.</li> <li>4. For the protection of persons or property.</li> </ol>
<p>4. Delegation of Responsibility</p> <p>Title 22 Sec. 12.3 Pol. 235</p>	<p>The Superintendent or designee shall promulgate written rules and regulations to implement Board policy governing student conduct.</p> <p>The Superintendent or designee shall publish and provide to all staff, students and parents/guardians the rules for student behavior contained in the Student Code of Conduct and the sanctions that may be imposed for violations of those rules. A copy of the Code of Conduct shall be contained in the student handbooks.</p> <p>The Superintendent shall report to the Board the methods of discipline imposed by administrators and incidences of student misconduct, in the degree of specificity required by the Board.</p>

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SC 1317	The Superintendent, Assistant Superintendents, Director of Special Education, building principals or assistant principal(s), or designees shall have the authority to assign discipline to students, subject to the policies, rules and regulations of the district and to the student's due process right to notice, hearing, and appeal.
SC 1317	Teaching staff and other 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.
SC 1302.1-A, 1303-A	When conduct so warrants, the building principal shall, in accordance with the Code of Student conduct and the memorandum of understanding, contact the police department who has jurisdiction over the school's property.
Pol. 805	The memorandum of understanding shall provide procedures for local law enforcement response including, but not limited to, investigation of the incident, interrogation and custody of the student.
	<u>Required Reports</u>
SC 1303-A Pol. 218, 218.1, 218.2, 222, 227	<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>
SC 1303-A	<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>
	<u>The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or</u>

	<p><u>designee shall document attempts made to reach the parent/guardian.</u></p> <p>The Superintendent shall report to the Board the methods of discipline imposed by administrators and incidences of student misconduct, in the degree of specificity required by the Board.</p> <p>The Superintendent shall annually, by July 31, report to the Office of Safe Schools on the required form all new incidents that occurred on school property and involved conduct including, but not limited to, acts of violence, weapons, terroristic threats, controlled substances, alcohol or tobacco.</p> <p>The Superintendent shall annually, no later than July 1, submit the prepared Office of Safe Schools report to the police department with jurisdiction over the school building for review and comparison with police incident data. Discrepancies shall be resolved in accordance with the procedures outlined in the memorandum of understanding.</p>
5. Definitions	<p>The following is a list of definitions of terms used in the discipline policy and discipline code:</p> <p><b>Assault and Battery</b> - The threat to use force upon another and the actual carrying out of said threat.</p> <p><b>Belligerent Behavior</b> - Hostile or aggressive behavior and conduct, or behavior conducive to hostility.</p> <p><b>Bullying</b> - Intentional harm done repeatedly over time, in a relationship in which there is an imbalance of power.</p> <p><b>Cheating</b> - Copying or plagiarism from another's work or assignment; also, the use of unauthorized materials or aides during testing; or the facilitation of cheating, i.e. disclosing test questions, sharing writings, etc.</p> <p><b>Class Cutting</b> - Absence from class or study hall without school approval.</p> <p><b>Classroom Disturbance</b> - Student behavior that adversely affects the smooth and orderly process of education.</p> <p><b>Corporal Punishment</b> – 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 hand or instrument.</p>
Pol. 249	
Title 22 Sec. 12.16	

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<p>18 Pa. C.S.A. Sec. 5503</p>	<p><b>Deadlines</b> - Often during the school year students must return signed forms, parental permission, assignment, etc. Deadlines are announced for the return of these items.</p> <p><b>Disorderly Conduct</b> - A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, the person:</p> <ol style="list-style-type: none"> <li>1. Engages in fighting or threatening, or in violent or tumultuous behavior.</li> <li>2. Makes unreasonable noise.</li> <li>3. Uses obscene language, or makes an obscene gesture.</li> <li>4. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.</li> </ol> <p><b>Extortion</b> - To obtain another's money or property by fighting, punching, slapping, pushing, use of weapons, threats, etc.</p> <p><b>Forgery</b> - The counterfeiting of a signature or other authorization.</p>
<p>Pol. 248</p>	<p><b>Harassment</b> - The persistent badgering, irritating, bothering, tormenting, or annoying of another, either in person or in conspiracy with others.</p>
<p>Pol. 247</p>	<p><b>Hazing</b> - The persecution, playing of rough practical jokes or the humiliating of another person for the purpose of club or team initiation.</p> <p><b>Insubordination</b> - The failure or refusal to immediately carry out a legitimate directive or direct order by a teacher or administrator.</p> <p><b>Littering</b> - Not using trash cans for discarded food, waste, or other trash.</p> <p><b>Loitering</b> - Being in or out of lavatories, in halls, and other supervised areas of the building or grounds during, before, or after school.</p> <p><b>Out-of-School Counseling</b> - Counseling with a public or private counselor, psychologist, or therapist.</p> <p><b>Prepared for Class</b> - Students are expected to arrive each day prepared for class with the necessary books, notebook, pencils, pens, completed assignments, etc.</p> <p><b>Special Assignments</b> - Either classroom special assignments in the nature of extra work or special assignments of a disciplinary nature.</p>

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<p>Pol. 204</p>	<p><b>Tardy</b> - Lateness to class or school.</p> <p><b>Truancy</b> - Unauthorized absence from school.</p> <p><b>Vandalism</b> - The willful and malicious destruction of public or private property.</p> <p><b>Withdrawal of Privileges</b> - Privileges may be withdrawn including but not limited to: early dismissal from last period study hall, riding school buses, study hall in cafeteria, attendance at assemblies and special programs, dances, and events, etc.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 510, 1302.1-A, 1303-A, 1317, 1317.2, 1318</p> <p>State Board of Education Regulations – 22 PA Code Sec. 12.1 et seq., 403.1</p> <p>PA Crimes and Offenses, Disorderly Conduct – 18 Pa. C.S.A. Sec. 5503</p> <p>No Child Left Behind Act – 20 U.S.C. Sec. 7114</p> <p>Board Policy – 103, 103.1, 113.1, 121, 122, 123, 204, 218, 218.1, 218.2, 222, 227, 233, 235, 247, 248, 249, 805, 815</p>
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# WYOMISSING AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: WEAPONS OR THEIR  
REPLICAS

ADOPTED: November 25, 1996

REVISED: ~~October 11, 2011~~

	218.1. WEAPONS OR THEIR REPLICAS
1. Purpose	The Board recognizes the importance of a safe school environment relative to the educational process. Possession of weapons in the school setting is a threat to the safety of students and staff and is prohibited by law.
2. Definitions SC 1301-A, 1317.2	<p><b>Weapon</b> - the term shall include but not be limited to any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, replica of a weapon, and any "object" capable of inflicting serious bodily injury. The determination of what constitutes a replica weapon will be at the discretion of the building administration. The Borough Police will be called in all cases to make the final determination of replica status should the building administration not be able to make a clear determination.</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>
3. Authority SC 1317.2 Pol. 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.
SC 1317.2 Pol. 233	The Board shall expel for a period of not less than one (1) year any student who violates this weapons policy. Such expulsion shall be given in conformance with formal due process proceedings required by law. The Superintendent may recommend modifications of such expulsion requirement on a case-by-case basis.
4. Delegation of Responsibility SC 1302.1-A, 1317.2	<p>The Superintendent or designee shall react promptly to information and knowledge concerning weapons on school property. Such action shall be in compliance with state law and regulation and with the procedures set forth in the memorandum of understanding with local law enforcement officials <u>and the District's emergency preparedness plan.</u></p> <p><u>In the case of a student with a disability, including a student for whom an evaluation</u></p>



218.1. WEAPONS OR THEIR REPLICAS - Pg. 2

<p>SC 1303-A, 1317.2</p>	<p><u>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><u>The Superintendent or designee 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></p> <p><u>The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving weapons as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.</u></p> <p><u>In accordance with state law, the Superintendent shall annually, by July 31, report all incidents involving possession of a weapon to the Office for Safe Schools on the required form.</u></p> <p><del>The Superintendent or designee shall immediately report the discovery of any weapon prohibited by this policy to the student's parents/guardians and to local law enforcement officials and inform the student's parent/guardian.</del></p>
<p>SC 1303-A, 1317.2</p>	<p><del>The Superintendent shall annually, by July 31, report all incidents involving acts of violence or possession of a weapon to the Office of Safe Schools on the required form in accordance with state law and regulation.</del></p>
<p>SC 1317.2 20 U.S.C. Sec. 1400 et seq Pol. 113.1</p>	<p><u>In the case of a student with disabilities, the Superintendent or District shall take all necessary steps to comply with the Individuals With Disabilities Education Act.</u></p>
<p>Pol. 226</p>	<p><u>Search</u></p> <p>The School District administrators or designee will conduct searches according to Policy 226.</p>
<p>5. Guidelines</p>	<p><u>Seizure And Forfeiture</u></p> <p>Any weapon or replica brought, carried, possessed, located, stored, accessed, or used by a student or person on School District property is subject to seizure or forfeiture by the School District or law enforcement authorities in accordance with law.</p>

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218.1. WEAPONS OR THEIR REPLICAS - Pg. 3

SC 1317.2	<p>Students, staff and parents/guardians shall be informed at least annually concerning this policy.</p> <p>An exception to this policy, such as for the purpose of an educational demonstration may be made by the Superintendent, who shall prescribe special conditions or procedures to be followed including but not limited to: No ammunition may be brought on to school property and no demonstration weapon/replica will be capable of being discharged while on school property.</p>
18 U.S.C. Sec. 921, 922	<p>Weapons under the control of law enforcement personnel are permitted.</p> <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>
SC 1304-A, 1317.2 Pol. 216.1	<p><u>Transfer Students</u></p> <p>At registration and as a condition of admission to the school, the parent/guardian or other person having control or charge of a student shall provide a sworn statement or affirmation stating whether the student was previously or is presently suspended or expelled from any public or private school of this Commonwealth or any other state for an act or offense involving weapons, alcohol or drugs or for the willful infliction of injury to another person or for any act of violence committed on school property. The registration shall include the name of the school from which the student was expelled or suspended for the above-listed reasons with the date of expulsion or suspension and shall be maintained as part of the student's disciplinary record.</p> <p>Any willful false statement made under this section shall be a misdemeanor of the third degree.</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 District may assign that student to an alternative assignment or may provide alternative education, provided the assignment does not exceed the expulsion period.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 1301-A, 1302.1-A, 1303-A, 1317.2</p>

218.1. WEAPONS OR THEIR REPLICAS - Pg. 4

	<p>State Board of Education Regulations – 22 PA Code Sec. 403.1</p> <p>Possession of Weapon on School Property – 18 Pa. C.S.A. Sec. 912</p> <p>Gun Control Act – 18 U.S.C. Sec. 921, 922</p> <p>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.</p> <p>Gun-Free Schools Act – 20 U.S.C. Sec. 7151</p> <p>No Child Left Behind Act – 20 U.S.C. Sec. 7114</p> <p>Individuals With Disabilities Education, Title 34, Code of Federal Regulations – 34 CFR Part 300</p> <p>Board Policy – 113.1, 216.1, 218, 226, 233</p>
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# WYOMISSING AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: TERRORISTIC THREATS

ADOPTED: September 26, 2011

REVISED:

218.2. TERRORISTIC THREATS	
1. Purpose	The Board recognizes the danger that terroristic threats by students presents to the safety and welfare of District students, staff and community. The Board acknowledges the need for an immediate and effective response to a situation involving such a threat.
2. Definition 18 Pa. C.S.A. Sec. 2706	<p><u>Communicate – shall mean to convey in person or by written or electronic means, including telephone, electronic mail, Internet, facsimile, telex and similar transmissions.</u></p> <p>▲ <b>Terroristic threat</b> - shall mean a threat communicated either directly or indirectly to commit any crime of violence with the intent to terrorize another; to cause evacuation of a building, place of assembly or facility of public transportation; or to otherwise cause serious public inconvenience, or cause terror or serious public inconvenience with reckless disregard of the risk of causing such terror or inconvenience.</p>
3. Authority  20 U.S.C. Sec. 1400 et seq Pol. 113.1	<p>The Board prohibits any District student from communicating terroristic threats directed at any student, employee, Board member, community member or <del>school building</del> <u>property owned, leased or being used by the District.</u></p> <p><del>In the case of a student with disabilities, the District shall take all steps required to comply with the Individuals with Disabilities Education Act and Board policy.</del>  <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>
4. Delegation of Responsibility Title 22 Sec. 12.2	<p>Staff members and students shall be made aware of their responsibility for informing the building principal regarding any information or knowledge relevant to a possible or actual terroristic threat.</p> <p>The building principal shall immediately inform the Superintendent after receiving a report of such a threat.</p>

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<p>SC 1302.1-A Pol. 805</p> <p><u>5. Guidelines</u></p>	<p>The Superintendent or designee shall react promptly to information and knowledge concerning a possible or actual terroristic threat. Such action shall be in compliance with state law and regulation and with the procedures set forth in the memorandum of understanding with local law enforcement officials <u>and the District's emergency preparedness plan.</u></p> <p><u>When an administrator has evidence that a student has made a terroristic threat or committed a terroristic act, the following guidelines shall be applied:</u></p> <ol style="list-style-type: none"> <li><u>1. The building principal may immediately suspend the student.</u></li> <li><u>2. The building principal shall promptly report the incident to the Superintendent.</u></li> <li><u>3. Based on further investigation, the Superintendent may report the student to law enforcement officials.</u></li> <li><u>4. The building principal shall inform any person directly referenced or affected by a terroristic threat.</u></li> <li><u>5. The Superintendent may recommend expulsion of the student to the Board.</u></li> </ol> <p><u>If a student is expelled for making terroristic threats or committing terroristic acts, the 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 others.</u></p> <p><u>The Superintendent or designee 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><u>The Superintendent or designee 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 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>SC 1303-A</p>	<p>The Superintendent shall annually, by July 31, report all incidents of terroristic threats to the Office <del>of for</del> Safe Schools <del>on the required form</del> in accordance with state law and regulation.</p>

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

State Board of Education Regulations – 22 PA Code Sec. 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, Title 34, Code of Federal Regulations –  
34 CFR Part 300

Board Policy – 000, 113.1, 233, 805

# WYOMISSING AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: TOBACCO USE

ADOPTED: November 25, 1996

REVISED: ~~September 26, 2011~~

	222. TOBACCO USE
1. Purpose	The Board recognizes that tobacco use by students presents a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools.
2. Definition 18 PA C.S.A. Sec. 6306.1	For purposes of this policy, <b>tobacco use</b> shall be defined as use and/or possession of a lighted or unlighted cigarette, cigar and pipe; other lighted smoking product; and smokeless tobacco in any form.
3. Authority 35 P.S. Sec. 1223.5 20 U.S.C. Sec. 7181 et seq  18 PA C.S.A. Sec. 6306.1	<p>The Board prohibits tobacco use, <del>and possession,</del> <u>or sale</u> 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 tobacco use and possession, <u>or sale</u> by students at school-sponsored activities that are held off school property.</p> <p>The School District may initiate prosecution of a student who possesses or uses tobacco in violation of this policy.</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>
4. Delegation of Responsibility	<p>The Superintendent or designee shall annually notify students, parents/guardians and staff about the district's tobacco use policy by publishing such policy in the student handbook, parent newsletters, posted notices, and other efficient methods.</p> <p>The Superintendent or designee shall develop procedures to implement this policy.</p>
5. Guidelines  SC 1303-A	<p>A staff member's written or oral report of student use will be accepted as documentation for the student to be disciplined.</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</u></p>

<p>18 PA C.S.A. Sec. 6306.1</p>	<p><u>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 or sale of tobacco by students to the Office for Safe School on the required form.</u></p> <p><del>The Superintendent shall annually, by July 31, report all incidents of possession, use or 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 in accordance with state law and regulation.</del></p> <p>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.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 510, 1303-A</p> <p>State Board of Education Regulations – 22 PA Code Sec. 403.1</p>
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	<p>Tobacco Use Prohibition – 18 Pa. C.S.A. Sec. 6306.1</p> <p>School Tobacco Control – 35 P.S. Sec. 1223.5</p> <p>No Child Left Behind Act – 20 U.S.C. Sec. 7114</p> <p>Pro-Children Act of 2001 – 20 U.S.C. Sec. 7181 et seq.</p> <p>Board Policy – 000</p>
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# WYOMISSING AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: CONTROLLED SUBSTANCES

ADOPTED: November 25, 1996

REVISED: ~~March 26, 2012~~

	227. CONTROLLED SUBSTANCES
1. Purpose	<p>The Board recognizes that the abuse of controlled substances is a serious problem with legal, physical, and social implications for the whole school community, and reaffirms its existing policy to openly and effectively respond to the current and potential uses and abuses of controlled substances by students.</p> <p>The District will strive to educate, prevent, and intervene in the use and abuse of all controlled substances by students. These goals will be implemented through curriculum, the student assistance team, counseling services, community support and resources, strong and consistent administrative and faculty commitment, and disciplinary procedures.</p> <p>The rules, regulations, and guidelines of this policy and the District discipline code shall be used by all School District personnel in situations involving students' unlawful use, abuse, sale, distribution and/or possession of controlled substances.</p>
2. Delegation of Responsibility Pol. 113.1	<p>Administrators may modify the procedures and disciplinary actions defined within this policy to make accommodations for student age or grade level. Procedural and disciplinary actions will also be subject to modification in accordance with federal, state and District policies, which regulate the discipline of students with disabilities.</p>
3. Definitions 35 P.S. 780-101 et seq 21 U.S.C. Sec. 812	<p>For the purpose of this policy, <b>controlled substances</b> shall mean all of the following:</p> <ol style="list-style-type: none"> <li>1. <b>Mood-Altering Substance/Alcohol</b> - Alcohol, drugs, narcotics and/or other health endangering compounds include but are not limited to: alcohol, alcoholic beverages, tranquilizers, amphetamines, synthetic opiates, marijuana, steroids, LSD and other drugs, illegal and/or non-prescribed medications, any volatile solvents or inhalants, such as but not limited to glue and aerosol products, and prescription or patent drugs, except those for which permission for use in school has been granted pursuant to Board policy. In addition, this includes all controlled substances identified in Public Law 91-513 and P.L. 233 No. 64.</li> </ol>

<p>Pol. 210</p>	<ol style="list-style-type: none"> <li>2. <b>Look-Alike Drugs</b> - Substances manufactured, designed to resemble drugs, or represented as mood-altering substances, narcotics, or other health endangering compounds. A look-alike drug shall include any pill, capsule, tablet, powder, plant matter or other item or substance that is designed or intended to resemble a controlled substance prohibited by this policy, or is used in a manner likely to induce others to believe the material is a controlled substance.</li> <li>3. <b>Anabolic Steroids</b> - Nonprescription drugs for body and muscle building, primarily utilized to enhance athletic ability.</li> <li>4. <b>Drug Paraphernalia</b> - All equipment, products, and materials of any kind which are used in alcohol or drug-related activities. In determining whether an object is drug paraphernalia, school authorities shall consider, in addition to all other logically relevant factors, one or more of the following: <ol style="list-style-type: none"> <li>a. Statements by an owner or by anyone in control of the object concerning its use.</li> <li>b. The proximity of the object to a direct violation of this policy and/or to controlled substance.</li> <li>c. The existence of any residue of controlled substance on the object.</li> <li>d. Circumstantial evidence of intent of the owner (or anyone in control of the object) to deliver the object or substance to persons whom s/he should reasonably know intends to use the object to facilitate a violation of this policy.</li> </ol> </li> <li>5. Substances that when ingested cause a physiological effect that is similar to the effect of a controlled substance as defined by state or federal law, such as, but not limited to, herbal incense or other products containing synthetic cannabinoids.</li> <li>6. Prescription or nonprescription (over-the-counter) medications, except those for which permission for use in school has been granted pursuant to Board policy.</li> </ol> <p><b>Constructive Possession</b> - The ability to exercise conscious dominion over an illegal substance. Constructive possession refers to contraband material and controlled substances that are in the person's control but not on his/her body.</p>
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	<p><b>Student Assistance Team</b> - A multidisciplinary team that includes teachers, administrators, nurses, counselors, and psychologists. This team is trained to understand and work with adolescent chemical use, abuse, and dependency as well as to recognize symptoms that may be associated with student depression. The team's primary role is to identify, refer, and intervene when student chemical use, abuse, possession, and/or distribution or student depression is reasonably suspected.</p> <p><b>RTII: Response to Intervention and Instruction Team (RTII Team)</b> - The RTII Team will consist of the building administrator(s), guidance counselor, nurse, school psychologist and any other appropriate school personnel.</p> <p><b>Under the Influence of Controlled Substances</b> – For purposes of this policy, under the influence shall include any consumption or ingestion of controlled substances by a student. In determining whether a student may be under the influence or has used or abused a controlled substance, a person in authority should consider the following:</p> <ol style="list-style-type: none"> <li>1. The odor of a controlled substance.</li> <li>2. Erratic or atypical behavior for that individual.</li> <li>3. Other behavior or allegations where the administrator or designee may reasonably conclude that the student may have violated this policy.</li> <li>4. Where an administrator or designee has reasonable grounds to suspect that a student is under the influence of controlled substances, the administrator or designee may direct the student to perform certain tasks in order to observe and detect evidence of use. When there are reasonable grounds for suspicion these tasks may include, but are not limited to, observations of balance, coordination, motor behavior and speech. Breathalyzers may also be used at the discretion of the administrator or designee to confirm (or refute) student alcohol use, as long as the device is administered by properly trained professional staff or police. Students who refuse to consent to such requests will be considered in violation of this policy, and will be subject to the disciplinary and rehabilitative consequences associated with the use of a controlled substance. The administrator or designee may request other professionals trained in detecting substance abuse (such as police officers or certificated drug and alcohol counselors) to assist in determining whether a student is under the influence of controlled substances. The administrator or designee will use his/her discretion in reporting students who are determined to be under the influence to local law enforcement.</li> </ol>
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<p>4. Authority</p> <p>Title 22 Sec. 12.12 42 P.S. Sec. 8337</p>	<p>The Superintendent or designee is authorized by the Board to prevent any person from entering Wyomissing Area School District premises who possesses or attempts to distribute, or is under the influence of controlled substances.</p> <p>The Board supports the privileged confidentiality between students and guidance counselors, school nurses, school psychologists, Student Assistance Team members and other school employees or agents employed or contracted by the School District. Confidential communication made to school employees shall not be revealed without student or parent/guardian consent unless the student's best interests are served as determined by School District personnel.</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>Pol. 218</p> <p>Pol. 122, 123</p>	<p><u>Off-Campus Activities</u></p> <p>This policy shall also apply to student conduct that occurs off school property and would otherwise violate the Code of Student conduct if any of the following circumstances exist:</p> <ol style="list-style-type: none"> <li>1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, via School District furnished transportation.</li> <li>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.</li> <li>3. The conduct has a direct nexus to attendance at school or a school-sponsored activity, for example, a transaction conducted outside of school pursuant to an agreement made in school that would violate the Code of Student Conduct if conducted in school.</li> <li>4. The conduct involves the theft or vandalism of school property.</li> <li>5. There is otherwise 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>
<p>5. Guidelines</p> <p>SC 510, 511 Title 22 Sec. 12.3</p>	<p><u>Policy Violation</u></p> <p>This policy is violated when any student, visitor, guest, or any other person unlawfully manufactures, uses, abuses, possesses, constructively possesses, distributes, or attempts to distribute controlled substances on school premises, or at</p>

Pol. 233	any school-sponsored activity anywhere, or while traveling to and from school or school-related activities in a school vehicle, or who conspires, aids, or abets the use,
	abuse, active possession, constructive possession, or distribution of controlled substances. Violation of this policy may result in student discipline up to and including permanent expulsion from the School District.
SC 1302.1-A Pol. 805	The Superintendent shall react promptly to information and knowledge concerning possible or actual incidents of possession, use or sale of controlled substances. <u>The Superintendent or designee shall immediately report required incidents and may report discretionary incidents involving possession, use or sale of controlled substances 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>
SC 1303-A	<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 controlled substances as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.</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 to the Office for Safe Schools.</u></p> <p><del>Such action shall be in compliance with state law and regulation and with the procedures set forth in the memorandum of understanding with local law enforcement officials.</del></p> <p><del>The Superintendent shall annually, by July 31, report all incidents of possession, use and sale of controlled substances by any person on school property to the Office of Safe Schools on the required form in accordance with state law and regulation.</del></p> <p>In all cases involving students and controlled substances, the need to protect the school community from undue harm and exposure to drugs shall be recognized.</p> <p>No student may be admitted to a program that seeks to identify and rehabilitate the potential abuser without the intelligent, voluntary and informed consent of the student and parent/guardian.</p>

<p>Pol. 226</p>	<p><u>Searches</u></p> <p>School authorities may search any school property such as a student's locker or desk along with personal property of the student that is brought into the School District's premises and seize any illegal materials in accordance with District Policy 226.</p> <p><u>Penalties</u></p> <ol style="list-style-type: none"> <li>1. The principal or his/her designee will be notified immediately of any student who is suspected of violating this policy.</li> <li>2. The student will be referred by the principal or designee to school medical personnel where appropriate.</li> <li>3. The student may be sent home or removed from the school to receive medical attention if required. When parent(s)/guardian(s) cannot be reached, the principal or other school authority will decide to obtain medical treatment for the student or to temporarily isolate the student.</li> <li>4. The principal and/or other school personnel will meet with the student who will be given the opportunity to explain the circumstances related to the possible policy violation.</li> <li>5. The principal or designee will promptly notify the student's parent(s)/guardian(s) concerning the incident.</li> <li>6. The principal or designee will seek additional information that could guide disposition of the possible policy violation.</li> <li>7. The principal or designee, having given reasonable notice, will establish a time to convene an administrative hearing which will include the student, parent(s)/guardian(s) and school representative(s) as assigned by the principal.</li> </ol>
<p>Pol. 233</p>	<ol style="list-style-type: none"> <li>8. Any student found in violation of this policy shall be subject to the disciplinary, evaluation, and treatment requirements as established in the school's Drug and Alcohol Administrative Guideline. All policy violations will include an automatic principal referral to the school's Student Assistance Team at the secondary level or the RTII Team. Students in attendance at school or school functions or on school buses or field trips who have been detected to have the odor, scent, or who demonstrate behaviors associated with drug or alcohol use (see definition section), or who have been determined to have possessed or distributed controlled substances, will be disciplined according to this policy.</li> </ol>

Pol. 233	<p>9. The principal will notify the police for appropriate investigation and disposition when a student violates this policy by selling or trafficking. Expulsion proceedings may be instituted upon the recommendation of the Superintendent to the Board when students are determined to be selling or trafficking controlled substances on school property at any time or during a school-sponsored event conducted on or off of school property.</p> <p>10. With any offense related to this policy, the Superintendent or his/her designee, in consultation with the Student Assistance Team, may recommend a probationary period after suspension during which time the student shall participate in a District-approved counseling/rehabilitation program. Under such circumstances, the student's return or continuation in school will remain probationary until the Superintendent, his/her designee, and/or the Student Assistance Team has reviewed and approved the student's participation in and/or completion of such program and until the student has complied with all recommendations including a District-approved program of aftercare. Failure to participate in such counseling/rehabilitation program may result in the initiation of expulsion proceedings or the placement of the student in an appropriate alternative education program.</p>
35 P.S. Sec. 807.1, 807.2	<p><u>Anabolic Steroids</u></p> <p>The Board prohibits the use of anabolic steroids by students involved in school-related athletics, except for a valid medical purpose. Body building and muscle enhancement of athletic ability are not valid medical purposes. Human Growth Hormone (HGH) shall not be included as an anabolic steroid under provisions of the law.</p> <p>In addition to the prohibition of use, the Board directs the administration to develop educational plans regarding the use of anabolic steroids.</p>
35 P.S. Sec. 807.1	<p>The Superintendent shall prescribe, implement and enforce rules and regulations.</p>
35 P.S. Sec. 807.2 Pol. 233	<p>Students shall be made aware annually of the dangers of steroid use; that anabolic steroids are classified as controlled substances; and that their use, unauthorized possession, purchase, or sale could subject students to suspension, expulsion and/or criminal prosecution.</p>



<p>35 P.S. Sec. 807.3</p>	<p>The following minimum penalties are prescribed for any student found in violation of the rules and regulations required above. Violation of rules and regulations include:</p> <ol style="list-style-type: none"> <li>1. For a <b>first</b> violation, suspension from school athletics for the remainder of the season.</li> <li>2. For a <b>second</b> violation, suspension from school athletics for the remainder of the season and for the following season.</li> <li>3. For a <b>third</b> violation, permanent suspension from school athletics.</li> </ol> <p>No student shall be eligible to resume participation in school athletics unless there has been a medical determination that no residual evidence of steroids exists. The Board may require participation in a drug counseling, rehabilitation, testing or other program as a condition of reinstatement into a school athletic program.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 510, 511, 1302.1-A, 1303-A</p> <p>State Board of Education Regulations – 22 PA Code Sec. 12.3, 403.1</p> <p>PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-101 et seq.</p> <p>Steroids – 35 P.S. Sec. 807.1 et seq.</p> <p>PA Civil Immunity of School Officers/Employees Relating to Drug or Alcohol Abuse – 42 Pa. C.S.A. Sec. 8337</p> <p>No Child Left Behind Act – 20 U.S.C. Sec. 7114, 7161</p> <p>Controlled Substances Act – 21 U.S.C. Sec. 801 et seq.</p> <p>Board Policy – 000, 113.1, 122, 123, 210, 218, 226, 233, 805</p>
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SECTION: ADMINISTRATIVE  
EMPLOYEES

# WYOMISSING AREA SCHOOL DISTRICT

TITLE: TOBACCO USE

ADOPTED: November 25, 1996

REVISED: ~~September 26, 2011~~

323. TOBACCO USE	
1. Purpose	The Board recognizes that tobacco use 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 35 P.S. Sec. 1223.5	For purposes of this policy, <del>tobacco use shall mean all use of tobacco, including cigars, cigarettes, pipes and smokeless tobacco.</del> <u>tobacco includes a lighted or unlighted cigarette, cigar, pipe or other smoking product or material and smokeless tobacco in any form.</u>
3. Authority 35 P.S. Sec. 1223.5 20 U.S.C. Sec. 7183	The Board prohibits tobacco possession, use and sale 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.
35 P.S. Sec. 1223.5	The Board prohibits tobacco use by District employees at school-sponsored activities that are held off school property.
4. Guidelines 35 P.S. Sec. 1223.5	The <del>D</del> istrict shall annually notify employees about the district's tobacco use policy by publishing such in handbooks, newsletters, posted notices and other efficient methods.
SC 1303-A	<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>
	The Superintendent shall annually, by July 31, report all incidents of possession, use and sale of tobacco by any person on school property shall be reported to the Office <del>of</del> <u>for</u> Safe Schools on the required form <del>in accordance with state law and regulation.</del>
Pol. 317	Violations of this policy are subject to disciplinary action.

References:

School Code – 24 P.S. Sec. 1303-A

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

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

Board Policy - 317

323. TOBACCO USE Pg. 3

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SECTION: ADMINISTRATIVE  
EMPLOYEES

# WYOMISSING AREA SCHOOL DISTRICT

TITLE: ALCOHOL AND ILLEGAL  
DRUG ABUSE

ADOPTED: November 25, 1996

REVISED:

	351. ALCOHOL AND ILLEGAL DRUG ABUSE
1. Purpose	<p>The Board of the Wyomissing Area School District recognizes that the misuse of alcohol and other drugs is a serious problem with legal, physical and social implications for the whole school community. As such, the Board is very much concerned about the problem that may be caused by alcohol and other drug use by employees, especially as the use relates to the safety, efficiency and productivity of the employees.</p>
P.L. 100-690	<p>The primary purpose and justification for any action on the part of the school staff would be the protection of the health, safety and welfare of students, staff and school property.</p>
2. Definitions P.S. 35 Sec. 780-101 et seq	<p>For the purposes of this policy, <b>drugs/illegal drugs</b> shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act; <b>alcohol</b> shall be defined as a beverage, either commercially or non-commercially produced, which contains alcohol, and includes, but is not limited to beer, whiskey, liquor, wine, etc.</p>
P.L. 100-690 SC 527	<p><b>Conviction</b> shall be defined as 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 a federal or state criminal drug statute. Any employee convicted of delivery of controlled substance or convicted of possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the district.</p> <p><b>Criminal drug statute</b> shall be defined as a federal or nonfederal criminal statute involving the manufacture, distribution, <del>dispensing</del><u>dispensation</u>, use or possession of any illegal drug and/or alcohol.</p> <p><b>Drug-free workplace</b> shall be defined as the site, whether on school district property or elsewhere, at which the employees, in carrying out the requisites of their job descriptions, are prohibited from engaging in the unlawful manufacture, distribution, <del>dispensing</del><u>dispensation</u>, possession or use of illegal drugs and/or alcohol.</p>

<p>3. Delegation of Responsibility P.L. 101-226 Sec. 5115 (a) (4)</p>	<p><u>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 District of any criminal drug statute conviction for a violation occurring in the workplace immediately, but no later than seventy-two (72) hours, after such conviction.</u></p> <p><u>Any employee convicted of delivery of a controlled substance or convicted of possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the District.</u></p> <p>A statement notifying employees that the unlawful manufacture, distribution, <del>dispensing</del><u>dispensation</u>, possession or use of illegal drugs and/or alcohol is prohibited in the employee's workplace shall be provided by the Superintendent <u>or designee</u> 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><del>Each employee shall be given a copy of the statement and notification to the employee that, as a condition of employment by the district, the employee will abide by the terms of the statement and notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.</del></p> <p><del>The designated agency shall be notified within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of such conviction.</del> <u>Within ten (10) days after receiving notice of the conviction of a District employee, the District shall notify any federal agency or department that is the grantor of funds to the District.</u></p> <p><u>The District shall take appropriate personnel action within thirty (30) days of receiving notice against 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.</u></p> <p><del>The district shall be responsible for taking one of the following actions within thirty (30) days of receiving notice, with respect to any convicted employee.</del></p> <p><del>The district shall take appropriate personnel action against such an employee, up to and including termination and referral for prosecution.</del></p> <p>In establishing a drug-free awareness program, the Superintendent <u>or designee</u> shall inform employees about:</p> <ol style="list-style-type: none"> <li>1. The dangers of drug abuse in the workplace.</li> <li>2. The <u>D</u>istrict's policy of maintaining a drug-free workplace.</li> </ol>
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3. The availability of drug counseling, drug rehabilitation and employee assistance programs. The District shall assist the employee to participate in such a program as a first personnel action.
4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

The District shall make a good faith effort to continue to maintain a drug-free workplace through the implementation of this policy.

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.

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.



# WYOMISSING AREA SCHOOL DISTRICT

SECTION: PROFESSIONAL EMPLOYEES

TITLE: TOBACCO USE

ADOPTED: November 25, 1996

REVISED: ~~October 24, 2011~~

	423. TOBACCO USE
1. Purpose	The Board recognizes that tobacco use 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 35 P.S. Sec. 1223.5	For purposes of this policy, <del>tobacco use shall mean all use of tobacco, including cigars, cigarettes, pipes and smokeless tobacco.</del> <u>tobacco includes a lighted or unlighted cigarette, cigar, pipe or other smoking product or material and smokeless tobacco in any form.</u>
3. Authority 35 P.S. Sec. 1223.5 20 U.S.C. Sec. 7183  35 P.S. Sec. 1223.5	The Board prohibits tobacco possession, use and sale 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.  The Board prohibits tobacco use by District employees at school-sponsored activities that are held off school property.
	<u>The District shall annually notify employees about the District's tobacco use policy by publishing such in handbooks, newsletters, posted notices and other efficient methods.</u>  <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>
4. Delegation of Responsibility SC 1303-A	The Superintendent shall annually, by July 31, report all incidents of possession, use and sale of tobacco by any person on school property shall be reported to the Office <del>for</del> Safe Schools on the required form <del>in accordance with state law and regulation.</del>

<p>5. Guidelines Pol. 417</p>	<p>Violations of this policy are subject to disciplinary action.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 1303-A</p> <p>School Tobacco Control – 35 P.S. Sec. 1223.5</p> <p>Pro-Children Act of 2001 – 20 U.S.C. Sec. 7181 et seq.</p> <p>Board Policy – 417</p>
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SECTION: PROFESSIONAL EMPLOYEES

TITLE: ALCOHOL AND ILLEGAL  
DRUG ABUSE

ADOPTED: November 25, 1996

REVISED:

# WYOMISSING AREA SCHOOL DISTRICT

<p>1. Purpose</p> <p>P.L. 100-690</p> <p>2. Definitions</p> <p>P.S. 35 Sec. 780-101 et seq</p> <p>P.L. 100-690 SC 527</p>	<p style="text-align: center;">451. ALCOHOL AND ILLEGAL DRUG ABUSE</p> <p>The Board of the Wyomissing Area School District recognizes that the misuse of alcohol and other drugs is a serious problem with legal, physical and social implications for the whole school community. As such, the Board is very much concerned about the problem that may be caused by alcohol and other drug use by employees, especially as the use relates to the safety, efficiency and productivity of the employees.</p> <p>The primary purpose and justification for any action on the part of the school staff would be the protection of the health, safety and welfare of students, staff and school property.</p> <p>For the purposes of this policy, <b>drugs/illegal drugs</b> shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act; <b>alcohol</b> shall be defined as a beverage, either commercially or non-commercially produced, which contains alcohol, and includes, but is not limited to beer, whiskey, liquor, wine, etc.</p> <p><b>Conviction</b> shall be defined as 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 a federal or state criminal drug statute. Any employee convicted of delivery of controlled substance or convicted of possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the district.</p> <p><b>Criminal drug statute</b> shall be defined as a federal or nonfederal criminal statute involving the manufacture, distribution, <del>dispensing</del><u>dispensation</u>, use or possession of any illegal drug and/or alcohol.</p> <p><b>Drug-free workplace</b> shall be defined as the site, whether on school district property or elsewhere, at which the employees, in carrying out the requisites of their job descriptions, are prohibited from engaging in the unlawful manufacture, distribution, <del>dispensing</del><u>dispensation</u>, possession or use of illegal drugs and/or alcohol.</p>
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<p>3. Delegation of Responsibility P.L. 101-226 Sec. 5115 (a) (4)</p>	<p><u>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 District of any criminal drug statue conviction for a violation occurring in the workplace immediately, but no later than seventy-two (72) hours, after such conviction.</u></p> <p><u>Any employee convicted of delivery of a controlled substance or convicted of possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the District.</u></p> <p>A statement notifying employees that the unlawful manufacture, distribution, <del>dispensing</del><u>dispensation</u>, possession or use of illegal drugs and/or alcohol is prohibited in the employee's workplace shall be provided by the Superintendent <u>or designee</u> 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><del>Each employee shall be given a copy of the statement and notification to the employee that, as a condition of employment by the district, the employee will abide by the terms of the statement and notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.</del></p> <p><del>The designated agency shall be notified within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of such conviction.</del></p> <p><u>Within ten (10) days after receiving notice of the conviction of a District employee, the District shall notify any federal agency or department that is the grantor of funds to the District.</u></p> <p><u>The District shall take appropriate personnel action within thirty (30) days of receiving notice against 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.</u></p> <p><del>The district shall be responsible for taking one of the following actions within thirty (30) days of receiving notice, with respect to any convicted employee.</del></p> <p><del>The district shall take appropriate personnel action against such an employee, up to and including termination and referral for prosecution.</del></p> <p>In establishing a drug-free awareness program, the Superintendent <u>or designee</u> shall inform employees about:</p> <ol style="list-style-type: none"> <li>1. The dangers of drug abuse in the workplace.</li> </ol>
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2. The District's policy of maintaining a drug-free workplace.
3. The availability of drug counseling, drug rehabilitation and employee assistance programs. The District shall assist the employee to participate in such a program as a first personnel action.
4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

The District shall make a good faith effort to continue to maintain a drug-free workplace through the implementation of this policy.

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.

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.

SECTION: CLASSIFIED EMPLOYEES

TITLE: TOBACCO USE

ADOPTED: November 25, 1996

REVISED: ~~October 24, 2011~~

# WYOMISSING AREA SCHOOL DISTRICT

	523. TOBACCO USE
1. Purpose	The Board recognizes that tobacco use 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 35 P.S. Sec. 1223.5	For purposes of this policy, <del>tobacco use shall mean all use of tobacco, including cigars, cigarettes, pipes and smokeless tobacco.</del> <u>tobacco includes a lighted or unlighted cigarette, cigar, pipe or other smoking product or material and smokeless tobacco in any form.</u>
3. Authority 35 P.S. Sec. 1223.5 20 U.S.C. Sec. 7183	The Board prohibits tobacco possession, use and sale by District employees in a school building and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.
35 P.S. Sec. 1223.5	The Board prohibits tobacco use by classified employees at school-sponsored activities that are held off school property.
35 P.S. Sec. 1223.5	The <del>D</del> istrict shall annually notify employees about the <del>D</del> istrict's tobacco use policy by publishing such in handbooks, newsletters, posted notices and other efficient methods.  <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>
4. Delegation of Responsibility SC 1303-A	The Superintendent shall annually, by July 31, report all incidents of possession, use and sale of tobacco by any person on school property shall be reported to the Office <del>for</del> Safe Schools on the required form <del>in accordance with state law and regulation.</del>

<p>5. Guidelines Pol. 517</p>	<p>Violations of this policy are subject to disciplinary action.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 1303-A</p> <p>School Tobacco Control – 35 P.S. Sec. 1223.5</p> <p>Pro-Children Act of 2001 – 20 U.S.C. Sec. 7181 et seq.</p> <p>Board Policy – 517</p>
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523. TOBACCO USE - Pg. 3

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# WYOMISSING AREA SCHOOL DISTRICT

SECTION: CLASSIFIED EMPLOYEES

TITLE: ALCOHOL AND ILLEGAL  
DRUG ABUSE

ADOPTED: November 25, 1996

REVISED:

	551. ALCOHOL AND ILLEGAL DRUG ABUSE
1. Purpose	<p>The Board of the Wyomissing Area School District recognizes that the misuse of alcohol and other drugs is a serious problem with legal, physical and social implications for the whole school community. As such, the Board is very much concerned about the problem that may be caused by alcohol and other drug use by employees, especially as the use relates to the safety, efficiency and productivity of the employees.</p>
P.L. 100-690	<p>The primary purpose and justification for any action on the part of the school staff would be the protection of the health, safety and welfare of students, staff and school property.</p>
2. Definitions P.S. 35 Sec. 780-101 et seq	<p>For the purposes of this policy, <b>drugs/illegal drugs</b> shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act; <b>alcohol</b> shall be defined as a beverage, either commercially or non-commercially produced, which contains alcohol, and includes, but is not limited to beer, whiskey, liquor, wine, etc.</p>
P.L. 100-690 SC 527	<p><b>Conviction</b> shall be defined as 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 a federal or state criminal drug statute. Any employee convicted of delivery of controlled substance or convicted of possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the district.</p> <p><b>Criminal drug statute</b> shall be defined as a federal or nonfederal criminal statute involving the manufacture, distribution, <del>dispensing</del><u>dispensation</u>, use or possession of any illegal drug and/or alcohol.</p> <p><b>Drug-free workplace</b> shall be defined as the site, whether on school district property or elsewhere, at which the employees, in carrying out the requisites of their job descriptions, are prohibited from engaging in the unlawful manufacture, distribution, <del>dispensing</del><u>dispensation</u>, possession or use of illegal drugs and/or alcohol.</p>

<p>3. Delegation of Responsibility P.L. 101-226 Sec. 5115 (a) (4)</p>	<p><u>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 District of any criminal drug statute conviction for a violation occurring in the workplace immediately, but no later than seventy-two (72) hours, after such conviction.</u></p> <p><u>Any employee convicted of delivery of a controlled substance or convicted of possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the District.</u></p> <p>A statement notifying employees that the unlawful manufacture, distribution, <del>dispensing</del><u>dispensation</u>, possession or use of illegal drugs and/or alcohol is prohibited in the employee's workplace shall be provided by the Superintendent <u>or designee</u> 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><del>Each employee shall be given a copy of the statement and notification to the employee that, as a condition of employment by the district, the employee will abide by the terms of the statement and notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.</del></p> <p><del>The designated agency shall be notified within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of such conviction.</del> <u>Within ten (10) days after receiving notice of the conviction of a District employee, the District shall notify any federal agency or department that is the grantor of funds to the District.</u></p> <p><u>The District shall take appropriate personnel action within thirty (30) days of receiving notice against 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.</u> <del>The district shall be responsible for taking one of the following actions within thirty (30) days of receiving notice, with respect to any convicted employee.</del></p> <p><del>The district shall take appropriate personnel action against such an employee, up to and including termination and referral for prosecution.</del></p> <p>In establishing a drug-free awareness program, the Superintendent <u>or designee</u> shall inform employees about:</p> <ol style="list-style-type: none"> <li>1. The dangers of drug abuse in the workplace.</li> </ol>
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2. The District's policy of maintaining a drug-free workplace.
3. The availability of drug counseling, drug rehabilitation and employee assistance programs. The District shall assist the employee to participate in such a program as a first personnel action.
4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

The District shall make a good faith effort to continue to maintain a drug-free workplace through the implementation of this policy.

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.

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.

# WYOMISSING AREA SCHOOL DISTRICT

SECTION: FINANCES

TITLE: BUDGET ADOPTION

ADOPTED: November 25, 1996

REVISED: [May 21, 2007](#)

604. BUDGET ADOPTION	
1. Purpose	It is the philosophy of the Board that the annual budget represents the position of the Board, and reasonable means shall be employed to present and explain the preliminary and final budgets to District residents. Board members and District administrators shall be knowledgeable about, and understand the need for, proposed expenditures.
2. Definition	<b>Index</b> - the tax rate limit that restricts the School District from increasing the rate of any tax for the support of District Schools without obtaining voter approval through referendum or an exception granted by the Pennsylvania Department of Education (PDE) or the Court of Common Pleas with jurisdiction.
3. Delegation of Responsibility SC 687 53 P.S. Sec. 6926.301 et seq	The Board directs the Superintendent to prepare both the preliminary and final budgets on the required forms; comply with advertising requirements; and make the budget documents and supporting information available in printed form for public inspection in the district administrative offices, in accordance with the timelines specified in law and Board policy.
4. Authority       53 P.S. Sec. 6926.311	<p>The Board shall annually, but not later than the first business meeting of January, decide the budget option to be used for the following fiscal year. The Board shall approve either the Accelerated Budget Process Option or the Board Resolution Option.</p> <p><u>Accelerated Budget Process Option</u></p> <p>At least 120 days prior to the primary election, the Board shall prepare and present a preliminary budget on the required form.</p> <p>The preliminary budget shall be posted on the District web site and made available in printed form for public inspection at least 110 days prior to the primary election. Public inspection shall be available for at least twenty (20) days prior to planned adoption. The Board shall give public notice of its intent to adopt at least ten (10) days prior to adoption of the preliminary budget.</p>

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<p>53 P.S. Sec. 6926.333</p>	<p>The Board may hold an advertised public hearing prior to adoption of the preliminary budget.</p> <p>The Board shall annually adopt the preliminary budget at least ninety (90) days prior to the primary election.</p> <p>If the preliminary budget exceeds the increase authorized by the Index, an application for an exception may be filed with either a Court of Common Pleas with jurisdiction or PDE and made available for public inspection, consistent with the requirements of law. The application for an exception shall be submitted by the Superintendent.</p> <p>However, the Board may substitute the filing of an application for an exception to the Index limit by submitting a referendum question seeking voter approval for a tax increase, in accordance with law.</p> <p>In the event that a court or PDE denies an application for an exception to the Index limit adopted as part of the preliminary budget, the Board may approve immediate filing of a referendum question, as authorized by law, seeking voter approval for a tax rate that exceeds the Index. This filing shall be performed by the Director of Business Affairs.</p> <p>Any referendum question shall include an accompanying nonlegal, interpretative statement referencing the expenditure items for which a tax increase is being sought and the consequences that will result if the referendum question fails. Such information shall be made available to the public through the District web site, District newsletter, local newspaper or District mailings.</p> <p>At least twenty (20) days prior to adoption, the final budget shall be presented to the Board on the required form and supplemented with information deemed necessary by the Board.</p> <p>The final budget shall include any necessary changes from the adopted preliminary budget. Any reduction required as the result of the failure of referendum shall be clearly stated. If the actions taken do not include those previously stated as the outcome of referendum failure, they shall be accompanied by a detailed statement as to the reasons. The statement shall be prepared by the Director of Business Affairs.</p>
<p>53 P.S. Sec. 6926.312</p>	<p>The final budget shall be made available on the District web site and in print for public inspection at least twenty (20) days prior to final adoption. The Board shall give notice of its intent to adopt at least ten (10) days prior to adoption of the final budget.</p>

604. BUDGET ADOPTION - Pg. 3

SC 508, 687	<p>The Board shall annually adopt the final budget by a majority vote of all members of the Board prior to June 30.</p> <p><u>Board Resolution Option</u></p>
53 P.S. Sec. 6926.311	<p>The Board shall adopt a resolution that it will not raise the rate of any tax for the following fiscal year by more than the Index. Such resolution shall be adopted no later than 110 days prior to the primary election and must contain the following unconditional certifications that:</p> <ol style="list-style-type: none"> <li>1. The Board will not increase any tax at a rate that exceeds the School District Index.</li> <li>2. The Board will comply with Section 687 of the School Code for budget adoption.</li> <li>3. The increase of any tax at a rate less than or equal to the Index will be sufficient to balance its final budget.</li> </ol>
SC 687	<p>At least thirty (30) days prior to adoption of the final budget, the Board shall prepare and present a proposed budget on the required form. The proposed budget shall be made available on the District web site and in print for public inspection and duplication at the District administrative offices at least twenty (20) days prior to adoption of the budget. The Board shall give public notice of its intent to adopt at least ten (10) days prior to adoption of the proposed budget.</p> <p><u>Final Budget</u></p> <p><u>The Board shall annually determine an appropriate amount of budgetary reserve to be included with the fiscal year budget. The determined amount will be identified in function 5900 of the PDE-2018 budget document and shall be added only after calculation of real estate millage is complete. In no instance will be amount of budgetary reserve exceed the amount of unassigned fund balance.</u></p> <p><u>▲ In the event unforeseen financial obligations are incurred by the District after passage of the budget, the administration shall inform the Board of this unanticipated need and shall be authorized to make the necessary transfer from budgetary reserve to the appropriate expenditure category only after a motion authorizing such transfer is approved by the Board. Any funds transferred from budgetary reserve shall reduce the balance of unassigned fund balance. In no event may the request for transfer or approval of such transfer take place during the first three months of the fiscal year.</u></p>
SC 508, 687	<p>The Board shall annually adopt the final budget by a majority vote of all members of</p>

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604. BUDGET ADOPTION - Pg. 4

	<p>the Board by June 30.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 508, 687</p> <p>Taxpayer Relief Act – 53 P.S. Sec. 6926.301 et seq.</p>
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# WYOMISSING AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: EMERGENCY PREPAREDNESS

ADOPTED: November 25, 1996

REVISED: ~~August 22, 2011~~

	805. EMERGENCY PREPAREDNESS
1. Purpose	<p>The Board recognizes its responsibility to safeguard the health and welfare of District students and employees. Therefore, the District 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.</p>
2. Authority 35 Pa. C.S.A. Sec. 7701	<p>The District, in cooperation with the <del>local</del><u>county</u> 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 District shall also utilize the resources of and comply with the requirements of the Pennsylvania Department of Health and the Pennsylvania Department of Education.</p>
SC 1517, 1518 35 Pa. C.S.A. Sec. 7701	<p>The Superintendent 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>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>



<p>4. Guidelines SC 1302.1-A 35 Pa. C.S.A. Sec. 7701</p>	<p><del>The emergency preparedness plan shall be reviewed at least annually and modified as necessary. A copy of the plan shall be provided to the county Emergency Management Agency and each local police department with jurisdiction over the school property. The emergency preparedness plan shall be communicated to students, parents/guardians, relevant stakeholders, and the community.</del> <u>The emergency preparedness plan shall be maintained in each District building, be reviewed at least annually, and be 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 communicated to students, parents/guardians, the community and other relevant stakeholders.</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>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>SC 1303-A Pol. 909</p>	<p><u>Memorandum Of Understanding</u></p> <p><del>As required by state law and regulation and as an essential element of the emergency preparedness plan, the Superintendent shall execute a memorandum of understanding with each local police department that has jurisdiction over District property. The memorandum of understanding shall be signed by the Superintendent, police chief and each building principal.</del></p>
<p>SC 1303-A Pol. 218, 218.2, 222, 227</p>	<p><del>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.</del></p>
<p>SC 1303-A</p>	<p><del>The memorandum of understanding may specify other matters related to crime prevention mutually agreed upon by the Superintendent and the local police department who has jurisdiction over the school property.</del></p>
<p>SC 1303-A</p>	<p><del>Every two (2) years the memorandum of understanding shall be updated by the Superintendent, re-executed with the appropriate police department, and filed with the Office of Safe Schools.</del></p>
<p>35 Pa. C.S.A.</p>	<p><u>Continuity Of Student Learning/Core Operations</u></p> <p>In the event of an emergency, local, county or state officials may require that schools</p>

<p>Sec. 7701 Pol. 810</p>	<p>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>The District shall make provisions in the emergency preparedness plan for the continuity of student learning during school closings or excessive absences.</p> <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> <p><u>Education</u></p> <p>Students and staff members shall be instructed and shall practice how to respond appropriately to emergency situations.</p> <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>
<p>35 Pa. C.S.A. Sec. 7701</p>	<p>At least annually, all District schools shall conduct a disaster response or emergency preparedness plan drill.</p>
<p>SC 1517, 1518</p>	<p>Fire drills shall be conducted at least once a month during the school year.</p>
<p>SC 1517</p>	<p>Bus evacuation drills shall be conducted twice a year, in accordance with law.</p>
	<p>References:</p> <p>School Code – 24 P.S. Sec. 1302.1-A, 1303-A, 1517, 1518</p> <p>Disaster Prevention – 35 Pa. C.S.A. Sec. 7701</p> <p>Board Policy – 203.1, 218, 218.2, 222, 227, 810, 909</p>

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SECTION: OPERATIONS

TITLE: RELATIONS WITH LAW  
ENFORCEMENT AGENCIES

ADOPTED:

REVISED:

	<b>805.1. RELATIONS WITH LAW ENFORCEMENT AGENCIES</b>
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 SC 1303-A Title 22 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 Title 22 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 SC 1303-A Title 22 Sec. 10.2 35 P.S. 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 Title 22 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 Title 22 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

	<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, 218.2, 222, 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 Sec. 10.23, 14.104 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 Sec. 10.23, 14.104, 14.133 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, 1303-A Title 22 Sec. 10.2, 10.21, 10.22 Pol. 103.1, 113.1, 113.2, 218, 218.1, 218.2, 222, 227, 323, 351, 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>

<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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SECTION: OPERATIONS

TITLE: CONTRACTED SERVICES

ADOPTED:

REVISED:

	818. CONTRACTED SERVICES
1. Purpose	In its effort to provide cost-effective programs, the Board may need to utilize contracted services. The district shall monitor and evaluate such services to assure their effectiveness. This policy is adopted to assist the Board in procuring and maintaining qualified and legally certified services.
2. Definition SC 1205.6	<b>Direct Contact with Children - the possibility of care, supervision, guidance or control of children or routine interaction with children.</b>
3. Authority SC 111 Title 22 Sec. 8.1 et seq 23 Pa. C.S.A. Sec. 6301 et seq	The Board is required by law to ensure that independent contractors and their employees comply with the mandatory background check requirements for criminal history and child abuse.
4. Guidelines SC 111 Title 22 Sec. 8.1 et seq 23 Pa. C.S.A. Sec. 6301 et seq	<b>Independent contractors and their employees shall not be employed until each has complied with the mandatory background check requirements for criminal history and child abuse and the district has evaluated the results of that screening process.</b>
SC 111	<b>Independent contractors and their employees shall report, on the designated form, all arrests and convictions as specified on the form. Failure to accurately report such arrests and convictions may subject the individual to denial of employment/contract, termination if already hired/contracted, and/or criminal prosecution.</b>

	<p><b>All independent contractors shall adopt policies and procedures that require their employees, who are providing services to the district, to immediately notify the contractor if the employee is arrested for or convicted of any criminal misconduct subsequent to employment. If the contractor receives notice of such arrest or conviction by any of its employees from either the employee or a third party, the contractor shall immediately report that information to the school district.</b></p> <p>{ } Mandatory background check requirements for criminal history and child abuse shall be included in all bidding specifications for contracted services.</p> <p>{ } Language shall be included in all bidding specifications for contracted services notifying independent contractors that failure to comply with this policy and the background check requirements by an independent contractor shall lead to cancellation of the contract.</p> <p><b>SC 1205.6</b></p> <p><b>Independent contractors shall provide their employees who have direct contact with children with mandatory training on child abuse recognition and reporting. The training shall include, but not be limited to, the following topics:</b></p> <ol style="list-style-type: none"> <li><b>1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.</b></li> <li><b>2. Provisions of the Professional Educator Discipline Act, including mandatory reporting requirements.</b></li> <li><b>3. District policy related to reporting of suspected abuse and sexual misconduct.</b></li> <li><b>4. Maintenance of professional and appropriate relationships with students.</b></li> </ol> <p><b>24 P.S. Sec. 2070.1a et seq</b></p> <p><b>Pol. 806</b></p> <p><b>SC 1205.6</b></p> <p><b>Employees of independent contractors who have direct contact with children are required to complete a minimum of three (3) hours of training every five (5) years.</b></p>
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References:

School Code – 24 P.S. Sec. 111

**Child Abuse Recognition and Reporting Training – 24 P.S. Sec. 1205.6**

**Professional Educator Discipline Act – 24 P.S. Sec. 2070.1a et seq.**

State Board of Education Regulations – 22 PA Code Sec. 8.1 et seq.

Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.

Board Policy – 610, 806

**PSBA Revision 1/13**

SECTION: COMMUNITY

TITLE: PUBLIC ATTENDANCE AT  
SCHOOL EVENTS

ADOPTED: November 25, 1996

REVISED: [August 23, 2004](#)

# WYOMISSING AREA SCHOOL DISTRICT

	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. Authority SC 511, 775	The <del>Board</del> <b>Superintendent or designee</b> 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.
3. Guidelines	A schedule of fees for attendance at school events shall be prepared by the Superintendent or designee and adopted by the Board.
20 U.S.C. Sec. 7181 et seq 35 P.S. 1223.5	<p><u>Tobacco Use</u></p> <p>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.</p>
35 P.S. 1223.5	<p>The <del>D</del>istrict shall annually notify staff, parents/guardians and members of the public about the <del>D</del>istrict's tobacco use policy.</p> <p><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></p> <p><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></p> <p><u>Free Admittance</u></p>

<p>School Code 511, 775</p> <p>PA Code Title 22 Sec. 403.1</p> <p>35 P.S. 1223.5</p> <p>20 U.S.C. Sec. 7181 et seq</p>	<p>Senior citizens who are <u>D</u>istrict residents and are sixty-five (65) years of age or older and all retired staff members regardless of age or residence shall be admitted without charge to all school events.</p> <p>District personnel and Board members will be admitted to all school events at no charge.</p> <p><u>The Board will honor athletic passes from all districts that are members of conferences in which teams of this District compete and honor the passes of this District.</u></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>
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904. PUBLIC ATTENDANCE AT SCHOOL EVENTS - Pg. 3

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SECTION: COMMUNITY

TITLE: MUNICIPAL GOVERNMENT  
RELATIONS

ADOPTED: November 25, 1996

REVISED: ~~August 22, 2011~~

# WYOMISSING AREA SCHOOL DISTRICT

909. MUNICIPAL GOVERNMENT RELATIONS	
1. Purpose	It is the policy of the Board that this Board, school officials and municipal officials maintain a close and harmonious association. Such liaison is requisite for dealing with school/community matters and problems in the most satisfactory manner and assuring the most prudent expenditure of tax dollars.
2. Authority PA Const. Art. III Sec. 14	<p>The Board recognizes that its authority arises 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 citizens.</p> <p>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.</p> <p>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.</p>
3. Delegation of Responsibility	To maintain fiscal and physical planning cooperation with the municipality, the Board or its member representative will meet periodically with municipal officials to discuss plans for the next budget.
SC 502, 521, 706, 775, 790	The Board advocates the joint expenditure of district funds and municipal or county funds to provide those facilities from which the entire community, children and adults alike, may derive benefits. In accordance with this policy, the Board shall, as either opportunity or need arises, and as it is entitled to do by law, enter into a joint action agreement with the local municipal governing body in acquiring or leasing, improving, equipping, operating or maintaining such jointly used facilities.

<p>SC 1302.1-A 1303-A</p>	<p>The Superintendent and each local police department that has jurisdiction over school property shall enter into, <u>and update on a biennial basis</u>, a memorandum of understanding which shall be developed and executed in accordance with the state <u>law and</u> regulations.</p> <p>To maintain cooperation with the municipality for fiscal and facilities planning, the Board or its member representative <u>and the</u>, Superintendent or designee, <u>and</u> <del>Director of Business Affairs</del> will meet periodically with municipal officials to discuss issues of common interest.</p> <p>References:</p> <p>Pennsylvania Constitution – PA Const. Art. III Sec. 14</p> <p>School Code – 24 P.S. 502, 521, 706, 775, 790, 1302.1-A, 1303-A</p> <p>Board Policy – 613</p>
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