



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 000 Local Board Procedures |
| Title | Board Policy/Procedure/Administrative Regulations |
| Code | 000 |
| Status | Active |
| Legal | 1. Pol. 003 |
| Adopted | April 20, 2006 |

The Board of School Directors of Blackhawk School District, in accordance with applicable state and federal laws and regulations, establishes policies and procedures for the governance of the Board and for the safe and orderly operation of the school district.

Purpose of Policy/Local Board Procedure

The policies and local Board procedures adopted by the Board are intended to establish the general and overall rules within which the day-to-day operations of the school district are to be governed. As applicable, all members of the Blackhawk School District community shall be expected to comply with Board policy and procedure, subject to the limitations established in this policy.

Contents of Policy Manual

1. Local Board Procedures

The bylaws and rules that pertain to Board governance shall hereinafter be referred to as Local Board Procedures and shall be policy series 000: Local Board Procedures.

2. Policies

The rules and guidelines that pertain to the safe and orderly operation of the school district shall hereinafter be referred to as Policy and shall be policy series 100: Programs, 200: Pupils, 300: Administrative Employees, 400: Professional Employees, 500: Classified Employees, 600: Finances, 700: Property, 800: Operations, and 900: Community.

Limitations of Policy/Local Board Procedure

Board policies and procedures are not intended and shall not be construed to supersede or preempt any applicable law, whether constitutional, statutory, regulatory, or common law. Consequently, all Board policies and procedures shall be given both an interpretation and application that is lawful. The Board shall determine the final interpretation of its policies and procedures.

As the Board policies and procedures are limited by legal constraints, so too are the rights of those to whom the Board policies and procedures apply. Board policies and procedures are not intended to expand the rights of individuals beyond those established by law or to give to any individual a cause of action not independently established in law. Enforcement of Board policy and procedure rests exclusively with the School Board.

Board policy and procedure shall not preempt, create, supplant, expand or restrict the rights or liabilities of students, employees, or other members of the school district community beyond what is contemplated by law and are not intended to restrict or limit students, employees, or others from pursuing any claims or defenses available under law.

Administrative Regulations

Administrative regulations are not intended and shall not be construed to supersede or preempt any applicable law, whether constitutional, statutory, regulatory, or common law. Consequently, all administrative regulations shall be given both an interpretation and application that is lawful. The administration shall determine the final interpretation of administrative regulations.

As the administrative regulations are limited by legal constraints, so too are the rights of those to whom the administrative regulations apply. Administrative regulations are not intended to expand the rights of individuals beyond those established by law or to give to any individual a cause of action not independently established in law. Enforcement of administrative regulations rests exclusively with the administration.

Administrative regulations shall not preempt, create, supplant, expand or restrict the rights or liabilities of students, employees, or other members of the school district community beyond what is contemplated by law and are not intended to restrict or limit students, employees or others from pursuing any claims or defenses available under law.

Administrative regulations are not part of Board policy and procedure and may be altered without Board action but shall be submitted to the Board for review.[1]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 000 Local Board Procedures |
| Title | Name and Classification |
| Code | 001 |
| Status | Active |
| Legal | 1. 24 P.S. 201 4. 24 P.S. 501 5. 24 P.S. 502 6. 24 P.S. 503 7. 24 P.S. 951 8. 24 P.S. 952 9. 24 P.S. 202 10. PA Const. Art. III Sec. 14 |
| Adopted | April 20, 2006 |

Name

The Board of School Directors shall be known officially as the Board of School Directors of Blackhawk School District, hereinafter sometimes referred to as the "Board".[1]

Composition

Blackhawk School District is comprised of all lands that lie within the municipal boundaries of the township of Chippewa, Darlington, Patterson and South Beaver, and the boroughs of Darlington, Enon Valley, West Mayfield, and Patterson Heights.

Purpose

Blackhawk School District is organized for the purpose of providing a program of public education to serve the needs of the students of the Commonwealth.[4][5][6][10]

Intermediate Unit

Blackhawk School District is assigned to Beaver Valley Intermediate Unit No. 27.[7][8]

Classification

Blackhawk School District is classified as a school district of the third class.[9]

Address

The official address of the Board of School Directors of Blackhawk School District shall be 500 Blackhawk Road, Beaver Falls, Pennsylvania 15010.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 000 Local Board Procedures |
| Title | Authority and Powers |
| Code | 002 |
| Status | Active |
| Legal | 2. 24 P.S. 211 3. 24 P.S. 301 4. 24 P.S. 501 5. 24 P.S. 507 6. 24 P.S. 510 7. 24 P.S. 406 8. 24 P.S. 407 10. Pol. 102 11. 22 PA Code 4.13 12. PA Const. Art. III Sec. 14 13. 24 P.S. 1411 14. 24 P.S. 502 15. 24 P.S. 503 16. 24 P.S. 511 17. 24 P.S. 803 |
| Adopted | April 20, 2006 |

Authority

The authority to establish, equip, furnish, operate and maintain the public schools of Blackhawk School District is vested in the Board of School Directors, which is a body corporate and is constituted and governed by Title 24 of the Pennsylvania Statutes, the Public School Code of 1949 as amended, and Article III of the Constitution and applicable federal and state laws and regulations.[2][3][4][5][6][12]

Powers

The Board shall establish such schools as are required for the education of every person residing in Blackhawk School District between the ages of six (6) and twenty-one (21) years who may attend school; shall equip, furnish, operate, and maintain the schools; shall adopt and enforce rules and regulations for the management of school affairs and the conduct and department of employees and students; and shall levy and collect taxes as may be necessary, in addition to the annual state appropriation, for the exercise of aforesaid powers.[2][7][8][4][5][6][13][14][15][16][17]

The Board, in accordance with its statutory mandate, shall adopt Board procedures for its own operation, and policies for the guidance of the Superintendent in the operation of the school district. Board procedures and policies shall be consistent with law, have a rational and substantial relationship to a legitimate purpose of the Board, and be directed towards the maintenance and support of a thorough and efficient system of public education in this district.[8]

The Board shall act as the general agent of the people of this district in the matter of public education. It shall establish educational goals for district students and govern a program of education designed to meet those goals. The Board shall be responsible for enforcing mandatory laws and regulations. The Board shall be the agent responsible for establishing, maintaining and evaluating the public education activities of this school district, in accordance with law.[10][11]

The powers of the Board of School Directors are not vested in the individual Board member. No such individual is authorized to act on behalf of the Board to carry out any of the Board's statutorily authorized powers, except for those acts stated in law.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 000 Local Board Procedures |
| Title | Functions |
| Code | 003 |
| Status | Active |
| Legal | 1. 24 P.S. 301 2. 24 P.S. 407 3. 24 P.S. 510 4. 24 P.S. 511 5. Pol. 000 6. Pol. 006 7. Pol. 007 8. 24 P.S. 508 9. 24 P.S. 1001 10. 65 Pa. C.S.A. 1101 et seq 12. 2 Pa. C.S.A. 551 et seq 13. 24 P.S. 1126 et seq |
| Adopted | April 20, 2006 |
| Revised | December 15, 2022 |

Legislative

The Board shall exercise its rule-making power by adopting Board procedures and policies for the organization and operation of the school district. Those procedures and policies which are not dictated by the statutes, or regulations of the State Board, or ordered by a court of competent authority may be adopted, amended or repealed at any meeting of the Board, provided the proposed adoption, amendment or repeal has been proposed at a previous Board meeting and has remained on the agenda of each succeeding Board meeting until approved or rejected.[1][2][3][4][5]

Changes in a proposed Board procedure or policy shall be proposed for a first reading before adoption. The first reading and proposed changes will be made available for the public upon request and posted on the District website in red line form. Following the first reading, the board may adopt and institute proposed changes to take effect immediately at the second reading. Minor editorial revisions may be adopted immediately with board approval and will not require a first or second reading.

The Board may, upon a majority vote, cause to suspend at any time the operation of a Board procedure or policy, provided the suspension does not conflict with legal requirements: such suspension shall be effective until the next meeting of the Board, unless an earlier time is specified in the motion to suspend.

Board procedures shall be adopted, amended or repealed by a majority vote of the Board. [6]

Board policies shall be adopted, amended or repealed by a majority vote of the Board.[6]

The adoption, modification, repeal or suspension of a Board procedure or policy shall be recorded in the minutes of the Board meeting. All current procedures and policies shall be maintained in the Board Policy Manual and disseminated appropriately.[7]

Executive

The Board shall exercise its executive power by the appointment of a district Superintendent, who shall enforce the statutes of the Commonwealth, the regulations of the State Board of Education, the policies of the Board, and all other applicable laws and regulations.[8][9]

The Superintendent shall be the executive officer of the Board. As such, the Board shall delegate to him/her the administration of the school system in all its aspects. S/He shall perform administrative functions in accordance with policies adopted by the Board. The execution of all decisions made by the Board concerning the internal operations of the school system shall be delegated to the Superintendent.

In any situation that arises where the Board has provided no guide for administrative action, the Superintendent shall have power to act. His/Her decisions shall then be subject to review by the Board at its next regular meeting. It shall be the duty of the Superintendent to inform the Board promptly of the situation, the action taken, and the need for policy.

As an executive officer of the Board, the Superintendent shall represent the Board before the employees of the district and shall represent the employees of the district before the Board. Therefore, each district employee, except as otherwise provided by law, shall be responsible to the Board through the Superintendent.

The Superintendent shall implement a procedure to inform Board members and designated employees of their responsibility under the Ethics Law.[10]

Whenever responsibility is delegated to the Superintendent or other administrator, it is understood that such individual may designate a representative to act on his/her behalf.

Review

The Board may assume jurisdiction over controversies or disputes arising within this school district concerning any matter over which the Board has authority granted by statute or where the Board has retained jurisdiction in contract or policies.[3][13]

In furtherance of its adjudicatory function, the Board may hold hearings in accordance with law which shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter.[12]

Beyond the basic requirements of due process, a hearing may vary in form and content in line with the severity of the consequences that may flow from it, the difficulty of establishing findings of fact from conflicting evidence, and the impact of the Board's decision on the school district.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 000 Local Board Procedures |
| Title | Membership |
| Code | 004 |
| Status | Active |
| Legal | 2. 24 P.S. 303 3. 24 P.S. 1081 4. 24 P.S. 322 5. 24 P.S. 323 6. 24 P.S. 324 7. 24 P.S. 321 10. 24 P.S. 315 11. 24 P.S. 316 12. 24 P.S. 317 13. 24 P.S. 319 16. 24 P.S. 516.1 17. 24 P.S. 519 18. 24 P.S. 516 22. 24 P.S. 302 23. 65 Pa. C.S.A. 1101 et seq 24. 24 P.S. 301 et seq 15. Pol. 006 19. Pol. 331 26. Pol. 431 27. Pol. 531 28. 65 Pa. C.S.A. 701 et seq |

Adopted April 20, 2006

Number

The Board does consist of nine (9) members.[2][22]

The Superintendent shall have a seat on the Board and the right to speak on all matters, but not the right to vote.[3]

Qualifications

Each member of the Board shall meet the following qualifications:

1. Be of good moral character, be eighteen (18) years of age, shall have been a resident of the district for at least one (1) year prior to the date of his/her election or appointment, and shall not be a holder of

any office or position as specified in Section 322 of the School Code; nor shall the individual be a member of a municipal governing body.[4]

2. Shall not have been removed from any office of trust under federal, state or local laws for any malfeasance in such office.[5]
3. Shall not be engaged in a business transaction with the school district, be employed by the school district, or receive pay for services from the school district, except as provided by law.[6]
4. Shall take and subscribe to the oath or affirmation prescribed by statute before entering the duties of the office.[7]
5. Shall file a statement of financial interests with the State Ethics Commission before taking the oath of office or entering upon his/her duties.[23]

Election

Election of members of the Board shall be in accordance with law.[24]

Vacancies

A vacancy shall occur by reason of death, resignation, removal from a district or region, or otherwise. Such vacancy shall be filled in accordance with the Sunshine Act and by appointment by a majority vote of the remaining members of the Board within thirty (30) days of the occurrence of the vacancy. The Board member so appointed shall serve until the first Monday in December after the first municipal election occurring more than sixty (60) days following his/her appointment. When a majority of the memberships are vacant, such vacancies shall be filled by the Court of Common Pleas of Beaver County.[10][11][12][13][28]

Term

The term of office of each Board member shall be four (4) years and shall expire on the first Monday of December, except that the term of a Board member appointed to fill a vacancy shall expire on the first Monday of December after the municipal election occurring more than sixty (60) days after his/her appointment. The term of a Board member elected to an unexpired term shall expire at the termination of that term.[2][10]

Removal

Whenever a Board member is no longer a resident of Blackhawk School District or the region s/he represents, his/her membership on the Board shall cease.

The removal of a Board member who resigns shall become effective upon the acceptance of the resignation at a Board meeting.

A Board member who neglects or refuses to attend two (2) successive regular meetings of the Board, unless detained by sickness or prevented by necessary absence from the district, or if in attendance at any meeting neglects or refuses to act in his/her official capacity as a school director, may be removed from his/her office, with prior notice, on the affirmative vote of a majority of the remaining members of the Board.[13][15]

If a person elected or appointed as a Board member, having been notified, shall refuse or neglect to qualify as such director, the remaining members may, within ten (10) days following the beginning of his/her term of office, declare said office vacant on the affirmative vote of a majority of the remaining members of the Board.[13][15]

Expenses

Board members, a nonmember Board Secretary, and solicitor(s) shall be reimbursed for necessary expenses actually incurred as delegates to any state convention or association of school directors' convention held within the Commonwealth, or for necessary expenses actually incurred in attendance authorized by the

Board at any other meeting held within the Commonwealth or at an educational convention out-of-state. All such expenses shall be itemized and made available for public inspection at the next succeeding Board meeting. No member shall be reimbursed for more than two (2) out-of-state meetings in one (1) school year. Expenses shall be reimbursed only upon presentation of an itemized, verified statement, except that advance payments may be made upon presentation of estimated expenses to be incurred.[16]

Orientation

The Board believes that the preparation of each Board member for the performance of duties is essential to the effectiveness of the Board's functioning. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the schools, and review Board procedures and policies.

Accordingly, each new Board member shall be invited to meet with the Superintendent to discuss Board functions, School Code, budget, Strategic Plan, policies and procedures.[17]

Conferences

In keeping with its philosophy on the need for continuing inservice training and development for its members, the Board encourages the participation of all members at appropriate School Board conferences, workshops, and conventions. In order to control both the investment of time and expenditure of funds necessary to implement this policy, the Board establishes the following guidelines:[18][16]

1. No member of the Board may attend a meeting at Board expense without prior Board approval.
2. Funds for participation at meetings and conferences will be budgeted on an annual basis. Board members shall plan travel in accordance with budgetary allocations.
3. When a conference, convention or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations and materials acquired at the meeting that will be beneficial to the school district.
4. Reimbursement to Board members for their travel expenses will be in accordance with Section 7 of Policy 004 and the travel expense policy (and regulation) for district staff members.[19][26][27]
5. Reimbursement shall be limited to actual expenses incurred, and shall not include or be construed to include compensation to individual Board members.[Z]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 000 Local Board Procedures |
| Title | Student Representative to the School Board |
| Code | 004.1 |
| Status | Active |
| Legal | 65 Pa. C.S.A. 701 et seq Pol. 000 |
| Adopted | May 28, 2015 |

The Blackhawk School District Board of School Directors recognizes the need for communication between the student body and the Board in order to identify the students' concerns and views on the various Board decisions.

The **primary representative** shall mean the student who is to attend all meetings when possible, sit alongside the Board, and discuss any actions by the Board in the public forum.

The **alternate representative** shall mean the student who is to fulfill the roles of the primary representative when the primary representative is unable to attend the meeting.

The **student representative** shall mean whichever student is filling the role of the primary representative at any given moment.

The role of a Board member is to establish policies and procedures for the governance of the Board and the school district.

Membership shall consist of two (2) students; one (1) senior student and one (1) junior student. The senior student will be the primary representative and the junior student will be the alternate representative.

The term shall be from the day following the end of school for the students until the last day of school in the following school year. At this time, the alternate representative becomes the primary representative and the newly appointed alternate representative will take his/her place.

The selection committee shall be composed of the high school principal, a high school guidance counselor, the current senior class president, the Superintendent, and a Board member, with each able to cast one (1) vote.

To become a student representative the student must:

1. Be a district resident and student for at least two (2) years;
2. Have junior or senior class standing;
3. Have a "B" average or better in all courses;
4. Have attended at least five (5) Blackhawk School District Board of School Directors meetings in the year preceding the term which the student is applying for;
5. Submit an essay explaining why the student wants to serve as a representative;
6. Have a record of regular attendance at school;

7. Have a petition signed by at least five percent (5%) of the Blackhawk High School student population;

8. Interview with the selection committee.

Requirement 4. may be waived in the inaugural year of the student representative program.

To bring concerns of **all** students to the Board. Any proposals must be submitted in writing to be included in the work session packet. These proposals should be discussed with the Student Council, class officers, and the general student body.

To report to the Board on the activities of the student body.

To visit each of the district's schools at least once during the school year to learn of the ideas and concerns of the students.

To attempt to attend all work sessions and voting sessions. Committee meeting attendance is not required.

To receive all work session packets minus confidential information.

To discuss motions from a student's perspective at any point where the Board is permitted to speak.

To be a nonvoting representative on the Board.

To prepare for the School Board meetings ahead of time; due to this need for extra time, the primary representative shall be given one-half (.5) credit in social studies for each one (1) semester as the primary representative. The secondary representative shall be given one quarter (.25) credit in social studies for each one (1) semester as the secondary representative.

Meetings not open to the public, such as meetings regarding personnel, litigation or other issues calling for executive session, shall not be attended by the student representative.

The representatives will respect the role of the Superintendent or the Superintendent's designee as liaison to the Board.

The representatives will strive to retain the trust of the student body.

The representatives will communicate regularly with the student body.

The primary representative or alternate representative may, for dereliction of duties, be replaced upon recommendation of the Superintendent or designee.

The Superintendent or Superintendent's designee will appoint replacements as needed, with recommendations provided by the high school principal.



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 000 Local Board Procedures |
| Title | Organization |
| Code | 005 |
| Status | Active |
| Legal | 1. 24 P.S. 401 2. 24 P.S. 402 3. 24 P.S. 404 4. 24 P.S. 421 5. 24 P.S. 426 6. 24 P.S. 321 7. 24 P.S. 436 8. 24 P.S. 438 10. 24 P.S. 431 11. 24 P.S. 432 12. 24 P.S. 324 15. 24 P.S. 508 16. 24 P.S. 683 17. 24 P.S. 1410 18. 24 P.S. 406 19. 24 P.S. 2401 20. 24 P.S. 516 22. 24 P.S. 621 23. 24 P.S. 106 24. PA Const. Art. VI Sec. 7 24 P.S. 434 65 Pa. C.S.A. 701 et seq 14. Pol. 006 9. Pol. 811 |
| Adopted | April 20, 2006 |
| Last Revised | March 15, 2012 |

Organization Meeting

The Board members shall meet and organize annually during the first week of December. The organization meeting shall be scheduled for the first Monday in December of an election year, and the first Monday in December or for another weekday following the first Monday, within the first week of December for nonelection years. Notice of the time and place of the organization meeting shall be given to all Board

members by mail at least five (5) days before the proposed meeting by the Board Secretary. The organization meeting shall be a regular meeting.[1][2][3][4]

Order

The organization meeting shall be called to order by the past President, who shall preside over the election of a temporary President from among the hold-over Board members. The Board Secretary shall be secretary of the meeting. In an election year, the certificates of election or appointment of all new Board members shall be read, and a list shall be prepared of the legally elected or appointed and qualified Board members.[2][5]

The temporary President, or other individual authorized by law, may administer the oath or affirmation of office to those Board members who have not previously taken and subscribed to the same.[6][2]

Officers

Election of officers shall be by a majority vote of the Board members. Where no such majority is achieved on the first ballot, a second ballot shall be cast for the two (2) candidates who received the greatest number of votes.

1. The school directors shall annually, during the first week of December, elect from their members a President and Vice-President who shall serve for one (1) year.[3]
2. The school directors shall annually, during the month of May, elect a Treasurer who shall serve for one (1) year beginning the first day of July after such election. The Treasurer may be a corporation duly qualified and legally authorized to transact a fiduciary business in the Commonwealth, and may be a member of the Board.[3]
3. The Treasurer shall not enter upon his/her duties until furnishing bond in accordance with law and with Board approval. The Treasurer shall be compensated in the manner and at the rate determined by the Board.[7][8][9]
4. The school directors shall, during the month of May in every fourth year, elect a Secretary who shall serve a term of four (4) years beginning the first day of July following such election, and may be a member of the Board.[3]

The Secretary shall not enter upon his/her duties until furnishing bond in accordance with law and with Board approval. The Secretary shall be compensated in the manner and at the rate determined by the Board.[10][11][9]

Vacancies in any office shall be filled by Board election; such officers shall serve for the remainder of the unexpired term.

The same school director may not hold more than one (1) office of the Board. No commissioned officer or professional employee of the Board shall serve, temporarily or permanently, as an officer of the Board.[12][3]

Officers of the Board may be removed from office for incompetency, intemperance, neglect of duty, violation of the school laws of the Commonwealth, or other improper conduct, provided that such officer charged is given notice of the reasons for removal, and an opportunity for a hearing, provided that removal has been approved by the affirmative vote of a majority of the full number of Board members.[14][24]

Appointments

The Board shall have the authority to appoint:

1. A tax collector, where a tax collector is not elected to collect taxes, there is a vacancy, or an elected tax collector refuses to qualify.[15][16]
2. School physician(s).[17]
3. School dentist(s).[17]

4. Solicitor.[12][18]

The solicitor's duties shall include:

- a. Advising and furnishing to the Board legal opinions, in writing, as requested in all matters and questions of law, including interpretations of statutes.
- b. Preparing legal instruments including resolutions for any subject, advertising and all legal papers requested by the Board.
- c. Commencing and prosecuting all actions brought by the Board for all or any account or subject.
- d. Defending as requested by the Board all actions commenced against the Board of the Blackhawk School District.
- e. Attending all regular meetings and such other meetings as requested by the Board or Superintendent.
- f. Performing such other duties relating to the office of solicitor which the Board may direct.
- g. Serving as parliamentarian during the conduct of any official meeting of the Board at which s/he is present, if requested by the Board.

5. Independent auditor.[19]

6. Delegates to a state convention or association of school directors.[20]

7. Other appointments the Board deems necessary.

Appointees of the Board may be removed from office for incompetence, intemperance, neglect of duty, violation of the school laws of the Commonwealth, or other improper conduct, provided the appointee is given notice of the reasons for removal and an opportunity for a hearing, provided that such removal has been approved by the affirmative vote of a majority of the full number of Board members.[14][24]

Resolutions

The Board may at the organization meeting, but shall prior to July 1 next following, designate:

1. Depositories for school funds.[22]
2. Newspaper(s) of general circulation as defined in law.[23]
3. Normal day, place and time for regular meetings.[4]
4. Normal day, place and time for open committee meetings.
5. Normal day, place and time for work sessions.
6. Normal day, place and time for executive sessions of the Board.

Committees

The Board shall function as a committee of the whole Board; however, each committee shall include the total membership of the Board.

The President may appoint, as soon after the organization meeting as practicable, members of the Board to serve as chairpersons of the following committees where they shall serve for a term of one (1) year:

1. Finance and Insurance.
2. Public Relations and Communications.
3. Personnel.
4. Education.

5. Buildings, Grounds and Real Estate.

6. Athletics.

7. Administrative Liaison.

8. Transportation.

9. Food Service.

10. Negotiations.

11. Policy.

12. Board and Staff Enrichment.

13. Intermediate Unit.

14. Vocational-Technical School.

Ad hoc committees may be created, charged, and assigned a fixed termination date which may be extended from time to time by the Board President.

Members of committees shall serve until the committee is discharged.

The President may also appoint additional members of these Committees. The second person appointed will be Vice Chair and the next, a committee member. They will serve the board when it is not practical or lawful to have a Committee meeting of the Whole. All of their work will, however, need to be ratified at an open board meeting.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 000 Local Board Procedures |
| Title | Meetings |
| Code | 006 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 24 P.S. 4072. 65 Pa. C.S.A. 701 et seq3. 24 P.S. 4224. 24 P.S. 4055. 24 P.S. 4266. 24 P.S. 4277. 24 P.S. 4288. 65 Pa. C.S.A. 7039. 65 Pa. C.S.A. 70910. 24 P.S. 42311. 65 Pa. C.S.A. 712.112. Pol. 90313. 65 Pa. C.S.A. 70714. 24 P.S. 42115. 24 P.S. 42516. 24 P.S. 32417. 24 P.S. 50818. 24 P.S. 60919. 24 P.S. 68720. 24 P.S. 70721. 24 P.S. 67122. 24 P.S. 63423. 24 P.S. 112924. 24 P.S. 64025. 24 P.S. 80326. Pol. 10827. 24 P.S. 107128. 24 P.S. 107629. Pol. 60430. Pol. 00531. Pol. 60632. Pol. 60533. Pol. 107 |

34. 24 P.S. 621
35. Pol. 608
36. Pol. 610
37. 24 P.S. 1080
38. 24 P.S. 514
39. 24 P.S. 702
40. 24 P.S. 708
41. 24 P.S. 315
42. Pol. 004
43. Pol. 003
44. 24 P.S. 224
45. 65 Pa. C.S.A. 1102
46. 65 Pa. C.S.A. 1103
47. Pol. 827
48. 24 P.S. 1111
49. 24 P.S. 518
50. 65 Pa. C.S.A. 706
51. 65 Pa. C.S.A. 705
52. 24 P.S. 433
53. Pol. 800
54. Pol. 801
55. Pol. 006
56. 65 Pa. C.S.A. 708
24 P.S. 408
24 P.S. 1075
24 P.S. 1077
65 Pa. C.S.A. 1101 et seq
Pol. 612

Adopted April 20, 2006

Last Revised February 17, 2022

Parliamentary Authority

All Board meetings shall be conducted in an orderly and business-like manner. Robert's Rules of Order, Newly Revised, shall govern the Board in its deliberations in all cases in which it is not inconsistent with law, state regulations or Board procedures.[1][2]

Quorum

A quorum shall consist of a majority of the members of the Board. No business shall be transacted at a meeting without a quorum, but the school directors present at such a meeting may adjourn to another time.
[3]

Presiding Officer

The President shall preside at all Board meetings. In the absence, disability or disqualification of the President, the Vice-President shall act instead. If neither person is present, a school director shall be elected President pro tempore by a majority of those present and voting to preside at that meeting only. Where no such majority is achieved on the first vote, a second vote shall be cast for the two (2) candidates who received the greatest number of votes.[4][5][6][7]

Meeting Notifications

Notice of all open Board meetings, including committee meetings and work sessions, shall be given by publication of the date, place, and time of such meetings in the newspaper(s) of general circulation designated by the Board and posting of such notice at the administrative offices of the Board.[8][9]

1. Notice of regular meetings shall be given by publication and posting of a schedule showing the date, place and time of all regular meetings for the calendar year
2. Notice of all special meetings shall be given by publication and posting of notice at least twenty-four (24) hours prior to the time of the meeting, except that such notice shall be waived when a special meeting is called to deal with an actual emergency involving a clear and present danger to life or property.[8][9]
3. Notice of all rescheduled meetings shall be given by publication and posting of notice at least twenty-four (24) hours prior to the time of the meeting.[8][9]
4. Notice of all recessed or reconvened meetings shall be given by posting a notice of the place, date and time of the meeting and sending copies of such notice to interested parties.[8]
5. Notice of all open meetings shall be given to any newspaper(s) circulating in Beaver County and any radio or television station which so requests. Notice of all open meetings shall be given to any individual who so requests and provides a stamped, addressed envelope for such notification.[9]

Notice of all rescheduled meetings and special meetings shall be given to each school director no later than twenty-four (24) hours prior to the time of the meeting.[9][10]

Agenda Notifications

The agenda, together with all relevant reports, shall be provided to each school director at least two (2) days before the meeting.

The district shall publicly post the agenda for all open meetings of the Board or Board committees at which deliberation or official action may take place no later than twenty-four (24) hours prior to the time of the meeting, as follows:[9]

1. On the district's website.
2. At the location of the meeting.
3. At the district's administrative office.

The posted agenda shall list each matter of agency business that will or may be the subject of deliberation or official action at the meeting.[9]

Agenda Preparation

It shall be the responsibility of the Board President, in cooperation with the Board Committee Chairs, Board Secretary, and district administration to prepare an agenda of the items of business anticipated to come before the Board at each open meeting.

Order of Business

The order of business for regular meetings and special meetings called for general purposes shall be as follows, unless altered by the President or a majority of those present and voting:

1. Roll call.
2. Approval of minutes.
3. Other preliminary matters.
4. Public relations and communications.
5. Financial report.
6. Payment of bills.
7. Committee reports.
8. Other Board business.

The order of business for other special meetings shall be determined according to the stated purpose of the special meeting.

Additions to the Agenda

The Board may deliberate or take official action on matters not included in a posted agenda only under the following circumstances:[11]

Emergencies – The matter of business relates to a real or potential emergency involving a clear and present danger to life or property.[8][11]

Business Arising Within Twenty-Four (24) Hours Prior to the Meeting – The matter of business has arisen within twenty-four (24) hours prior to the meeting, is de minimis (minor) in nature, and does not involve the expenditure of funds or entering into a contract or agreement.[11]

Business Raised by Residents or Taxpayers During the Meeting – When a matter of Board business is raised by a resident or taxpayer during a meeting:[11][12]

1. The Board may take official action to refer the matter to staff, if applicable, to conduct research and include on a future Board meeting agenda; or
2. If the matter is de minimis (minor) in nature and does not involve the expenditure of funds or entering into a contract or agreement, the Board may take official action on the matter.

Majority Vote – During a meeting, the Board may add a matter of business to the posted agenda by a majority vote of the school directors present and voting. The reason for adding an item to the posted agenda must be announced at the meeting before conducting the vote. Once announced and approved by majority vote, the Board may take official action on the item of business. The agenda shall be amended to reflect the new item of business and the amended agenda shall be posted to the district's website and at the administrative office no later than the first business day following the meeting at which the agenda was amended. The unanimous consent procedure may not be used in place of majority vote for this purpose.[11]

The public posting of agenda requirements and rules for adding items to a posted agenda apply to both regular and special open meetings of the Board. These requirements and rules do not apply to:[9][11][13]

1. Conference sessions.
2. Executive sessions.

Regular Meetings

Regular Board meetings shall be open and shall be held at specified places at least once every two (2) months.[2][14]

Special Meetings

Special meetings may be called for special or general purposes and shall be open except when conducted as an executive session for purposes authorized by law.[2][5][10][15]

The President may call a special meeting at any time and shall call a special meeting upon presentation of the written requests of three (3) school directors. Upon the President's failure or refusal to call a special meeting, such meeting may be called at any time by a majority of the school directors.[5]

No business shall be transacted at any special meeting except that named in the call sent to school directors for such special meeting.[10]

Public Participation

At each open Board meeting, prior to official action by the Board, an opportunity shall be provided for public comment in accordance with law and Board procedures and policy.[2][12]

Voting

All motions shall require for adoption a majority vote of those school directors present and voting, except as provided by statute or Board procedures.

All votes on motions and resolutions shall be by voice vote unless an oral roll call vote is requested by the President or another school director.

Special Voting Requirements –

**Indicates actions for which the minutes also must reflect how each school director voted.*

1. Actions requiring the unanimous affirmative vote of all members of the Board remaining in office:
 - a. Appoint as Board Secretary a former school director who has resigned, before the expiration of the term for which the member was elected.*[16][17]
 - b. Appoint as solicitor a former school director who has resigned, before the expiration of the term for which the director was elected.*[16][17]
2. Actions requiring the affirmative votes of two-thirds of the full membership of the Board:
 - a. Transferring, during the first three (3) months of the fiscal year, budgeted funds set apart or appropriated to a particular item of expenditure.*[17][18][19]
 - b. Adding or increasing appropriations to meet an emergency or catastrophe.*[17][19]
 - c. Hiring as a teacher a former school director who has resigned, before the expiration of the term for which the director was elected.*[16][17]
 - d. Conveying land or buildings to certain charities or other public agencies without following prescribed valuation procedures or with more favorable financing.*[17][20]
 - e. Incurring temporary debt (non-emergency).*[19][22]
 - f. Dismissing a tenured professional employee after a hearing.*[17][23]
 - g. Borrowing in anticipation of current revenue.*[17][24]
3. Actions requiring the affirmative votes of two-thirds of those voting in the presence of a quorum:
 - a. Incurring temporary debt to meet an emergency or catastrophe.*[17][19]

b. Adopting or changing textbooks without the recommendation of the Superintendent.*[17][25]

4. Actions requiring the affirmative votes of a majority of the full membership of the Board:

a. Fixing the length of the school term.*[17]

b. Adopting textbooks recommended by the Superintendent.*[17][26]

c. Appointing the district Superintendent and Assistant Superintendent(s).*[17][27][28]

d. Appointing teachers and principals.*[17]

e. Adopting the annual budget.*[17][29]

f. Appointing tax collectors and other appointees.*[17][30][31]

g. Levying and assessing taxes.*[17][32]

h. Purchasing, selling, or condemning land.*[17]

i. Locating new buildings or changing the location of old ones.*[17]

j. Creating or increasing any indebtedness.*[17]

k. Adopting planned instruction.[17][33]

l. Establishing additional schools or departments.*[17]

m. Designating depositories for school funds.*[17][34][35]

n. Authorizing the transfer of any unencumbered balance, or portion thereof, from one appropriation to another, or from one spending agency to another during the last nine (9) months of the fiscal year.*[17][19]

o. Entering into contracts of any kind, including contracts for the purchase of fuel or any supplies where the amount involved exceeds \$100 (including items subject to bid requirements).*[17][36]

p. Fixing salaries or compensation of officers, teachers, or other appointees of the Board.*[17]

q. Entering into contracts with and making appropriations to the intermediate unit for the district's proportionate share of the cost of services provided or to be provided by the intermediate unit.*[17]

r. Dismissing, after a hearing, a Superintendent, Assistant Superintendent or non-tenured teacher.*[17][37][38]

s. Determining the location and amount of any real estate required by the school district for school purposes.*[17][39]

t. Vacating and abandoning property to which the Board has title.*[17][40]

u. Appointing a school director to fill a vacancy on the Board.*[17][41]

v. Calling a special meeting when the President has failed to do so after written request of three (3) members of the Board.[5]

w. Declaring that a vacancy exists on the Board by reason of the failure or neglect of a school director to qualify.[42]

- x. Adopting, amending or repealing Board procedures and policy.[43]
- y. Combining or reorganizing into a larger school district.[44]
- z. Adopting a corporate seal for the district.

Abstention from Voting

A school director shall be required to abstain from voting when the issue involves either one of the following:

1. Conflict of interest under the Ethics Act.[45][46][47]

Prior to the vote being taken, the school director shall verbally disclose the nature of the conflict in public, and shall also provide the Board Secretary with a written memorandum stating the nature of the conflict, which shall be attached to the Board minutes as a public record.

Conflict of interest - use by a public official of the authority of their office or any confidential information received through holding public office for the private pecuniary benefit of the public official, a member of their immediate family or a business with which the public official or a member of their immediate family is associated. The term does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official, a member of their immediate family or a business with which the public official or a member of their immediate family is associated.[45]

De minimis economic impact - an economic consequence which has an insignificant effect.[45]

Immediate family - parent, spouse, child, brother or sister.[45]

Business with which associated - any business in which the person or a member of the person's immediate family is a director, officer, owner, employee or has a financial interest.[45]

2. Relative recommended for appointment to or dismissal from a teaching position.[23][48]

Relative - father, mother, brother, sister, husband, wife, son, daughter, stepson, stepdaughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, uncle, or aunt.

The Board is encouraged to seek the guidance of the district solicitor or the State Ethics Commission for questions related to conflict of interest.[46][47]

Minutes

The Board shall cause to be made, and shall retain as a permanent record of the district, minutes of all open Board meetings. Said minutes shall be comprehensible and complete and shall show:[49][50]

1. Date, place, and time of the meeting.
2. Names of school directors present.
3. Presiding officer.
4. Substance of all official actions.
5. Actions taken.
6. Recorded votes and a record by individual members of all roll call votes taken.[51]
7. Names of all residents who appeared officially and the subject of their testimony.

8. Any matter added to a posted agenda, including the substance of the matter, the announced reason and the recorded vote, where applicable.[9][11]

The Board Secretary shall provide each school director with a copy of the minutes of the last meeting prior to the next regular meeting.[1]

The minutes of Board meetings shall be approved at the next succeeding meeting and signed by the Board Secretary.[52]

Notations and any tape or audiovisual recordings shall not be the official record of an open Board meeting but may be available for public access, upon request, in accordance with Board policy. Any notations and/or audiovisual recordings of a Board meeting shall be retained and disposed of in accordance with the district's records retention schedule.[1][53][54]

Recess/Reconvene

The Board may at any time recess or reconvene to a reconvened meeting at a specified date and place, upon the majority vote of those present. The reconvened meeting shall immediately take up its business at the point in the agenda where the motion to recess was acted upon. Notice of the reconvened meeting shall be given as provided in Board policy.[8][9][55]

Executive Session

The Board may hold an executive session, which is not an open meeting, before; during; at the conclusion of an open meeting; or at some other time. The presiding officer shall announce the reason for holding the executive session; the announcement can be made at the open meeting prior to or after the executive session.[13][15][56]

The Board may discuss the following matters in executive session:

1. **Employment issues** - to discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the agency, or former public officer or employee, provided, however, that the individual employee or appointees whose rights could be adversely affected my request, in writing, that the matter or matters be discussed at an open meeting. The agency's decision to discuss such matters in executive sessions shall not serve to adversely affect the due process rights granted by law, including those granted by Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).
2. **Labor relations** - to hold information, strategy and negotiation sessions related to the negotiation or arbitration of a collective bargaining agreement or, in the absence of a collective bargaining unit, related to labor relations and arbitration.
3. **Purchase or lease of real estate** - to consider the purchase or lease of real property up to the time an option to purchase or lease the real property is obtained or up to the time an agreement to purchase or lease such property is obtained if the agreement is obtained directly without an option.
4. **Consultation with an attorney or other professional advisor regarding potential litigation or identifiable complaints that may lead to litigation** - to consult with its attorney or other professional advisor regarding information or strategy in connection with litigation or with issues on which identifiable complaints are expected to be filed.
5. **Matters that must be conducted in private to protect a lawful privilege or confidentiality** - to review and discuss agency business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matters related to the initiation and conduct of investigations of possible or certain violations of the law and quasi-judicial deliberations.
6. **School safety and security**, of a nature that if conducted in public, would:[15]

- a. Be reasonably likely to impair the effectiveness of school safety measures.
- b. Create a reasonable likelihood of jeopardizing the safety or security of an individual or a school, including a building, public utility, resource, infrastructure, facility or information storage system.

Official actions based on discussions held in executive session shall be taken at an open meeting. There shall be no time limit imposed on executive sessions. Executive sessions may be held at times other than during open meetings. If they are held other than at open meetings, Board members shall be given notice twenty-four (24) hours in advance. Although this shall normally be done in writing, unusual circumstances shall permit notice by other acceptable means.

Work Sessions

The Board may meet as a Committee of the Whole in an open meeting to vote on or to discuss issues. Public notice of such meetings shall be made in accordance with Board procedures.[2][55]

A meeting of the Committee of the Whole, not regularly scheduled, may be called at any time by the President; the President shall call such a meeting when requested to do so by five (5) Board members. Public notice of the meeting shall be made in accordance with Pol. 006, 4.b.[55]

The Board Secretary shall provide notice of a meeting of the Committee of the Whole in accordance with Board procedures.[8][9][55]

Committee Meetings

The Board will function as a Committee of the Whole. A work session will constitute a meeting of all standing committees.[45][8][9]

A majority of the total membership of a committee shall constitute a quorum.

Unless held as an executive session, committee meetings shall be open to the public, other Board members, and the Superintendent.[2]

A majority of the committee, the chairperson, or the Superintendent may invite Board employees, consultants or other persons who have special knowledge of the area under discussion.



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 000 Local Board Procedures |
| Title | Additional Items on the Voting Meeting Agenda |
| Code | 006.1 |
| Status | Active |
| Adopted | April 20, 2006 |
| Last Revised | February 13, 2018 |

It shall be the Board policy to have items placed on the agenda of a work session by contacting the Board President or Superintendent for discussion prior to inclusion on the voting meeting agenda. In recognition that from time to time issues will surface between the meetings that certain Board members or administrators feel should be discussed by the Board at the public meeting, the following procedures shall be used to consider additional items for inclusion on the agenda:

1. Through either the Board President or Superintendent, the item will be assigned an agenda item number, and will be noticeably identified on the agenda or printed on a separate paper. The item will only be provided to Board members and appropriate administrators.
2. A motion will be required to add the properly referenced, but not described, item to the agenda. The motion will require a second; however, discussion shall be limited to the merits of changing the agenda and specifically restricted from discussion of the issue. A majority vote of those present shall be required to pass the agenda change.
3. Upon passage of the above motion, the subject of the agenda change will be read to the public and then treated as any similar agenda item would be processed.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 000 Local Board Procedures |
| Title | Videotaping of School Board Meetings |
| Code | 006.2 |
| Status | Active |
| Legal | 1. 65 P.S. 67.101 et seq 2. Pol. 801 3. 65 Pa. C.S.A. 701 et seq |
| Adopted | September 19, 2013 |

Purpose

The Blackhawk School District Board of School Directors recognizes the usefulness of videotaping its proceedings for the benefit of the public who are unable to attend a meeting in person. Therefore, it shall be the policy of the Blackhawk School District to videotape its public meetings.

Definitions

Videotaping shall mean the audio and visual recording of a meeting open to the public from the time of the convening of the meeting to its adjournment as officially called by the Board President or his/her authorized surrogate. Videotaping will not include breaks or recesses.

The **video recording** shall mean the videotape or other electronically produced and stored audio and visual record of a meeting.

Guidelines

The video recording of a meeting open to the public is the exclusive property of the district to be used at the Board's discretion and will be posted on the district's website for one year. The video recordings will be maintained by the district in accordance with the Records Retention Schedule.

The Board approved written minutes shall continue to be the official record of the meeting.

The video recording of a meeting will be linked to the district's website for informational purposes within seven (7) days after the meeting.

While it is the Board's intent to provide videotaping of Board meetings in their entirety to the public on the district's website; the Board, at its discretion, may discontinue the videotaping of a meeting at any time by majority vote of the quorum in attendance if videotaping becomes impractical due to equipment malfunction or if the act of videotaping impedes the ability to conduct the meeting in an orderly fashion. If the equipment malfunction or impediment is able to be corrected, the videotaping will resume.

The Board may determine which portions, if any, of a video recording of a public Board meeting will not be made available on the district's website by consensus of the Board.

Any Board member, district employee or other person who believes that s/he has been defamed at a Board meeting shall provide written notification to the Board President or Superintendent immediately upon

learning of such action in order to provide the Board President with the opportunity to discuss possible edits to the posted version of the video recording of that meeting.

The printed agenda distributed for the meeting will contain the following notification:

"The purpose of videotaping a meeting is for public information. The opinions expressed by any member of the public do not necessarily reflect the view or opinion of the Blackhawk School District Board of School Directors and are solely that of the speaker. The Blackhawk School District Board of School Directors hereby expressly disclaims any and all responsibility or liability for any false, defamatory or slanderous statements expressed by the speaker. Any unauthorized re-broadcasting of any video, audio or still image of the video recording of the meeting is strictly forbidden without the written permission of the Blackhawk School District Board of School Directors."

The above notification will be posted on the district's website and at the entrance to the Board meeting room.

A member of the public may obtain an archived copy of a video recording by following the Right-to-Know law procedures, at his/her own expense.[1][2]

The videotaping will be done by one operable camera that will only be focused on the Board, Superintendent and others seated at the Board table. However, other attendees may be inadvertently captured by the videotaping. The Board President will establish a fixed location for the camera equipment.

The videotaping and posting of the video recording to the district's website will be the responsibility of the faculty or staff member designated by the Superintendent. The videotaping may be conducted by students as part of an authorized class curriculum under the supervision of the Superintendent or faculty member designated by the Superintendent.

Meetings not open to the public, such as meetings regarding personnel, litigation or other issues calling for executive session, shall not be videotaped.[3]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 000 Local Board Procedures |
| Title | Policy Access |
| Code | 007 |
| Status | Active |
| Legal | 1. 65 Pa. C.S.A. 701 et seq |
| Adopted | April 20, 2006 |

Purpose

The Board desires to make Board policy a useful guide for all Board members, the administration of this district, all personnel employed by the Board, the students of the district, and to all members of the community.

Board policy is a public record and shall be available for inspection at any time by those interested. A paper copy shall be available in the central administration office during regular office hours.[1]

Delegation of Responsibility

The Superintendent and Policy Committee are designated to review existing policy in light of Board actions and revisions to state statutes and regulations, and to recommend to the Board such changes as may be necessary to maintain the Board policy in a current status.

The Superintendent or designee shall maintain an orderly process for the promulgation of policies to staff members who are affected by them.

The Superintendent or designee shall be responsible for assuring that access to policy is readily available to any interested person(s).

The Superintendent or designee shall be responsible for the maintenance of a single hardcopy Board Policy Manual that shall be maintained in the central administrative offices.

Guidelines

Instructions for accessing the Board's Policy Manual shall be available on the district's web site.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Comp Plan |
| Code | 100 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 22 PA Code 4.132. 22 PA Code 49.173. 24 P.S. 1205.14. Pol. 3335. Pol. 4336. 22 PA Code 49.167. 22 PA Code 12.418. Pol. 1469. 22 PA Code 14.10410. Pol. 11311. 22 PA Code 16.412. Pol. 11413. 22 PA Code 4.20 <p>22 PA Code 4.4</p> <p>Pol. 002</p> <p>Pol. 004</p> <p>Pol. 101</p> <p>Pol. 105</p> <p>Pol. 107</p> <p>Pol. 109</p> <p>Pol. 701</p> |
| Adopted | May 28, 2015 |

Purpose

The Board recognizes the importance of comprehensive planning in developing and guiding the district's goals, and the educational programs and operation of the schools. Participation by educational stakeholders is a critical element of such planning.

Authority

The Board shall provide guidance in the district's comprehensive planning process and shall ensure active participation by Board members, administrators, teachers, other district personnel, students, parents/guardians and representatives from local business and the community.

As part of the comprehensive planning process, the Board directs that the district develop and implement individual plans and components as required by law, regulations, and funding and program requirements.[1]

The Board directs that the goals and action plans developed through comprehensive planning shall be continuously monitored and reviewed to ensure students are achieving at high levels.

Professional Education

The district shall develop and submit a professional education plan to the Secretary of Education for approval every three (3) years, as required by law and regulations. Prior to approval by the Board and submission to the Secretary of Education, the professional education plan shall be made available for public inspection and comment in the district's administrative offices for a minimum of twenty-eight (28) days.[2][3][4][5]

Induction

The district shall develop and submit an induction plan to the Department of Education for approval every six (6) years, as required by law and regulations. Prior to approval by the Board and submission to the Department of Education, the induction plan shall be made available for public inspection and comment in the district's administrative offices for a minimum of twenty-eight (28) days.[1][4][5][6]

Student Services

The district shall develop and implement a written plan every six (6) years for providing a comprehensive and integrated K-12 program of student services, as required by law and regulations. Prior to approval by the Board, the student services plan shall be made available for public inspection and comment in the district's administrative offices for a minimum of twenty-eight (28) days.[1][7][8]

Special Education

The district shall develop and submit a special education plan to the Department of Education for approval every three (3) years, and shall implement such plan as required by law and regulations. Prior to approval by the Board and submission to the Department of Education, the special education plan shall be made available for public inspection and comment in the district's administrative offices for a minimum of twenty-eight (28) days.[1][9][10]

Gifted Education

The district shall develop and implement a gifted education plan every six (6) years, as required by law and regulations. Prior to approval by the Board, the gifted education plan shall be made available for public inspection and comment in the district's administrative offices for a minimum of twenty eight (28) days.[1][11][12]

Prekindergarten Education

When offering or contracting with a community agency to offer a prekindergarten program, the district shall develop an implementation plan that meets the requirements of law and regulations. The plan shall be submitted to the Department of Education in the initial year and every three (3) years, or when the plan is amended, whichever is sooner. Prior to approval by the Board and submission to the Department of Education, the district shall make the prekindergarten implementation plan available for public inspection and comment in the district's administrative offices for a minimum of twenty-eight (28) days.[2][13]

Delegation of Responsibility

The Superintendent shall be responsible for organizing the comprehensive planning process, ensuring participation in accordance with Board policy and submitting the required plans to the Department of Education.

The Superintendent or designee shall be responsible for implementing the goals and action plans developed through comprehensive planning and providing written quarterly progress reports to the Board.



| | |
|--------------|------------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Mission Statement/Belief Statement |
| Code | 101 |
| Status | Active |
| Legal | 1. 22 PA Code 4.13 Pol. 100 |
| Adopted | May 18, 2006 |
| Last Revised | July 17, 2008 |

Authority

District Mission Statement

Blackhawk School District is dedicated to providing all students a rigorous learning environment in order to be highly successful and competitive in the global community.[1]

Belief Statement

We believe that:

- Each person has value and is worthy of respect.
- A positive and safe environment is necessary for learning to occur.
- All stakeholders (students, staff, administrators and community members) are accountable for the success of our students in the global community.
- We must provide relevant and meaningful learning experiences to meet each student's individual needs: academically, socially, emotionally and physically.
- Rigor, relevance and relationships must be the focus of all programs, learning opportunities and curricular materials.
- Curriculum must be aligned, written, taught and tested.
- Technology is an integrated part of all educational experiences.
- All students, staff and educational leaders are responsible for becoming life long learners.
- The district is dedicated to creating a collaborative culture in which all stakeholders' ideas are valued.
- All employees will present themselves as professional and ethical leaders who share the district's vision, mission, and goals.

District Goals

Reading – One hundred percent of our students will be proficient in reading by 2014.

Math - One hundred percent of our students will be proficient in mathematics by 2014.

Curriculum - Revise, align, implement, and assess the curriculum in all content areas.

Educational Expansion - Research, assess and adopt innovative learning opportunities for all students.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Academic Standards |
| Code | 102 |
| Status | Active |
| Legal | 1. 22 PA Code 4.4 2. 22 PA Code 4.13 3. Pol. 100 4. 22 PA Code 4.3 5. 22 PA Code 4.11 6. 22 PA Code 4.12 |
| Adopted | May 18, 2006 |

Purpose

The Board recognizes that education is a vital function of the state and community. The school community, through the strategic planning process, shall be encouraged to participate in the development of the educational goals and academic standards established for this school district.[1][2][3]

Definition

Academic standards - shall be defined as what a student should know and be able to do at a specified grade level; they shall describe the knowledge and skills students will be expected to demonstrate in order to graduate.[4][5]

Authority

The Board shall establish academic standards for district students to attain, in accordance with those adopted by the State Board of Education, in the following content areas:[6][2]

1. Reading, Writing, Speaking and Listening.
2. Mathematics.
3. Science and Technology.
4. Environment and Ecology.
5. Social Studies - to include history, geography, civics and government, and economics.
6. Arts and Humanities.
7. Career Education and Work.
8. Health, Safety and Physical Education.

9. Family and Consumer Science.

10. World Languages.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Discrimination/Title IX Sexual Harassment Affecting Students |
| Code | 103 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 22 PA Code 12.12. 22 PA Code 12.43. 22 PA Code 15.1 et seq4. 22 PA Code 4.45. 24 P.S. 13016. 24 P.S. 13107. 24 P.S. 1601-C et seq8. 24 P.S. 50049. 43 P.S. 951 et seq10. 20 U.S.C. 1681 et seq11. 34 CFR Part 10612. 29 U.S.C. 79413. 42 U.S.C. 12101 et seq14. 42 U.S.C. 1981 et seq15. 42 U.S.C. 2000d et seq16. U.S. Const. Amend. XIV, Equal Protection Clause17. Pol. 113.118. Pol. 21819. Pol. 23320. Pol. 31721. Pol. 41722. Pol. 51723. Pol. 80624. Pol. 113.225. 20 U.S.C. 1232g26. 34 CFR 106.4427. 34 CFR 106.4528. 34 CFR 106.7129. 34 CFR Part 9930. 34 CFR 106.3031. Pol. 11332. 34 U.S.C. 1229133. 20 U.S.C. 1092 |

34. 34 CFR 106.8
35. Pol. 317.1
18 Pa. C.S.A. 2709
20 U.S.C. 1400 et seq
28 CFR Part 41
28 CFR Part 35
34 CFR Part 100
34 CFR Part 104
34 CFR Part 110
U.S. Const. Amend. I
Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 (2020)
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Office for Civil Rights - Resources for Addressing Racial Harassment
Pol. 122
Pol. 123
Pol. 138
Pol. 216
Pol. 220
Pol. 247
Pol. 249
Pol. 251
Pol. 252
Pol. 320
Pol. 420
Pol. 701
Pol. 815
Pol. 832

Adopted May 18, 2006

Last Revised September 10, 2020

Authority

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

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

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

Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures.[17][18][19][20][21][22]

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

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

Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation

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

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

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.[23]

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

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

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

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

Disciplinary Procedures When Reports Allege Title IX Sexual Harassment

When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in Attachment 3. The district shall

presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.[17][19][24]

When an emergency removal, as described in Attachment 3, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable. [17][18][19][24]

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

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report and the investigation related to any form of discrimination or retaliation, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, this policy, the attachments and the district's legal and investigative obligations.[25][26][27][28][29]

Retaliation

The Board prohibits retaliation by the district or any other person against any person for:[28]

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

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

Definitions

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

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

Discrimination

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

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

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

Definitions Related to Title IX Sexual Harassment

Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints.

The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.[27][30]

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.[30]

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:[30]

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

Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Board policy.[17][24][31]

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:[30]

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.

a. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:[32]

- i. Length of relationship.
- ii. Type of relationship.

iii. Frequency of interaction between the persons involved in the relationship.

- b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[32]
- c. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[33]
- d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:
 - i. Fear for their safety or the safety of others.
 - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.[26][27][30]

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Curriculum Director as the district's Compliance Officer and Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at:[34]

Address: 500 Blackhawk Rd, Beaver Falls, PA 15010

Email: ledonnem@bsd.k12.pa.us

Phone Number: 724-846-6600 ext 1017

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

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

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

Guidelines

Title IX Sexual Harassment Training Requirements

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

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

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

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

Disciplinary Consequences

A student who is determined to be responsible for violation of this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:[17]
[18][19]

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

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[20][21][22][35]

Reports of Discrimination

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

Reports of Title IX Sexual Harassment

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

[103-Attach 1 Report Form.pdf \(161 KB\)](#)

[103-Attach 4 ConfidentialityTemplateLetter.docx \(21 KB\)](#)

[103-Attach 2 Discrimination.docx \(39 KB\)](#)

[103-Attach 3 Title IX.docx \(73 KB\)](#)

**ATTACHMENTS TO
DISCRIMINATION/
TITLE IX
HARASSMENT
AFFECTING
STUDENTS**

**DISCRIMINATION/SEXUAL HARASSMENT/BULLYING/
HAZING/DATING VIOLENCE/RETALIATION
REPORT FORM**

The Board declares it to be the policy of this district to provide a safe, positive learning and working environment that is free from bullying, hazing, dating violence, sexual harassment and other discrimination, and retaliation. If you have experienced, or if you have knowledge of, any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator's contact information is:

Position: _____

Address: _____

Email: _____

Phone Number: _____

Retaliation Prohibited

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against you for filing this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

Confidentiality

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with applicable law, regulations, Board policy, procedures, and the district's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality as long as doing so does not preclude the school from responding effectively to the report. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the district has an obligation to investigate the information provided.

Note: For purposes of Title IX sexual harassment, this Report Form serves initially as an informal report, not a formal complaint of Sexual Harassment under Title IX.

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

I am a:

- Student Parent/Guardian Employee Volunteer Visitor
 Other _____ (please explain relationship to the district)

If you are not the victim of the reported conduct, please identify the alleged victim:

Name: _____

- The alleged victim is: Your Child Another Student A District Employee
 Other: _____ (please explain relationship to the alleged victim)

II. Information About the Person(s) You Believe is/are Responsible for the Bullying, Hazing, Harassing or Other Discrimination You are Reporting

What is/are the name(s) of the individual(s) you believe is/are responsible for the conduct you are reporting?

Name(s):

The reported individual(s) is/are:

- Student(s) Employee(s)
 Other _____ (please explain relationship to the district)

III. Description of the Conduct You are Reporting

In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:

When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report?

Yes No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?

I affirm that the information reported above is true to the best of my knowledge, information and belief.

Signature of Person Making the Report

Date

Received By

Date

FOR OFFICIAL USE ONLY

This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.

The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sexual harassment or if the matter merits review and action under the Code of Student Conduct and/or other Board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports (including those that may be received through the Safe2Say Something program) to assess the report.

Upon receipt of the report, The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures as described in Policy 103 and Attachment 3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

I. Reporter Information:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

Reporter is a:

- Student Parent/Guardian Employee Volunteer Visitor
 Other _____ (please explain relationship to the district)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: _____

- The alleged victim is: Reporter's Child Another Student Another Employee
 Other: _____ (please explain relationship to the alleged victim)

II. Respondent Information

Please state the name(s) of the individual(s) believed to have conducted the reported violation:

Name(s):

The reported respondent(s) is/are:

- Student(s) Employee(s)
- Other _____ (please explain relationship to the district)

III. Level of Report:

- Informal Formal (see additional information below on Title IX formal complaints)

IV. Type of Report:

- Title IX Sexual Harassment Discrimination Retaliation Bullying
- Hazing Dating Violence Other _____

Nature of the Report (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Age |
| <input type="checkbox"/> Color | <input type="checkbox"/> Creed |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Sexual Harassment (Title IX) |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Ancestry |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Pregnancy |
| <input type="checkbox"/> Handicap/Disability | <input type="checkbox"/> Bullying |
| <input type="checkbox"/> Hazing | <input type="checkbox"/> Dating Violence |

V. Reported Conduct

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).

How often did the conduct occur?

Is it being repeated? Yes No

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act?

No.

Yes, please identify the student with a disability and contact the Director of Special Education.

Date Director of Special Education was contacted: _____

How has the conduct affected the alleged victim's ability to fully participate in the school's academic, programs, activities or school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

VI. Safety Concerns

Are there safety concerns that may require Emergency Removal of or Administrative Leave for a respondent? (This requires an individualized safety and risk analysis as to whether there is an immediate threat to the physical health or safety of a student or other individual.)

No.

Yes, please describe:

VII. Other Reports

Has the conduct been reported to the police or any other agency?

No

Yes Date reported: _____ Agency: _____

VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

- Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students
- Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff
- Policy 247. Hazing
- Policy 249. Bullying
- Policy 252. Dating Violence
- Other _____

To meet the definition of Title IX sexual harassment, the conduct must have taken place during a district education program or activity involving a person in the United States. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.

Did the incident occur during a during a school program or activity involving a person in the United States?

Yes

No

To meet the definition of Title IX sexual harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

- A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual harassment.
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
- Sexual assault, dating violence, domestic violence or stalking.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:

- Length of relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Sexual assault means a sexual offense under a state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Stalking means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:

1. Fear for their safety or the safety of others.
2. Suffer substantial emotional distress.

IX. Recommended Course of Action

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

No further action at this time. Reason:

Policy 247. Hazing

Policy 249. Bullying

Policy 252. Dating Violence

Other _____

Policy 103 Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 2
Discrimination Complaint Procedures

- Policy 104 Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 2
Discrimination Complaint Procedures
- Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 3 Title
IX Sexual Harassment Procedures and Grievance Process for Formal Complaints
- Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 3 Title IX
Sexual Harassment Procedures and Grievance Process for Formal Complaints

X. Title IX Information to Complainant

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures?

Upon designating a course of action under Title IX sexual harassment, the Title IX Coordinator will promptly:

1. Explain to the complainant the process for filing a formal complaint.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.
3. The Title IX Coordinator shall contact a student complainant's parents/guardians and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.

If the complainant/reporter, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the report from the complainant's parents/guardians.

4. Determine what supportive measures may be offered to the respondent.
5. Determine whether the complainant wishes this report to be treated as a formal complaint.

XI. Title IX Coordinator Signature

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator: _____

Date: _____

XII. Title IX Formal Complaint Action

The Title IX Coordinator shall have the complainant check the appropriate box and sign and date below to indicate whether or not the complainant wishes to have this form serve as a formal complaint pursuant to Title IX.

I would like my report to be treated as a formal complaint pursuant to Title IX.

Yes

No

Complainant's Signature: _____

Date: _____

If the complainant does not wish this report to be treated as a formal complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. The Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

As Title IX Coordinator, I have determined that, notwithstanding the complainant's preference, it is necessary to proceed with the Grievance Process for Formal Complaints for the following reasons:

Therefore, I am signing this form for the purpose of serving as the formal complaint initiating that process:

Title IX Coordinator's Signature: _____

Date: _____

DISCRIMINATION COMPLAINT PROCEDURES

The Discrimination Complaint Procedures prescribed in this Attachment apply to reports of retaliation or discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability that do not constitute Title IX sexual harassment as defined in the Policy 103.

All reports of discrimination shall be reviewed by the Title IX Coordinator/Compliance Officer upon receipt to determine if the allegations meet the definition and parameters of sexual harassment under Title IX. If the result of this review determines that the allegations fall within the scope of Title IX sexual harassment, then the process set forth in Policy 103 Attachment 3 for Title IX Sexual Harassment shall be followed.

All reports of discrimination and retaliation brought pursuant to the district's discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 103 but merits review and possible action under the Code of Student Conduct and other Board policies. (Pol. 103.1, 218, 247, 249, 252)

Definitions

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

Respondent shall mean an individual who has been reported to be the perpetrator of the alleged conduct.

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

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

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

Retaliation shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report discrimination or harassment, participate in an investigation or other process addressing discrimination or harassment, or act in opposition to discriminatory practices.

Reasonable Accommodations

Throughout the discrimination complaint procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 138, 251, 832, 906)

Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building principal or Title IX Coordinator/Compliance Officer shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 806, 824)

Timeframes

Reasonably prompt timeframes shall be established for completing each step of the discrimination complaint procedures, including timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

PROCEDURES FOR COMPLAINTS OF DISCRIMINATION

Step 1 – Reporting

A student or individual who believes they have been subject to discrimination by any student, employee or third party is encouraged to immediately report the incident to the building principal using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form or by making a general report verbally or in writing to the building principal.

Parents/Guardians of students have the right to act on behalf of the complainant, the respondent, or other individual at any time.

Any person with knowledge of discrimination in violation of Board policy or this procedure is encouraged to immediately report the matter to the building principal.

A school employee who suspects or is notified that a student has been subject to discrimination shall immediately report the incident to the building principal. Additionally, employees who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy. (Pol. 806)

The building principal shall immediately notify the Title IX Coordinator/Compliance Officer of the reported discrimination.

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

The complainant or reporting individual shall be encouraged to use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form, however, complaints shall be accepted in person, by telephone, by mail or email, or by any other means that results in the appropriate individual receiving the individual's verbal or written report. Verbal reports shall be documented using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form, and these procedures shall be implemented.

The Title IX Coordinator/Compliance Officer shall review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form. The Title IX Coordinator/Compliance Officer shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator/Compliance Officer shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator/Compliance Officer shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in this Attachment 2, or if the reported circumstances meet the definition

and parameters of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other applicable Board policies.

If the Title IX Coordinator/Compliance Officer determines that the report should be addressed through the discrimination complaint procedures, the complaint procedures in this Attachment 2 implemented.

When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator/Compliance Officer shall notify the Director of Special Education and coordinate to determine whether additional steps must be taken for the party, while the discrimination complaint procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

Step 2 – Initial Communications/Supports

The complainant shall be informed about the Board's policy on discrimination, including the right to an investigation of both verbal and written reports of discrimination.

The building principal or designee, in consultation with the Title IX Coordinator/Compliance Officer and other appropriate individuals, shall promptly implement appropriate measures to protect the complainant and others as necessary from violation of the policy throughout the course of the investigation.

The building principal or designee may provide to the complainant factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or respondent.

The building principal or designee shall seek to obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18), and inform parents/guardians of the complainant that the complainant may be accompanied by a parent/guardian during all steps of the complaint procedure. When a parent/guardian requests confidentiality and will not consent to the alleged victim's participation in an investigation, the building principal or designee shall explain that the school shall take all reasonable steps to investigate and respond to the complaint consistent with that request for confidentiality as long as doing so does not preclude the school from responding effectively to the discrimination and preventing discrimination that affects other students.

The building principal or Title IX Coordinator/Compliance Officer shall provide relevant information on resources available in addition to the discrimination complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.

Informal Remedies -

At any time after a complaint has been reported, if the Title IX Coordinator/Compliance Officer believes the circumstances are appropriate, the Title IX Coordinator/Compliance Officer may offer the parties involved in the complaint the opportunity to participate in informal remedies to address the reported conduct. Informal remedies can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services, or other measures to support the parties.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal remedies shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation to indicate agreement with the resolution and receive a copy, and forward it to the Title IX Coordinator/Compliance Officer.

The Title IX Coordinator/Compliance Officer shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies, and shall document all appropriate actions.

*If the informal remedies result in the final resolution of the complaint, the following steps are not applicable.

Step 3 – Investigation

The Title IX Coordinator/Compliance Officer shall assess whether the investigation should be conducted by the building principal, another district employee, the Title IX Coordinator/Compliance Officer or an attorney and shall promptly assign the investigation to that individual. When a parent/guardian has requested confidentiality and will not consent to the alleged victim's participation in an investigation, the Title IX Coordinator/Compliance Officer shall provide the parent/guardian with a letter containing information related to the district's legal obligations to conduct an investigation and address violations of Board policy, and any other information appropriate to the specific complaint.

The Title IX Coordinator/Compliance Officer shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination and retaliation issues and Board policy, and how to conduct investigations and draft an investigative report.

The investigator shall work with the Title IX Coordinator/Compliance Officer to assess the anticipated scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation.

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

The investigation may consist of individual interviews with the complainant, the respondent, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator/Compliance Officer, who shall promptly inform law enforcement authorities about the allegations.

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

Step 4 – Investigative Report

The investigator shall prepare and submit a written report to the Title IX Coordinator/Compliance Officer within thirty (30) school days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Title IX Coordinator/Compliance Officer to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The investigative report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated Board Policy 103 and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discrimination or harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of

Board policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

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

Step 5 – District Action

If the investigation results in a finding that some or all of the allegations of the discrimination complaint are founded and constitute a violation of Board policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the district education program or activity. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Title IX Coordinator/Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 103 or these procedures, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary. (Pol. 113.1, 218, 233, 247, 249)

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 317, 317.1)

Appeal Procedure

If the complainant or the respondent is not satisfied with a finding made pursuant to these procedures or with recommended corrective action, they may submit a written appeal to the Title IX Coordinator/Compliance Officer within fifteen (15) school days of receiving notification of the outcome of the investigation. If the Title IX Coordinator/Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.

The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The person handling the appeal shall prepare a written response to the appeal within twenty (20) school days.

Copies of the response shall be provided to the complainant, the respondent and the investigator who conducted the initial investigation.

TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

The Title IX sexual harassment procedures and grievance process for formal complaints prescribed in this attachment apply only when a report includes allegations of sexual harassment subject to Title IX regulations. (34 CFR 106.44, 106.45)

All other reports or complaints of discrimination or retaliation shall follow the complaint procedures established in Policy 103 Attachment 2 regarding discrimination.

[Note: a live hearing process is not required for the grievance process for formal complaints in the K-12 setting. Language on a live hearing process is not included in these procedures, but the district may add language in consultation with the school solicitor.]

Definitions

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the district's Title IX Coordinator or any district official who has the authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school, other than the respondent.

Exculpatory evidence means evidence tending to exonerate the accused or helps to establish their innocence.

Inculpatory evidence means evidence tending to incriminate the accused or indicate their guilt.

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator the complainant or other party during the grievance process. The phrase "**document filed by a complainant**" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

Retaliation shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report conduct that may constitute discrimination or harassment, including Title IX sexual harassment, in accordance with Board policy and procedures, participate in an investigation or other process addressing discrimination or Title IX sexual harassment, or act in opposition to discriminatory practices.

The following actions shall not constitute retaliation:

1. An individual exercising free speech under the rights protected by the First Amendment.

2. The assignment of consequences consistent with Board policy and the Code of Student Conduct when an individual knowingly makes a materially false statement in bad faith in an investigation. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

Supportive measures mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

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

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

Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Board policy. (Pol. 103.1, 113, 113.1, 113.2, 113.3)

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

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.
 - a. **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
 - 1) Length of relationship.
 - 2) Type of relationship.
 - 3) Frequency of interaction between the persons involved in the relationship.
 - b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
 - c. **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
 - d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
 - 1) Fear for their safety or the safety of others.
 - 2) Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment subject to Title IX regulations. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs.

TITLE IX SEXUAL HARASSMENT PROCEDURES

General Response – (with or without a formal complaint)

Any person, whether the alleged victim or not, may report Title IX sexual harassment using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form or by making a general report verbally or in writing to the building principal, or by using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Upon receipt of a report, school staff shall immediately notify the building principal.

A report may be made at any time, including during nonbusiness hours. Verbal reports shall be documented by the Title IX Coordinator or employee receiving the report using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form, and these procedures shall be implemented appropriately.

District staff who become aware of bullying, hazing, harassment or other discrimination affecting a student or staff member shall promptly report it to the building principal.

Parents/Guardians of students have the right to act on behalf of the complainant, the respondent, or other individual at any time.

When the district has actual knowledge of Title IX sexual harassment, the district is required to respond promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

All sexual harassment reports and complaints received by the building principal shall be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator shall use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form to gather additional information from the reporter and/or other parties identified in the report, to determine if the allegations meet the definition and parameters for Title IX sexual harassment.

The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall initially assess whether the reported conduct:

1. Meets the definition of Title IX sexual harassment.
2. Occurred in a district program or activity under the control of the district and against a person in the United States.
3. Involves other Board policies or the Code of Student Conduct.
4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. (Pol. 103.1, 113)

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under the Code of Student Conduct and other Board policies or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations. (Pol. 103, 103.1, 113.1, 218, 247, 249, 252, 317, 317.1)

If the result of the initial assessment determines that the allegations may constitute Title IX sexual harassment, the Title IX Coordinator shall promptly explain to the complainant the process for filing a formal complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.

The Title IX Coordinator shall contact the parents/guardians and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.

If the complainant, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the report from the complainant's parents/guardians.

The Title IX Coordinator shall also determine what supportive measures may be offered to the respondent.

If either party is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Director of Special Education to coordinate the required actions in accordance with Board policy. (Pol. 113, 113.1, 113.2, 113.3)

Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.4, 216)

1. Individuals making a report or formal complaint.
2. Complainant(s).
3. Respondent(s).
4. Witnesses.

The district shall treat complainants and respondents equitably by:

1. Offering supportive measures to the complainant and may offer such measures to the respondent.
2. Following the grievance process for formal complaints before imposing disciplinary sanctions or other actions that are not supportive measures on the respondent.

Disciplinary Procedures When Reports Allege Title IX Sexual Harassment -

When reports allege Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.

When an emergency removal, as described below, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable. (Pol. 113.1, 113.2, 113.3, 233)

When an emergency removal is not required, disciplinary sanctions will be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable. (Pol. 113.1, 113.2, 218, 233)

Supportive Measures -

All supportive measures provided by the district shall remain confidential, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. (34 CFR 106.44)

When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Director of Special Education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, FBA or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

Reasonable Accommodations –

Throughout the Title IX sexual harassment procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 138, 251, 832)

Emergency Removal –

If the district has determined, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of any student or other individual due to the allegations of Title IX sexual harassment, the respondent may be removed from the district's education program or activity or moved to an alternative setting, consistent with all rights under federal and state laws and regulations, and Board policy, including but not limited to the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. If the respondent is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Director of Special Education to coordinate the required actions in accordance with Board policy. The respondent shall be provided with notice and provided an opportunity for due process, in accordance with law, regulations and Board policy. When expulsion is necessary because continuation of educational services is not feasible, the Board's written adjudication of expulsion shall address the pending Title IX process and the impact of the outcome of the Title IX process on a student's emergency removal status. (20 U.S.C. Sec. 1400 et seq. ; 29 U.S.C. Sec. 794 ; 42 U.S.C. Sec. 12101 et seq. ; 34 CFR 106.44 ; Pol. 103.1, 113.1, 233)

Administrative Leave -

When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis.

An accused nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with

state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract. (29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12101 et seq., 34 CFR 106.44, Pol. 317)

Required Reporting Under Other Policies -

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 806, 824)

Timeframes

Reasonably prompt timeframes shall be established for the conclusion of the grievance process for formal complaints, including timeframes for the informal resolution process and timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party, a party's advisor or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

Redirection or Dismissal of Title IX Formal Complaints

Formal complaints may be dismissed, if at any time during the investigation or written determination steps described below:

1. A complainant provides written notification of withdrawal of any allegations or of the formal complaint.
2. The respondent is no longer enrolled or employed by the district in a district program or activity.
3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Only alleged conduct that occurred in the district's education program or activity, and against a person in the United States, may qualify as Title IX sexual harassment within the district's jurisdiction. If it is determined during the investigation or written determination steps below that

none of the allegations, if true, would meet the definition and parameters of Title IX sexual harassment within the district's jurisdiction, the Title IX Coordinator shall dismiss the formal complaint under Title IX. If the matter merits review and possible action under the Code of Student Conduct and other Board policies or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations.

Written notification shall be promptly issued to the parties simultaneously of any allegations found not to qualify or that are dismissed in compliance with Title IX. Written notification shall state whether the allegations will continue to be addressed pursuant to the Code of Student Conduct and other Board policies or Attachment 2 addressing Discrimination Complaints.

A dismissal may be appealed via the appeal procedures set forth in this Attachment.

Consolidation of Title IX Formal Complaints

The district may consolidate formal complaints against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

Step 1 – Formal Complaint

The district is required to initiate the grievance process for formal complaints when a complainant or the complainant's parent/guardian files a formal complaint. The Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are not a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. Only the Title IX Coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

The complainant or the Title IX Coordinator shall use the designated section of the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form to file or sign a formal complaint.

The Title IX Coordinator shall assess whether the investigation should be conducted by the building principal, another district employee, the Title IX Coordinator or an attorney and shall promptly assign the investigation to that individual.

The Title IX Coordinator, investigator, decision-maker, or any individual designated to facilitate the informal resolution process, each must have completed the required training for such roles as designated in Board policy and shall not have a conflict of interest or bias for or against an individual complainant or respondent, or for or against complainants or respondents in general.

The respondent shall be presumed not responsible for the alleged conduct until a written determination regarding responsibility has been made at the conclusion of the grievance process for formal complaints.

Notice Requirements -

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, and the parents/guardians of known parties, where applicable, providing the following information:

1. Notice of the district's grievance process for formal complaints and any informal resolution process that may be available.
2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - a. The identity of the parties involved, if known.
 - b. The conduct allegedly constituting sexual harassment.
 - c. The date and location of the alleged incident(s), if known.
3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for formal complaints and, until that time, the respondent is presumed not responsible for the alleged conduct.
4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.
5. Notice that Board policy and the district's Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints.
6. Notice to all known parties of any additional allegations that the district decides to investigate during the course of the investigation.

Step 2 – Informal Resolution Process

[Note: The informal resolution process cannot be offered or used to facilitate a resolution for any formal complaint where the allegations state that an employee sexually harassed a student.]

At any time after a formal complaint has been filed, but prior to reaching a determination of responsibility, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process, which does not involve a full investigation and adjudication of the Title IX sexual harassment complaint.

The district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal Title IX sexual harassment complaints. Similarly, a district may not require the parties to participate in an informal resolution process.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, restorative practices, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services, or supportive measures.

When offering an informal resolution process, the Title IX Coordinator shall:

1. Provide the parties a written notice disclosing the following:
 - a. The allegations.
 - b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process for formal complaints.
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties shall be informed of the rights being waived by agreeing to the informal resolution process, and shall acknowledge such agreement in writing.
3. The informal resolution process shall be conducted within twenty (20) school days of the parties' signed agreement for the informal resolution process.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal resolution process shall document the nature of the complaint and the proposed

resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within twenty (20) school days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator shall document the informal resolution process, responses from all parties, and an explanation of why the district's response was not deliberately indifferent to the reported complaint of sexual harassment.

***If Step 2 Informal Resolution Process results in the final resolution of the complaint, the following steps are not applicable.**

Step 3 – Investigation

The designated investigator, if other than the Title IX Coordinator, shall work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation. The investigation stage shall be concluded within thirty (30) school days.

When investigating a formal complaint, the investigator shall:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the district obtains the voluntary, written consent of the party, or the party's parent/guardian when legally required, the district cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party. (Pol. 113.4, 207, 209, 216, Safe2Say Something Procedures)
2. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The district may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.
6. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to

prepare to participate:

- a. Date.
 - b. Time.
 - c. Location.
 - d. Participants.
 - e. Purpose of all investigative interviews or other meetings.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the district does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

If at any point the investigation expands to include additional allegations that were not included in the initial notice provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX Coordinator. The Title IX Coordinator shall provide written notice of the new allegations to the known parties.

Prior to the completion of the investigative report, the investigator shall:

1. Send to each party and the party's advisor, if any, the evidence subject to inspection and review in electronic or hard copy format.
2. Provide the parties at least ten (10) school days following receipt of the evidence to submit a written response.
3. Consider the written response prior to drafting the investigative report.

The investigator shall draft an investigative report that fairly summarizes relevant evidence and shall provide the investigative report to all parties and to the designated decision-maker.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator, who shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Board policy. (Pol. 218, 317.1, 806)

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

child protective services investigation and the reason for such delay shall be documented by the investigator.

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX sexual harassment may be identified as part of the same incident or set of circumstances. The fact that there may be Title IX sexual harassment involved does not preclude the district from addressing other identified violations of the Code of Student Conduct or Board policy. If such other conduct is being investigated and addressed together with Title IX sexual harassment as part of the Title IX grievance process for formal complaints, disciplinary action normally should not be imposed until the completion of the Title IX grievance process for formal complaints. A decision whether and when to take such action should be made in consultation with the school solicitor.

Step 4 – Written Determination and District Action

Designation of Decision-Maker -

To avoid any conflict of interest or bias, the decision-maker cannot be the same person as the Title IX Coordinator or the investigator. The responsibility as the decision-maker for complaints of Title IX sexual harassment shall generally be designated to the Superintendent or designee.

If the Superintendent or designee has a conflict of interest or is a party in the formal complaint process, they shall disclose the conflict and the Title IX Coordinator shall designate another individual to serve as the decision-maker.

Written Determination Submissions -

A written determination of responsibility (written determination) must not be finalized less than ten (10) days after the investigator completes the investigative report and provides it to all parties. Before the decision-maker reaches a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party.

Relevant questions for a party or witness must be submitted by each party within five (5) school days following receipt of the investigative report. Follow-up questions must be submitted by each party within five (5) school days of being provided the answers to the initial questions.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as part of the follow-up questions and responses, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The decision-maker shall explain to the party proposing the questions about any decision to exclude a question as not relevant.

Written Determination -

The decision-maker must issue a written determination for the conduct alleged in formal complaints. To reach this determination, the decision-maker shall apply the preponderance of the evidence standard, meaning that the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.

In considering evidence, the decision-maker shall ensure credibility determinations are not based on an individual's status as a complainant, respondent or witness.

After considering all relevant evidence, the decision-maker shall issue a written determination that includes:

1. Identification of the allegations potentially constituting Title IX sexual harassment.
2. A description of the procedural steps taken from the receipt or signing of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the district's Code of Student Conduct or Board policies to the facts.
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. Determination regarding responsibility.
 - b. Disciplinary sanctions.
 - c. Remedies designed to restore or preserve equal access to the district's education program or activity that will be provided by the district to the complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the respondent.
6. The procedures, deadline and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination becomes final either:

1. On the date that the district provides the parties with the written decision of the result of the appeal, if an appeal is filed;

2. Or, if an appeal is not filed, on the date on which an appeal would no longer be considered timely, in accordance with the timeframe established for appeals in this Attachment.

The Title IX Coordinator shall be responsible to ensure that any remedies are implemented by the appropriate district officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities. (Pol. 113.1, 218, 233, 317, 317.1)

Appeal Process

Districts must offer both parties the right to appeal a determination of responsibility and the right to appeal the district's dismissal of a Title IX formal complaint or any allegation in the Title IX formal complaint. The scope of appeals related to Title IX sexual harassment are limited to the following reasons for appeal as stated in the Title IX regulations:

1. A procedural irregularity that affected the outcome of the matter.
2. New evidence that that could affect the outcome was not reasonably available at the time the decision to dismiss or determination of responsibility was made.
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the individual complainant or respondent or for or against complainants or respondents generally that affected the outcome of the matter.

Written notice of a party's appeal shall be submitted to the Title IX Coordinator within ten (10) school days after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

The Title IX Coordinator shall ensure that the designated appeal authority is not the same person as the decision-maker that reached the determination, the investigator, or the Title IX Coordinator. The designated appeal authority shall be the: District solicitor or outside counsel.

For all appeals, the designated appeal authority shall:

1. Provide written notice to the other party when notice of an appeal is filed and implement appeal procedures equally for both parties.
2. Provide both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal. Supporting statements shall describe in detail as applicable the procedural irregularities asserted to have affected the outcome of the determination, the nature of any new evidence asserted to have affected the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If evidence exists supporting the basis for appeal, it

shall accompany the supporting statement, or it shall identify where such evidence may be found.

Supporting statements must be submitted to the appeal authority and provided to the other party within ten (10) school days of the written notice of appeal.

Statements in opposition to the appeal shall be submitted within five (5) school days of the submission of supporting statements. If a statement in opposition to an appeal refers to any evidence beyond what is described in a supporting statement, it shall accompany the statement in opposition, or it shall identify where such evidence may be found.

The appeal authority may accept and consider evidence in support of or in opposition to an appeal in making any conclusions necessary to deciding the appeal. Alternatively, when the appeal authority determines that factors exist making it necessary for the decision-maker to further develop the evidentiary record relevant to the basis for appeal, the appeal authority may return the matter to the decision-maker for that limited purpose.

3. Determine whether the appeal meets the grounds for permitted reasons for appeal and justifies modifying the written determination.
4. Issue a written decision setting forth the respects, if any, in which the written determination is modified and the rationale for the result within twenty (20) school days.
5. Provide the written decision simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX Coordinator.

Recordkeeping

The district shall maintain the following records for a period of a minimum of seven (7) years after conclusion of procedures and implementation of disciplinary sanctions and/or remedies, or in the case of a complainant or respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation:

1. Each Title IX sexual harassment investigation, including any written determination and any audio or audiovisual recording or transcript, and disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity.
2. Any appeal and the result.
3. Any informal resolution and the result.
4. All materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process.
5. Records of any district actions, including any supportive measures, taken in response to a report or formal complaint of Title IX sexual harassment. In each instance, the district shall

document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity. If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

Template for Letter Documenting Parental Objection to Child's Participation in an Investigation

NOTE: THIS DOCUMENT SERVES AS A TEMPLATE ONLY AND HAS TO BE MODIFIED BY THE SCHOOL ENTITY PRIOR TO USE. THE DOCUMENT CANNOT BE USED IN ITS CURRENT FORM.

[DISTRICT LETTERHEAD]

ADDRESSED TO: Alleged Victim's Parents/Guardians

RE: Report of discrimination made on [DATE] on behalf of [STUDENT]

Dear _____:

On [DATE] you met with [NAME OF: BUILDING PRINCIPAL, COMPLIANCE OFFICER, TITLE IX COORDINATOR] to discuss an alleged violation of [SCHOOL DISTRICT'S] Policy No. 103, prohibiting Title IX sexual harassment and other discrimination affecting students. The allegations involved ***[VERY BRIEF DESCRIPTION OF INCIDENT OR GENERAL INCIDENTS WITHOUT NAMING NAMES, e.g. that a fellow student reported a teacher in the high school inappropriately texted your child suggesting they have dinner together; that your student reported a classmate in math class has been touching their thigh every day and talking about how cute they are, making them uncomfortable; that a custodian reported hearing an identified group of students use racial slurs against your child; that your child reported to you that a teacher criticized your family's religion as being terroristic, etc.]***

In this discussion, you stated that you wish to maintain confidentiality and do not consent to [STUDENT'S] participation in an investigation. Because the district has a legal obligation to address potential violations of Policy 103, the district will conduct an investigation and maintain confidentiality to the extent this is consistent with the district's obligations to address and prevent violations of this policy. Any violations of policy which may be uncovered through this investigation will be addressed. The [SCHOOL DISTRICT] prohibits retaliation against any individual who has made a complaint, and alleged victims or individuals who participate in related investigations. If at any time you wish to withdraw your request for confidentiality and have your child participate in the investigation, please notify me immediately. If at any time your child believes there have been additional violations of Policy 103, including any retaliatory behavior, please contact me at your earliest convenience to permit the district to properly address such matters. This will be treated as a new complaint with a new opportunity to determine your child's participation.

Feel free to contact me with any questions. My contact information is:

Sincerely,

Title IX Coordinator



Blackhawk
School District

| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Discrimination/Title IX Sexual Harassment Affecting Staff |
| Code | 104 |
| Status | Active |

Legal

1. 43 P.S. 336.3
2. 43 P.S. 951 et seq
3. 34 CFR Part 106
4. 20 U.S.C. 1681 et seq
5. 29 U.S.C. 206
6. 29 U.S.C. 621 et seq
7. 29 U.S.C. 794
8. 42 U.S.C. 1981 et seq
9. 42 U.S.C. 2000e et seq
10. 42 U.S.C. 2000ff et seq
11. 42 U.S.C. 12101 et seq
12. U.S. Const. Amend. XIV, Equal Protection Clause
13. 20 U.S.C. 1232g
14. 34 CFR 106.44
15. 34 CFR 106.45
16. 34 CFR 106.71
17. 34 CFR Part 99
18. 34 CFR 106.30
19. 34 U.S.C. 12291
20. 20 U.S.C. 1092
21. 34 CFR 106.8
22. Pol. 317
23. Pol. 317.1
24. Pol. 417
25. Pol. 517
26. Pol. 806
27. Pol. 824
- 16 PA Code 44.1 et seq
- 18 Pa. C.S.A. 2709
- 28 CFR 35.140
- 28 CFR Part 41
- 29 CFR Parts 1600-1691
- EEOC Enforcement Guidance on Harris v. Forklift Sys., Inc., November 9, 1993
- EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 18, 1999
- EEOC Policy Guidance on Current Issues of Sexual Harassment, March 19, 1990
- Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998)
- Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
- Pol. 320
- Pol. 420
- Pol. 815
- Pol. 832

Adopted

May 18, 2006

Last Revised

September 10, 2020

Authority

The Board declares it to be the policy of this district to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy or handicap/disability. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.[1][2][3][4][5][6][7][8][9][10][11][12]

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

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

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

Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation

The Board encourages employees and third parties who believe they or others have been subject to Title IX sexual harassment, other discrimination or retaliation to promptly report such incidents to the building principal or building administrator. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.

If the building principal or building administrator is the subject of a complaint, the complainant or the individual making the report shall direct the report of the incident to the Title IX Coordinator.

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

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

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

Disciplinary Procedures when Reports Allege Title IX Sexual Harassment

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

Administrative Leave –

When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis.

An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report, and the investigation related to any form of discrimination or retaliation, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, this policy, the attachments and the district's legal and investigative obligations.[13][14][15][16][17]

Retaliation

The Board prohibits retaliation by the district or any other person against any person for:[16]

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

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

Definitions

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

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

Discrimination

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

Harassment is a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related work performance, including when:[9]

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or
2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or
3. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at

work or otherwise creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions.

Definitions Related to Title IX Sexual Harassment

Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.[15][18]

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.[18]

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:[18]

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

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:[18]

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.

a. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:[19]

- i. Length of relationship.
- ii. Type of relationship.
- iii. Frequency of interaction between the persons involved in the relationship.

- b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[19]
- c. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[20]
- d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:
 - i. Fear for their safety or the safety of others.
 - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.[14][15][18]

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Curriculum Director as the district's Compliance Officer and Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at:[21]

Address: 500 Blackhawk Rd, Beaver Falls, PA 15010

Email: ledonnem@bsd.k12.pa.us

Phone Number: 724-846-6600 ext 1017

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

1. Review - Review of personnel practices and actions for discriminatory bias and compliance with laws against discrimination to include monitoring and recommending corrective measures when appropriate to written position qualifications, job descriptions and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; district designed performance evaluations; review of planned employee demotions, non-renewal of contracts, and proposed employee disciplinary actions up to and including termination.
2. Training - Provide training for supervisors and staff to prevent, identify and alleviate problems of employment discrimination.
3. Resources - Maintain and provide information to staff on resources available to alleged victims in addition to the school complaint procedure or Title IX procedures, such as making reports to the police, and available supportive measures such as assistance from domestic violence or rape crisis programs, and community health resources including counseling resources.
4. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing informal reports and formal complaints.

Guidelines

Title IX Sexual Harassment Training Requirements

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

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

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

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

Disciplinary Consequences

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Board policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[22][23][24][25][26][27]

Reports of Discrimination

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

Reports of Title IX Sexual Harassment

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

104-Attach 1 Report Form.pdf (170 KB)

104-Attach 2 Discrimination.docx (39 KB)

104-Attach 3 Title IX.docx (71 KB)

**ATTACHMENTS TO
DISCRIMINATION/
TITLE IX SEXUAL
HARASSMENT
AFFECTING STAFF**

**DISCRIMINATION/SEXUAL HARASSMENT/RETALIATION
REPORT FORM**

The Board declares it to be the policy of this district to provide a safe, positive learning and working environment that is free from sexual harassment, other discrimination and retaliation. If you have experienced, or if you have knowledge of, any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator's contact information is:

Position:

Address:

Email:

Phone Number:

Retaliation Prohibited

The district, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against you for making this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

Confidentiality

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with Board policy, procedures, and the district's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality as long as doing so does not preclude the school from responding effectively to the report. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the district has an obligation to investigate the information provided.

Note: For purposes of Title IX sexual harassment, this Report Form serves initially as an informal report, not a formal complaint of Sexual Harassment under Title IX.

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

Assigned School Building(s):

I am a:

Employee Volunteer Visitor

Other _____ (please explain relationship to the district)

If you are not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is:

Another Employee Student

Other: _____ (please explain relationship to the alleged victim)

II. Information About the Person(s) You Believe is/are Responsible for the Harassment, Retaliation or Other Discrimination You are Reporting

What is/are the name(s) of the individual(s) you believe is/are responsible for the conduct you are reporting?

Name(s):

The reported individual(s) is/are:

Student(s) Employee(s)

Other _____ (please explain relationship to the district)

III. Description of the Conduct You are Reporting

In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:

When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report?

Yes No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?

I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge. I understand that any false information provided herein is subject to penalties contained in 18 Pa. C.S.A. Sec. 4904, relating to unsworn falsification to authorities.

Signature of Person Making the Report

Date

Received By

Date

FOR OFFICIAL USE ONLY

This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.

The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sexual harassment or if the matter merits review and action under other Board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports (including those that may be received through the Safe2Say Something program) to assess the report.

Upon receipt of the report, The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures as described in Policy 104 and Attachment 3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

I. Reporter Information:

Name: _____

Address: _____

Phone Number: _____

Assigned School Building(s):

Reporter is a:

Employee Volunteer Visitor

Other _____ (please explain relationship to the district)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: _____

The alleged victim is:

Another Employee Student

Other: _____ (please explain relationship to the alleged victim)

II. Respondent Information

Please provide the name(s) of the individual(s) believed to have conducted the reported violation:

Name(s):

The reported respondent(s) is/are:

- Student(s) Employee(s)
- Other _____ (please explain relationship to the district)

III. Level of Report:

- Informal Formal (see additional information below on Title IX formal complaints)

IV. Type of Report:

- Title IX Sexual Harassment Discrimination Retaliation Other _____

Nature of the Report (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Age |
| <input type="checkbox"/> Color | <input type="checkbox"/> Creed |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Ancestry |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Pregnancy |
| <input type="checkbox"/> Handicap/Disability | <input type="checkbox"/> Genetic Information |

V. Reported Conduct

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).

How often did the conduct occur?

Is it being repeated? Yes No

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act?

No.

Yes, please identify the student with a disability and contact the Director of Special Education.

Date Director of Special Education was contacted: _____

How has the conduct affected the alleged victim's ability to fully participate in the school's programs or activities in the course of school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

VI. Safety Concerns

Are there safety concerns that may require Emergency Removal or Administrative Leave of a respondent? (This requires an individualized safety and risk analysis as to whether there is an immediate threat to the physical health or safety of an individual.)

No.

Yes, please describe:

VII. Other Reports

Has the conduct been reported to the police or any other agency?

No

Yes Date reported: _____ Agency: _____

VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students

Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff

Other _____

To meet the definition of Title IX sexual harassment, the conduct must have taken place during a district education program or activity involving a person in the United States. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.

Did the incident occur during a school program or activity involving a person in the United States?

Yes

No

To meet the definition of Title IX sexual harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual harassment.

Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.

Sexual assault, dating violence, domestic violence or stalking.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:

- Length of relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Sexual assault means a sexual offense under a state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Stalking means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:

1. Fear for their safety or the safety of others.
2. Suffer substantial emotional distress.

IX. Recommended Course of Action

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

- No further action at this time. Reason:
- Policy 104 Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 2
Discrimination Complaint Procedures
- Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 3 Title IX
Sexual Harassment Procedures and Grievance Process for Formal Complaints
- Other _____

X. Title IX Information to Complainant

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures?

Upon designating a course of action under Title IX sexual harassment, the Title IX Coordinator will promptly:

1. Explain to the complainant the process for filing a formal complaint.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.
3. Determine what supportive measures may be offered to the respondent.
4. Determine whether the complainant wishes this report to be treated as a formal complaint.

XI. Title IX Coordinator Signature

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator: _____

Date: _____

XII. Title IX Formal Complaint Action

The Title IX Coordinator shall have the complainant check the appropriate box and sign and date below to indicate whether or not the complainant wishes to have this form serve as a formal complaint pursuant to Title IX.

I would like my report to be treated as a formal complaint of sexual harassment pursuant to Title IX.

Yes No

Complainant's Signature: _____

Date: _____

If the complainant does not wish this report to be treated as a formal complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether instead a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is a supervisor, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. The Title IX Coordinator may consult with the school solicitor and other district official in making this decision.

As Title IX Coordinator, I have determined that, notwithstanding the complainant's preference, it is necessary to proceed with the Grievance Process for Formal Complaints for the following reasons:

Therefore, I am signing this form for the purpose of serving as the formal complaint initiating that process:

Title IX Coordinator's Signature: _____

Date: _____

DISCRIMINATION COMPLAINT PROCEDURES

The Discrimination Complaint Procedures prescribed in this Attachment apply to reports of retaliation or discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability that do not constitute Title IX sexual harassment as defined in Policy 104.

All reports of discrimination shall be reviewed by the Title IX Coordinator/Compliance Officer upon receipt to determine if the allegations meet the definition and parameters of sexual harassment under Title IX. If the result of this review determines that the allegations fall within the scope of Title IX sexual harassment, then the process set forth in Policy 104 Attachment 3 for Title IX Sexual Harassment shall be followed.

All reports of discrimination and retaliation brought pursuant to the district's discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 104 but merits review and possible action under other Board policies or the Code of Student Conduct for students. (Pol. 103.1, 218,317)

Definitions

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

Respondent shall mean an individual who has been reported to be the perpetrator of the alleged conduct.

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

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

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or
2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or

3. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile, or offensive working environment such that it alters the complainant's working conditions.

Retaliation shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report discrimination or harassment, participate in an investigation or other process addressing discrimination or harassment, or act in opposition to discriminatory practices.

Reasonable Accommodations

Throughout the discrimination complaint procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 104, 113, 832, 906)

Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building principal, building administrator or Title IX Coordinator/Compliance Officer shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 805.1, 806, 824)

Timeframes

Reasonably prompt timeframes shall be established for completing each step of the discrimination complaint procedures, including timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

PROCEDURES FOR COMPLAINTS OF DISCRIMINATION

Step 1 – Reporting

An employee or individual who believes they have been subject to discrimination by any district student, employee or third party is encouraged to immediately report the incident to the building principal using the Discrimination/Sexual Harassment/Retaliation Report Form or by making a general report verbally or in writing to the building principal or building administrator. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.

If a student is identified as a party in the report, parents/guardians have the right to act on behalf of the student at any time.

Any person with knowledge of discrimination in violation of Board policy or this procedure is encouraged to immediately report the matter to the building principal or building administrator.

The building principal or building administrator shall immediately notify the Title IX Coordinator/Compliance Officer of the reported discrimination.

If the building principal or building administrator is the subject of a complaint, the person making the report shall report the incident directly to the Title IX Coordinator/Compliance Officer.

The complainant or reporting individual shall be encouraged to use the Discrimination/Sexual Harassment/Retaliation Report Form, however, complaints shall be accepted in person, by telephone, by mail or email, or by any other means that results in the appropriate individual receiving the individual's verbal or written report. Verbal reports shall be documented using the Discrimination/Sexual Harassment/Retaliation Report Form, and these procedures shall be implemented.

The Title IX Coordinator/Compliance Officer shall review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the Discrimination/Sexual Harassment/Retaliation Report Form. The Title IX Coordinator/Compliance Officer shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator/Compliance Officer shall consider the complainant's wishes with respect to supportive measures.

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

If the Title IX Coordinator/Compliance Officer determines that the report should be addressed through the discrimination complaint procedures, the complaint procedures in this Attachment 2 implemented.

When a party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator/Compliance Officer shall notify the Director of Special Education and coordinate to determine whether additional steps must be taken for the party, while the discrimination complaint procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

Step 2 – Initial Communications/Supports

The complainant shall be informed about the Board's policy on discrimination, including the right to an investigation of both verbal and written reports of discrimination.

The building principal, building administrator or designee, in consultation with the Title IX Coordinator/Compliance Officer and other appropriate individuals, shall promptly implement appropriate measures to protect the complainant and others as necessary from violation of the policy throughout the course of the investigation.

The building principal, building administrator or designee may provide to the complainant factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or respondent.

The building principal or Title IX Coordinator/Compliance Officer shall provide relevant information on resources available in addition to the discrimination complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.

Informal Remedies -

At any time after a complaint has been reported, if the Title IX Coordinator/Compliance Officer believes the circumstances are appropriate, the Title IX Coordinator/Compliance Officer may offer the parties involved in the complaint the opportunity to participate in informal remedies to address the reported conduct. Informal remedies can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services such as an Employee Assistance Program, or other measures to support the parties.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal remedies shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation to indicate agreement with the resolution and receive a copy, and forward it to the Title IX Coordinator/Compliance Officer.

The Title IX Coordinator/Compliance Officer shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies, and shall document all appropriate actions.

*If the informal remedies result in the final resolution of the complaint, the following steps are not applicable.

Step 3 – Investigation

The Title IX Coordinator/Compliance Officer shall assess whether the investigation should be conducted by the building principal, building administrator another district employee, the Title IX Coordinator/Compliance Officer or an attorney and shall promptly assign the investigation to that individual.

The Title IX Coordinator/Compliance Officer shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination and retaliation issues and Board policy, and how to conduct investigations and draft an investigative report.

The investigator shall work with the Title IX Coordinator/Compliance Officer to assess the anticipated scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation.

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

The investigation may consist of individual interviews with the complainant, the respondent, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians, if applicable, and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator/Compliance Officer, who shall promptly inform law enforcement authorities about the allegations.

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

Step 4 – Investigative Report

The investigator shall prepare and submit a written report to the Title IX Coordinator/Compliance Officer within thirty (30) school days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Title IX Coordinator/Compliance Officer to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The investigative report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated Board Policy 104 and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discrimination or harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of Board policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

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

Step 5 – District Action

If the investigation results in a finding that some or all of the allegations of the discrimination complaint are founded and constitute a violation of Board policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the

district education program or activity. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Title IX Coordinator/Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 104 or these procedures, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary. (Pol. 113.1, 218, 233,317)

Disciplinary actions shall be consistent with Board policies and administrative regulations, the Code of Student Conduct for students, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 317, 317.1)

Appeal Procedure

If the complainant or the respondent is not satisfied with a finding made pursuant to these procedures or with recommended corrective action, they may submit a written appeal to the Title IX Coordinator/Compliance Officer within fifteen (15) school days of receiving notification of the outcome of the investigation. If the Title IX Coordinator/Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.

The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The person handling the appeal shall prepare a written response to the appeal within twenty (20) school days.

Copies of the response shall be provided to the complainant, the respondent and the investigator who conducted the initial investigation.

TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

The Title IX sexual harassment procedures and grievance process for formal complaints prescribed in this attachment apply only when a report includes allegations of sexual harassment subject to Title IX regulations. (34 CFR 106.44, 106.45)

All other reports or complaints of discrimination or retaliation shall follow the complaint procedures established in Policy 104 Attachment 2 regarding discrimination.

[Note: a live hearing process is not required for the grievance process for formal complaints in the K-12 setting. Language on a live hearing process is not included in these procedures, but the district may add language in consultation with the school solicitor.]

Definitions

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the district's Title IX Coordinator or any district official who has the authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school, other than the respondent.

Exculpatory evidence means evidence tending to exonerate the accused or helps to establish their innocence.

Inculpatory evidence means evidence tending to incriminate the accused or indicate their guilt.

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the district investigate the allegation. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator the complainant or other party during the grievance process. The phrase "**document filed by a complainant**" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

Retaliation shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report conduct that may constitute discrimination or harassment, including Title IX sexual harassment, in accordance with Board policy and procedures, participate in an investigation or other process addressing discrimination or Title IX sexual harassment, or act in opposition to discriminatory practices.

The following actions shall not constitute retaliation:

1. An individual exercising free speech under the rights protected by the First Amendment.

2. The assignment of consequences consistent with Board policy when an individual knowingly makes a materially false statement in bad faith in an investigation. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

Supportive measures mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

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

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

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

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a district education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.
 - a. **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
 - 1) Length of relationship.
 - 2) Type of relationship.
 - 3) Frequency of interaction between the persons involved in the relationship.
 - b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
 - c. **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
 - d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
 - 1) Fear for their safety or the safety of others.
 - 2) Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment subject to Title IX regulations. An **education program or activity** includes the locations, events or circumstances over which the district exercises substantial control over both the respondent and the context in which the harassment occurs.

TITLE IX SEXUAL HARASSMENT PROCEDURES

General Response – (with or without a formal complaint)

Any person, whether the alleged victim or not, may report Title IX sexual harassment using the Discrimination/Sexual Harassment/Retaliation Report Form or by making a general report verbally or in writing to the building principal or building administrator, or by using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Upon receipt of a report, school staff shall immediately notify the building principal or building administrator.

A report may be made at any time, including during nonbusiness hours. Verbal reports shall be documented by the Title IX Coordinator or employee receiving the report using the Discrimination/Sexual Harassment/Retaliation Report Form, and these procedures shall be implemented appropriately.

District staff who become aware of harassment or other discrimination affecting a staff member shall promptly report it to the building principal or building administrator.

If a student is identified as a party in the report, parents/guardians have the right to act on behalf of the student at any time.

When the district has actual knowledge of Title IX sexual harassment, the district is required to respond promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

All sexual harassment reports and complaints received by the building principal or building administrator shall be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator shall use the Discrimination/Sexual Harassment/Retaliation Report Form to gather additional information from the reporter and/or other parties identified in the report, to determine if the allegations meet the definition and parameters for Title IX sexual harassment.

The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall initially assess whether the reported conduct:

1. Meets the definition of Title IX sexual harassment.
2. Occurred in a district program or activity under the control of the district and against a person in the United States.

3. Involves other Board policies or the Code of Student Conduct.
4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. (Pol. 103.1, 113)

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under other Board policies, the Code of Student Conduct or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations. (Pol. 103, 103.1, 113.1, 218, 317, 317.1)

If the result of the initial assessment determines that the allegations may constitute Title IX sexual harassment, the Title IX Coordinator shall promptly explain to the complainant the process for filing a formal complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.

The Title IX Coordinator shall also determine what supportive measures may be offered to the respondent.

If any party is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Director of Special Education to coordinate the required actions in accordance with Board policy. (Pol. 113, 113.1, 113.2, 113.3)

Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.4, 216, 324)

1. Individuals making a report or formal complaint.
2. Complainant(s).
3. Respondent(s).
4. Witnesses.

The district shall treat complainants and respondents equitably by:

1. Offering supportive measures to the complainant and may offer such measures to the respondent.
2. Following the grievance process for formal complaints before imposing disciplinary sanctions or other actions that are not supportive measures on the respondent.

Supportive Measures -

All supportive measures provided by the district shall remain confidential, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. (34 CFR 106.44)

When a party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Director of Special Education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

Reasonable Accommodations –

Throughout the Title IX sexual harassment procedures, the district shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 104, 113, 832, 906)

Employee Disciplinary Procedures When Reports Allege Title IX Sexual Harassment -

When reports allege Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints. The district shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints.

Administrative Leave –

When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis.

An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.

Required Reporting Under Other Policies -

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 317.1, 805.1, 806, 824)

Timeframes

Reasonably prompt timeframes shall be established for the conclusion of the grievance process for formal complaints, including timeframes for the informal resolution process and timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party, a party's advisor or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

Redirection or Dismissal of Title IX Formal Complaints

Formal complaints may be dismissed, if at any time during the investigation or written determination steps described below:

1. A complainant provides written notification of withdrawal of any allegations or of the formal complaint.
2. The respondent is no longer enrolled or employed by the district in a district program or activity.
3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Only alleged conduct that occurred in the district's education program or activity, and against a person in the United States, may qualify as Title IX sexual harassment within the district's jurisdiction. If it is determined during the investigation or written determination steps below that none of the allegations, if true, would meet the definition and parameters of Title IX sexual harassment within the district's jurisdiction, the Title IX Coordinator shall dismiss the formal complaint under Title IX. If the matter merits review and possible action under other Board

policies, the Code of Student Conduct or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations.

Written notification shall be promptly issued to the parties simultaneously of any allegations found not to qualify or that are dismissed in compliance with Title IX. Written notification shall state whether the allegations will continue to be addressed pursuant to other Board policies, the Code of Student Conduct or Attachment 2 addressing Discrimination Complaints.

A dismissal may be appealed via the appeal procedures set forth in this Attachment.

Consolidation of Title IX Formal Complaints

The district may consolidate formal complaints against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

Step 1 – Formal Complaint

The district is required to initiate the grievance process for formal complaints when a complainant files a formal complaint. The Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are not a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is a supervisor, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. Only the Title IX Coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

The complainant or the Title IX Coordinator shall use the designated section of the Discrimination/Sexual Harassment/Retaliation Report Form to file or sign a formal complaint.

The Title IX Coordinator shall assess whether the investigation should be conducted by the building principal, another district employee, the Title IX Coordinator or an attorney and shall promptly assign the investigation to that individual.

The Title IX Coordinator, investigator, decision-maker, or any individual designated to facilitate the informal resolution process, each must have completed the required training for such roles as designated in Board policy and shall not have a conflict of interest or bias for or against an individual complainant or respondent, or for or against complainants or respondents in general.

The respondent shall be presumed not responsible for the alleged conduct until a written determination regarding responsibility has been made at the conclusion of the grievance process for formal complaints.

Notice Requirements -

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, and the parents/guardians of known parties, if applicable, providing the following information:

1. Notice of the district's grievance process for formal complaints and any informal resolution process that may be available.
2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - a. The identity of the parties involved, if known.
 - b. The conduct allegedly constituting sexual harassment.
 - c. The date and location of the alleged incident(s), if known.
3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for formal complaints and, until that time, the respondent is presumed not responsible for the alleged conduct.
4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.
5. Notice that Board policy and the district's Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints.
6. Notice to all known parties of any additional allegations that the district decides to investigate during the course of the investigation.

Step 2 – Informal Resolution Process

[Note: The informal resolution process cannot be offered or used to facilitate a resolution for any formal complaint where the allegations state that an employee sexually harassed a student.]

At any time after a formal complaint has been filed, but prior to reaching a determination of responsibility, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process, which does not involve a full investigation and adjudication of the Title IX sexual harassment complaint.

The district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal Title IX sexual harassment complaints. Similarly, a district may not require the parties to participate in an informal resolution process.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services such as an Employee Assistance Program, or supportive measures.

When offering an informal resolution process, the Title IX Coordinator shall:

1. Provide the parties a written notice disclosing the following:
 - a. The allegations.
 - b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process for formal complaints.
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties shall be informed of the rights being waived by agreeing to the informal resolution process, and shall acknowledge such agreement in writing.
3. The informal resolution process shall be conducted within twenty (20) school days of the parties' signed agreement for the informal resolution process.

If the matter is resolved to the satisfaction of the parties, the district employee facilitating the informal resolution process shall document the nature of the complaint and the proposed

resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within twenty (20) school days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator shall document the informal resolution process, responses from all parties, and an explanation of why the district's response was not deliberately indifferent to the reported complaint of sexual harassment.

***If Step 2 Informal Resolution Process results in the final resolution of the complaint, the following steps are not applicable.**

Step 3 – Investigation

The designated investigator, if other than the Title IX Coordinator, shall work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation. The investigation stage shall be concluded within thirty (30) school days.

When investigating a formal complaint, the investigator shall:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the district obtains the voluntary, written consent of the party, or the party's parent/guardian when legally required, the district cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party. (For students - Pol. 113.4, 207, 209, 216; Safe2Say Something Procedures)
2. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
5. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The district may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.
6. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to

prepare to participate:

- a. Date.
 - b. Time.
 - c. Location.
 - d. Participants.
 - e. Purpose of all investigative interviews or other meetings.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the district does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

If at any point the investigation expands to include additional allegations that were not included in the initial notice provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX Coordinator. The Title IX Coordinator shall provide written notice of the new allegations to the known parties.

Prior to the completion of the investigative report, the investigator shall:

1. Send to each party and the party's advisor, if any, the evidence subject to inspection and review in electronic or hard copy format.
2. Provide the parties at least ten (10) school days following receipt of the evidence to submit a written response.
3. Consider the written response prior to drafting the investigative report.

The investigator shall draft an investigative report that fairly summarizes relevant evidence and shall provide the investigative report to all parties and to the designated decision-maker.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator, who shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Board policy. (Pol. 218, 317.1, 805.1, 806)

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

child protective services investigation and the reason for such delay shall be documented by the investigator.

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX sexual harassment may be identified as part of the same incident or set of circumstances. The fact that there may be Title IX sexual harassment involved does not preclude the district from addressing other identified violations of Board policy or the Code of Student Conduct. If such other conduct is being investigated and addressed together with Title IX sexual harassment as part of the Title IX grievance process for formal complaints, disciplinary action normally should not be imposed until the completion of the Title IX grievance process for formal complaints; however, an employee may be placed on administrative leave in accordance with the provisions of this Attachment. A decision whether and when to take disciplinary action should be made in consultation with the school solicitor.

Step 4 – Written Determination and District Action

Designation of Decision-Maker -

To avoid any conflict of interest or bias, the decision-maker cannot be the same person as the Title IX Coordinator or the investigator. The responsibility as the decision-maker for complaints of Title IX sexual harassment shall generally be designated to the Superintendent or designee.

If the Superintendent or designee has a conflict of interest or is a party in the formal complaint process, they shall disclose the conflict and the Title IX Coordinator shall designate another individual to serve as the decision-maker.

Written Determination Submissions -

A written determination of responsibility (written determination) must not be finalized less than ten (10) days after the investigator completes the investigative report and provides it to all parties. Before the decision-maker reaches a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party.

Relevant questions for a party or witness must be submitted by each party within five (5) school days following receipt of the investigative report. Follow-up questions must be submitted by each party within five (5) school days of being provided the answers to the initial questions.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as part of the follow-up questions and responses, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The decision-maker shall explain to the party proposing the questions about any decision to exclude a question as not relevant.

Written Determination -

The decision-maker must issue a written determination for the conduct alleged in formal complaints. To reach this determination, the decision-maker shall apply the preponderance of the evidence standard, meaning that the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.

In considering evidence, the decision-maker shall ensure credibility determinations are not based on an individual's status as a complainant, respondent or witness.

After considering all relevant evidence, the decision-maker shall issue a written determination that includes:

1. Identification of the allegations potentially constituting Title IX sexual harassment.
2. A description of the procedural steps taken from the receipt or signing of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the district's Board policies or Code of Student Conduct to the facts.
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. Determination regarding responsibility.
 - b. Disciplinary sanctions.
 - c. Remedies designed to restore or preserve equal access to the district's education program or activity that will be provided by the district to the complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the respondent.
6. The procedures, deadline and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination becomes final either:

1. On the date that the district provides the parties with the written decision of the result of the appeal, if an appeal is filed;

2. Or, if an appeal is not filed, on the date on which an appeal would no longer be considered timely, in accordance with the timeframe established for appeals in this Attachment.

The Title IX Coordinator shall be responsible to ensure that any remedies are implemented by the appropriate district officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with Board policies and administrative regulations, the Code of Student Conduct, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities. (Pol. 113.1, 218, 233, 317, 317.1)

Appeal Process

Districts must offer both parties the right to appeal a determination of responsibility and the right to appeal the district's dismissal of a Title IX formal complaint or any allegation in the Title IX formal complaint. The scope of appeals related to Title IX sexual harassment are limited to the following reasons for appeal as stated in the Title IX regulations:

1. A procedural irregularity that affected the outcome of the matter.
2. New evidence that that could affect the outcome was not reasonably available at the time the decision to dismiss or determination of responsibility was made.
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the individual complainant or respondent or for or against complainants or respondents generally that affected the outcome of the matter.

Written notice of a party's appeal shall be submitted to the Title IX Coordinator within ten (10) school days after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

The Title IX Coordinator shall ensure that the designated appeal authority is not the same person as the decision-maker that reached the determination, the investigator, or the Title IX Coordinator. The designated appeal authority shall be the: District solicitor or outside counsel.

For all appeals, the designated appeal authority shall:

1. Provide written notice to the other party when notice of an appeal is filed and implement appeal procedures equally for both parties.
2. Provide both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal. Supporting statements shall describe in detail as applicable the procedural irregularities asserted to have affected the outcome of the determination, the nature of any new evidence asserted to have affected the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If evidence exists supporting the basis for appeal, it

shall accompany the supporting statement, or it shall identify where such evidence may be found.

Supporting statements must be submitted to the appeal authority and provided to the other party within ten (10) school days of the written notice of appeal.

Statements in opposition to the appeal shall be submitted within five (5) school days of the submission of supporting statements. If a statement in opposition to an appeal refers to any evidence beyond what is described in a supporting statement, it shall accompany the statement in opposition, or it shall identify where such evidence may be found.

The appeal authority may accept and consider evidence in support of or in opposition to an appeal in making any conclusions necessary to deciding the appeal. Alternatively, when the appeal authority determines that factors exist making it necessary for the decision-maker to further develop the evidentiary record relevant to the basis for appeal, the appeal authority may return the matter to the decision-maker for that limited purpose.

3. Determine whether the appeal meets the grounds for permitted reasons for appeal and justifies modifying the written determination.
4. Issue a written decision setting forth the respects, if any, in which the written determination is modified and the rationale for the result within twenty (20) school days.
5. Provide the written decision simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX Coordinator.

Recordkeeping

The district shall maintain the following records for a period of a minimum of seven (7) years after conclusion of procedures and implementation of disciplinary sanctions and/or remedies, or in the case of a complainant or respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation:

1. Each Title IX sexual harassment investigation, including any written determination and any audio or audiovisual recording or transcript, and disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity.
2. Any appeal and the result.
3. Any informal resolution and the result.
4. All materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process.
5. Records of any district actions, including any supportive measures, taken in response to a report or formal complaint of Title IX sexual harassment. In each instance, the district shall

document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity. If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Curriculum Development |
| Code | 105 |
| Status | Active |
| Legal | 3. 22 PA Code 4.3 1. 22 PA Code 4.4 4. 22 PA Code 4.12 2. 22 PA Code 4.13 11. 22 PA Code 4.26 24. 22 PA Code 4.82 6. 24 P.S. 1512 5. Pol. 102 13. Pol. 103 7. Pol. 107 8. Pol. 109 9. Pol. 112 10. Pol. 113 15. Pol. 114 14. Pol. 115 12. Pol. 138 16. Pol. 805 |
| Adopted | May 18, 2006 |

Purpose

The Board recognizes its responsibility for the development, assessment and improvement of the educational program of the schools. To this end, the curriculum shall be evaluated, adapted and developed on a continuing basis and in accordance with a plan for curriculum improvement.[1][2]

Definition

For purposes of this policy, **curriculum** shall be defined as a series of planned instruction that is coordinated, articulated and implemented to result in achievement of specific knowledge and skills, and application of such knowledge, by all students.[3]

Authority

The Board is responsible for the curriculum of the district's schools. The curriculum shall be designed to provide students the opportunity to achieve the academic standards established by the Board.[1][4][5]

In order to provide a quality educational program for district students, the Board shall adopt a curriculum plan that includes the requirements for courses to be taught; subjects to be taught in the English language; courses adapted to the age, development and needs of students; and a remediation plan for students not achieving proficiency.[1][2][6][7]

Guidelines

The district's curriculum shall provide the following:

1. Continuous learning through effective articulation among the schools of this district.
2. Continuous access for all students to sufficient programs and services of a library/media facility and classroom collection to support the educational program.[8]
3. Guidance and counseling services for all students to assist in career and academic planning.[9]
4. A continuum of educational programs and services for all students with disabilities, pursuant to law and regulation.[10]
5. Limited English Proficiency programs for students whose dominant language is not English, pursuant to law and regulation.[11][12]
6. Compensatory education programs for students, pursuant to law and regulation.
7. Equal educational opportunity for all students, pursuant to law and regulation.[13]
8. Career awareness and vocational education, pursuant to law and regulation.[14]
9. Educational opportunities for exceptionally gifted students.[15]
10. Regular and continuous instruction in required safety procedures.[16]

Delegation of Responsibility

As the educational leader of the district, the Superintendent shall be responsible to the Board for the development of curriculum.

S/He shall establish procedures for curriculum development, which ensure the utilization of available resources, and effective participation of administrators, teaching staff members, students, community members, and Board members.[1][2]

A listing of all curriculum materials shall be made available for the information of parents/guardians, students, staff and Board members.[1]

With prior Board approval, the Superintendent may conduct pilot programs as deemed necessary to the continuing improvement of the instructional program. The Superintendent shall report periodically to the Board on the status of each pilot program, along with its objectives, evaluative criteria, and costs.[1][24]

The Board encourages, where it is feasible and in the best interest of district students, participation in state-initiated pilot programs of educational research.

The Board directs the Superintendent to pursue actively state and federal aid in support of research activities.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Curriculum Review by Parents/Guardians and Students |
| Code | 105.1 |
| Status | Active |
| Legal | 1. 22 PA Code 4.4 2. 20 U.S.C. 1232h 3. Pol. 102 4. Pol. 127 |
| Adopted | May 18, 2006 |

Authority

The Board adopts this policy to ensure that parents/guardians have an opportunity to review instructional materials and have access to information about the curriculum, including academic standards to be achieved, instructional materials and assessment techniques.[1][2]

Guidelines

The rights granted by this policy are granted to parents/guardians of students enrolled in this school district where the students are under the age of eighteen (18) and to the students themselves when the student is age eighteen (18) or over.

Upon request by a parent/guardian or student, the district will make available existing information about the curriculum, including academic standards to be achieved, instructional materials and assessment techniques.[3][4]

The following conditions shall apply to any request:

1. No more than one (1) request per semester may be made by any parent/guardian or student for each enrolled child.
2. To assist the school district in providing the correct records to meet the needs of the requesting party, the request must be in writing, setting forth the specific material being sought for review.
3. The written request will be sent to the building principal.
4. The district will respond to the parent/guardian or student within ten (10) school days by designating the time and location for the review.
5. The district may take necessary action to protect its materials from loss, damage or alteration and to ensure the integrity of the files, including the provision of a designated employee to monitor the review of the materials.
6. No parent/guardian or student shall be permitted to remove the material provided for review or photocopy the contents of such file. The taking of notes by parents/guardians and students is permitted.

Delegation of Responsibility

The Superintendent or designee shall annually notify parents/guardians and students regarding the contents of this policy and their rights. This information shall be published in the district newsletter and/or student handbooks.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Exemption From Instruction |
| Code | 105.2 |
| Status | Active |
| Legal | 1. 22 PA Code 4.4 2. 22 PA Code 11.7 3. Pol. 102 4. Pol. 217 |
| Adopted | May 18, 2006 |

Authority

The Board adopts this policy to ensure that parents/guardians have the right to have their children excused from specific instruction that conflicts with their religious beliefs. [1][2]

Guidelines

The rights granted by this policy are granted to parents/guardians of students enrolled in this district when the students are under the age of eighteen (18) and to the students themselves when the student is eighteen (18) or over.

The district shall excuse any student from specific instruction, subject to the following conditions:

1. To assist the school district in ensuring that the student is excused from the correct specific instruction, the request must be made in writing and must detail the specific instruction from which the student is to be excused.
2. The written request to be excused shall be sent by the parent/guardian or student to the building principal.
3. One (1) copy of the request shall be retained in the student's permanent school records, one (1) copy kept by the school principal, and one (1) copy submitted to the teacher from whose instruction the student is to be excused.
4. It shall not be the responsibility of the district or any of its employees to ensure that the student exercises his/her right to be excused in accordance with a parental request. It shall be the responsibility of the student to request permission to leave class when the specific instruction objected to is presented.
When the student seeks to be excused, the teacher shall excuse the student if the teacher or principal has a copy of the written request and the written request adequately describes the specific instruction.
5. The written request must contain a statement that the specific instruction described conflicts with the religious beliefs of the student or of the parents/ guardians.
6. The parent/guardian and/or student may request suggested replacement educational activities. The only permissible educational activity for this purpose shall be in the nature of replacement instruction that is consistent with the goals set for the course and does not require the provision of any extra

resources by the district.

7. The building principal shall determine where the student shall report during the time the student is excused.
8. All students excused from specific instruction shall be required to achieve the academic standards established by the district as necessary for graduation.[3][4]



| | |
|---------|----------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Guides for Planned Instruction |
| Code | 106 |
| Status | Active |
| Legal | 1. 22 PA Code 4.4 2. Pol. 107 |
| Adopted | May 18, 2006 |

Authority

Guides shall be prepared for all planned instruction adopted by the Board in order to direct and assist the professional staff toward the attainment of academic standards established for a course of study.[1][2]

Guidelines

Each guide may contain, as appropriate to that planned instruction:

1. Objectives of the instruction.
2. Concepts and skills to be taught.
3. Appreciations to be developed.
4. Suggested activities designed to achieve the objectives.
5. Suggested methods of instruction.
6. Assessment criteria and methods intended to evaluate the extent to which learning objectives have been achieved.

Delegation of Responsibility

Each teacher shall use the planned instruction guide as the core of the course s/he has been assigned to teach.

The Superintendent or designee shall be responsible for development and implementation of a plan for preparation of such guides which includes:

1. Participation by appropriate staff members and resource personnel.
2. Continuing research in instructional methods, materials, activities and assessment strategies.
3. Systematic review of all guides to ensure their continuing effectiveness in achieving established academic standards.

A system of administrative review shall be implemented to ensure that guides are being followed by teaching staff members to the degree of conformity required.

Copies of all current guides for planned instruction shall be kept on file in the office of the Superintendent.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Adoption of Planned Instruction |
| Code | 107 |
| Status | Active |
| Legal | 1. 22 PA Code 4.11 2. 22 PA Code 4.13 3. 24 P.S. 508 4. 24 P.S. 1511 5. 24 P.S. 1512 6. Pol. 006 |
| Adopted | May 18, 2006 |

Purpose

The Board shall provide a comprehensive program of planned instruction to enable district students to strive for educational goals and attain academic standards. Planned instruction shall consist of at least the following:[1][2]

1. Objectives to be achieved by all students.
2. Content, including materials, activities and instructional time.
3. Relationship between objectives of a planned course and established academic standards.
4. Procedure for measurement of the objectives.

Authority

No planned instruction shall be taught in district schools unless it has been adopted by a majority vote of the full Board. The Board reserves the right to determine which units of the instructional program constitute planned instruction and are subject to adoption by the Board.[3][4][5][6]

Delegation of Responsibility

The Superintendent is responsible for the continuous evaluation of the effectiveness of the planned instruction and shall recommend to the Board new courses of study deemed to be in the best interests of district students.

The Superintendent shall invite the participation of administrative and professional staff members at appropriate levels in the formulation of recommendations.

The Superintendent shall maintain a current list of all planned instruction offered by this district and shall furnish each Board member with a copy.

Guidelines

The Superintendent's recommendation may include the following information about the proposed planned instruction:

1. Applicability to students and an enumeration of the group of students affected.
2. Description and content, including the instructional method where such method departs significantly from the traditional and is an integral part of the instruction.
3. Rationale in terms of district goals and academic standards and justification when it is proposed to take the place of an existing course.
4. Resources that its implementation will require, such as textbooks, materials, equipment, and personnel.
5. Assessment methods and criteria by which its effectiveness will be monitored and measured.
6. Developmental history with data on its use elsewhere, if available.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Adoption of Textbooks |
| Code | 108 |
| Status | Active |
| Legal | 1. 24 P.S. 508 2. 24 P.S. 801 3. 24 P.S. 803 4. Pol. 105.1 |
| Adopted | May 18, 2006 |

Authority

It is the responsibility of the Board to adopt all textbooks used for instruction in the educational program of this district.[1][2][3]

Definition

For purposes of this policy, **textbooks** shall be defined as books used as the basic source of information in class.

Delegation of Responsibility

The Superintendent shall be responsible for the selection and recommendation of textbooks for Board consideration. No adoption or change of textbooks shall be made without the Superintendent's recommendation, except by a two-thirds vote of the Board.[3]

The Superintendent or designee shall develop and implement a plan for the selection of textbooks.

Guidelines

The Superintendent or designee shall develop and implement a plan for the selection of textbooks according to the following guidelines:

1. Professional staff members selected by the Superintendent or designee shall participate in the selection process.
2. Textbooks with copyright dates more than five (5) years old shall be reviewed for their continuing suitability.
3. Textbooks shall be relevant to the courses of study adopted by the Board.
4. Textbooks currently in use shall be periodically evaluated for their continuing usefulness and relevance.
5. The staff shall continually research new sources of textbooks and explore the innovative use of all possible books.

In considering the approval of any proposed textbook, the Board will evaluate its:

1. Suitability for the maturity level and educational needs of the students who will be using the book.
2. Freedom from bias.
3. Relationship to the curriculum.
4. Appearance and durability.
5. Cost.

A list of all approved textbooks shall be prepared and maintained. It shall be reviewed periodically by the Superintendent or designee and made available for the information of the professional staff, Board members, students, parents/guardians, and community.[4]

CRITERIA AND PROCEDURES FOR SELECTION OF BASIC TEXT MATERIALS

New basic text materials and revisions to same will be recommended to the Superintendent by the building principal. Appropriate staff members will comprise the selection (review) committees.

Each committee will be responsible for establishing selection standards for each criteria in the following categories:

Publisher And Author

1. What is the reputation of the author(s) for scholarship?
2. What is the reliability of the publisher?

Content

In terms of achieving course goals:

1. How effective is the organizational plan?
2. How relevant is the information?
3. How complete is the information?
4. How accurate and unbiased is the information?
5. How appropriate is the illustrative material?
6. How sufficient is the illustrative material?

Necessity

If replacement text, how does it improve upon existing text?

Instructional Aids

1. Does the book contain:
 - a. An index?
 - b. Graphic materials?
 - c. References?
 - d. A bibliography?
 - e. Glossaries?
 - f. Appendices?
2. Are there any software or other resources provided with the book?

3. How appropriate is each of these?

Format

1. What kind of:

- a. Binding?
- b. Paper?
- c. Type?

2. Will the format help or inhibit student interest and ease of use?

Expense

What is the cost and probable life?

Moral Tone

How does the text handle controversial subjects in terms of the maturity level of the students and objectivity?

Past Experience

How successfully has the text been used in other districts?

Bias

How free is the text of religious, gender, racial, and national origin bias?

Selection committees should use the following procedures for the selection and recommendation of basic textbooks:

1. The text materials should be examined by each one of the committee members. The committee members should also examine, whenever possible, other text materials similar in nature to the one being considered for adoption.
2. A written evaluation of the text material by each one of the committee members should be submitted to the chairperson of the selection committee or to the person initiating the request. A suggested form is available to assist committee members in their evaluation.
3. The building principal will also read and examine the basic text material and/or supplementary materials requested.
4. The building principal will be responsible for submitting the recommendations to the building-level Curriculum Development Council (CDC) for approval. The Superintendent will submit the recommendations to the Board of Education for adoption.



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Resource Materials |
| Code | 109 |
| Status | Active |
| Legal | 1. 24 P.S. 801 4. 24 P.S. 803 6. 22 PA Code 4.13 Pol. 000 3. Pol. 100 5. Pol. 103 Pol. 105.1 Pol. 107 Pol. 109.1 |
| Adopted | May 18, 2006 |
| Last Revised | June 12, 2008 |

Purpose

The Board shall provide instructional and evaluative materials to implement and support the district's and the schools' educational goals and academic standards.[1][3][4][6]

Definition

Resource materials shall include reference books, supplementary titles, multimedia materials, maps, library books, software and instructional material.

Delegation of Responsibility

The Superintendent, after consultation with the administration and teaching staff, shall be responsible for the selection, recommendation, and maintenance of all resource materials. No adoption or change of materials shall be made without the Superintendent's recommendation, except by a two-thirds vote of the Board.[4]

The Superintendent or designee shall develop and implement selection procedures for resource materials.

Guidelines

Selection of resource materials shall involve the following individuals:

1. Principals.
2. Teachers.
3. Media specialists.

The responsibility for coordinating the selection of resource materials for the school library media center and making recommendations for purchases rests with the Library Media Specialist.

Gifts and donations of resource materials are accepted with the understanding that they must meet the same selection criteria as purchased resource materials, and that they may be disposed of at the discretion of the media specialist. Gifts and donations, once accepted, become the property of Blackhawk School District.

Resource materials shall be chosen based upon the interest and learning value for students in the community. Resource materials shall not be discriminatory in nature (i.e. race, nationality, religion, sexual orientation, or political views of the author).[5]

Resource materials shall be provided that present all points of view. Resource materials shall not be removed or banned from the school library media center due to partisan or doctrinal disapproval.

Certain factors shall be considered in the selection of resource materials:

1. Resource materials shall be selected which fill a need related to the curriculum and/or contribute to the development and enrichment of the student.
2. Selections shall be made in accordance with different maturity levels of the students, academic abilities of students, and diverse student learning styles.
3. Whenever possible, professional reviewing tools and recommended lists shall be used at the appropriate level in the selection of resource materials (i.e. Booklists, School Library Journal, the Wilson Catalogs, and on-line professional evaluations found at Barnes and Noble and publishers' web sites). Other sources may include faculty and personal examination and local recommendations.

The following specific criteria shall be considered when selecting resource materials:

1. The overall purpose of the resource material.
2. Reputation and significance of the author.
3. Timeliness or permanence of the resource material.
4. Importance of the subject matter to the planned instruction or curriculum.
5. Accuracy of resource materials.
6. Reputation and significance of the illustrator.
7. Readability and reader appeal.
8. Quality of writing and illustrations.
9. Inclusion of title in resource selection aids.
10. Reading level.
11. Price.

The criteria for selection of electronic sources are essentially the same as for print and nonprint resources with these special considerations. Electronic resources should:

1. Provide organization, searching capabilities, and navigation tools to enhance information retrieval.
2. Provide recordkeeping and management options, if applicable.
3. Provide readable text, attractive graphics and an appealing layout.
4. Have easy to understand, comprehensive documentation.
5. Be user friendly.

6. Have twenty-four (24) hour access, if available, with remote connection from home.
A good collection development plan must include weeding which is an important part of the assessment of library materials. Weeding helps keep the collection accurate, timely and useful and provides for effective use of space.

Library media materials should be weeded if they:

1. Are in poor physical condition.
2. Have not been circulated in the last five (5) years.
3. Are outdates in content, use, or accuracy (Copyright date should be considered; however, decisions are not made solely on copyright date of the materials. Some older material may be considered classic or of historical value.).
4. Are mediocre or poor in quality.
5. Are biased or portray stereotypes.
6. Are inappropriate in reading level.
7. Duplicate information which is no longer in every demand.
8. Are superseded by new or revised information.
9. Are outdated and have unattractive format, design, graphics, and illustrations.
10. Contain information which is inaccessible because they lack a table of contents, adequate indexing, and searching capabilities.
11. Do not meet the criteria of the materials selection guidelines.



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Request for Reconsideration of Resource Materials |
| Code | 109.1 |
| Status | Active |
| Legal | 24 P.S. 510 Pol. 109 |
| Adopted | May 18, 2006 |
| Last Revised | June 12, 2008 |

Purpose

The Board and the media staff of the Blackhawk School District believe that the school library media centers should implement, enrich and support the educational programs of the district.

Definition

For purposes of this policy, **reconsideration** is the process of examining resource materials from the school library media center with the possibility of modifying a previous decision.

Delegation of Responsibility

Any requests, suggestions or complaints about resource materials shall be referred to the Superintendent for consideration and action.

Guidelines

Students or parents/guardians shall have the right to reject the use of resource materials that seem incompatible with his/her values and beliefs. Classroom assignments involving resource materials shall also provide for alternate choices.

The following procedures shall be followed upon request for reconsideration of resource materials:

1. Any parent/guardian who wishes to request reconsideration of resource materials in the school must submit a request in writing, to the building principal on the appropriate form.
2. If the principal is unable to satisfy the complainant during an informal conference, s/he should refer the matter to the Building Review Committee. The Building Review Committee is appointed as needed, and its membership normally consists of an administrator as chairperson, a media specialist from the school receiving the complaint, two (2) instructional staff members, and two (2) members of the community.
3. Within ten (10) calendar days following the receipt of the completed form, the building principal shall meet with the Building Review Committee. The resource material shall be reviewed by this committee in accordance with selection criteria and instructional goals. The recommendation of the committee shall be submitted to the complainant, with a copy sent to the Superintendent.

4. If the concern remains unresolved, the Superintendent shall meet with the complainant, building principal, and media specialist within ten (10) calendar days of the receipt of the forms from the building principal in an attempt to resolve the issue.
5. If this meeting does not resolve the concern, the issue shall be referred by the Superintendent to the Board, who may assign the issue to an ad hoc Reconsideration of Resource Materials Review Committee for further review. The committee shall review the issue over a ten (10) day period and provide a recommendation for its resolution to the Board. The Reconsideration of Program Resource Material Review Committee shall consist of the following individuals:
 - a. Superintendent.
 - b. Chairperson of Curriculum Council.
 - c. Relevant building principals.
 - d. Education committee chairperson.
 - e. Relevant teachers designated by principal.
 - f. Relevant media specialists.
 - g. Student selected by Chairperson of Curriculum Council.
 - h. Community member named by the Board.
6. Access to challenged materials shall not be restricted during the reconsideration process.
7. Multiple copies shall be obtained through ACCESS PA so that the committee can read and examine the challenged resource materials, check the general acceptance of materials, weigh values and faults against each other, and form opinions based on the material as a whole and not on passages pulled out of context. The committee shall prepare a written report for the Board with a copy to the Superintendent.
8. In the event that the challenged resource materials are mutilated, marked or in any way lost or damaged during the course of the review, it shall be replaced by the offender.

**ATTACHMENTS TO
REQUEST FOR
RECONSIDERATION
OF RESOURCE
MATERIALS**

REQUEST FOR RECONSIDERATION OF RESOURCE MATERIALS

(To be filled out in duplicate and filed with the building principal.)

TITLE _____ MATERIAL IS: BOOK _____
PERIODICAL _____
A.V. _____
OTHER _____

AUTHOR _____

PUBLISHER _____ DO YOU REPRESENT:
YOURSELF _____
REQUESTED BY _____ ORGANIZATION _____
(NAME) _____

ADDRESS _____

CITY _____ PHONE _____

1. Are you a resident of the Blackhawk School District?
____ Yes ____ No
2. Are you a parent/guardian of a student who attends one of the schools in the Blackhawk School District? ____ Yes ____ No
3. What is your objection? Please be specific; cite the pages.

4. Did you read the entire work? ____ What parts? _____
5. What do you feel might be the result of reading this work?

6. For what age group would you recommend this work? _____
7. Is there anything good about this work? ____ Cite specific pages _____

8. What do you believe is the theme of this work? _____

9. Are you aware of other judgments of this work by literary and/or educational critics? _____
Please cite any specific references you can provide. _____

10. What would you like your school to do about this work?
_____ Do not let my child borrow it.
_____ Send it back to the library media specialist for reconsideration.
_____ Other _____

11. In its place, what work would you recommend of equal literary quality that would convey as valuable a picture and perspective of the subject treated?

Signature _____

Date _____

Disposition of matter _____



| | |
|---------|---------------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Instructional Supplies |
| Code | 110 |
| Status | Active |
| Legal | 1. 24 P.S. 801 2. 22 PA Code 12.11 |
| Adopted | May 18, 2006 |

Authority

It shall be the policy of the Board to supply each staff member and student with the supplies and equipment that are deemed necessary for implementation of the approved instructional program.[1]

The Board may require that students provide certain supplies for participation in extracurricular activities.

Guidelines

When individualized and nonreusable clothing or equipment is necessary for reasons of safety or health, students shall be required to provide their own clothing or equipment, which shall meet standards set by the school. Such standards shall be reasonably related to considerations of safety, health and protection of property.[2]

When students prepare useful items they are permitted to keep, they shall pay the district the cost of the materials used.

When policy guidelines impose a financial hardship on a student, the school district will assume the cost. The Superintendent or designee shall implement procedures to assure that no student is denied participation in the school program for financial reasons and to guard the privacy of each student.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Lesson Plans |
| Code | 111 |
| Status | Active |
| Legal | 1. 24 P.S. 510 |
| Adopted | May 18, 2006 |

Authority

To ensure continuity of instruction, the Board requires professional staff members to develop and maintain daily lesson plans.[1]

Delegation of Responsibility

To facilitate more effective instruction, lesson plans must be prepared in advance. Plan books will be inspected and must conform to the guidelines established by the building principal.

Teachers shall make thorough preparation for all daily lessons and shall prepare written plans reflecting such preparation.

Teachers are to provide adequate directions for substitutes, the purpose of which shall be to continue the instructional program or provide a meaningful educational alternative that relates to the subject area.

Plan books must remain in the teacher's desk overnight to be available to substitute teachers at all times.

Guidelines

Guidelines for implementation of this policy shall include:

1. The format for lesson plans shall be decided at the building level by the principal and building level Curriculum Development Council (CDC).
2. While teachers are required to be thoroughly prepared for each daily lesson, plans may be prepared for each lesson or on a long-term basis, i.e. unit of work, whichever is most appropriate.
3. Material to be used in a lesson, such as duplicated material, cassette tapes, films, videos, transparencies, may serve as an integral part of the plan.
4. Lesson plans for individualized programs should reflect a general overview and purpose of the instructional program; individual student records may serve as an integral part of the lesson plan.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Guidance Counseling |
| Code | 112 |
| Status | Active |
| Legal | 1. 22 PA Code 4.34 3. Pol. 103 4. 22 PA Code 7.1 et seq |
| Adopted | May 18, 2006 |

Purpose

A program of guidance counseling is an integral part of the educational program of the schools. Such a program can:

1. Assist students in achieving their optimum potential.
2. Enable students to significantly benefit from the offerings of the instructional program.
3. Provide identification of intellectual, emotional, social and physical needs.
4. Aid students in recognizing options and making choices in vocational and academic educational planning.[1]
5. Assist students in identifying career options consistent with their abilities and goals.
6. Help students learn to make their own decisions and to solve problems independently.

Authority

The Board directs that a program of guidance and counseling shall be offered to students and shall involve the coordinated efforts of all staff members under the professional leadership of certificated guidance and counseling personnel.[1][4]

Delegation of Responsibility

The Superintendent or designee is directed to implement a guidance program that serves the needs of students.

Guidelines

The district's program of guidance counseling shall:

1. Involve staff members at every appropriate level.
2. Honor the individuality of each student.
3. Be integrated with the total educational program.
4. Be coordinated with available resources of the community.

5. Cooperate with parents/guardians and share their concern for the development of the student.
6. Provide means for sharing information among appropriate staff members in the best interests of the student.
7. Be available equally to all students.[3]
8. Establish a referral system that utilizes resources offered by the school and community, guards the privacy of the student, and monitors the effectiveness of such referrals.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Special Education |
| Code | 113 |
| Status | Active |
| Legal | 1. 22 PA Code 4.28 2. 22 PA Code 14.102 3. 22 PA Code 14.101 5. 20 U.S.C. 1400 et seq 6. 29 U.S.C. 794 7. 42 U.S.C. 12101 et seq 8. 22 PA Code 14.101 et seq 9. 24 P.S. 1372 10. 22 PA Code 14.104 16. 34 CFR 300.7 17. 34 CFR 300.4 et seq 22 PA Code 14.101 et seq 11. Pol. 100 14. Pol. 103 15. Pol. 113.1 34 CFR Part 300 |
| Adopted | May 18, 2006 |

Purpose

Each student with a disability who is a resident of the district shall be provided quality education programs and services that meet the student's needs for educational, instructional, transitional and related services. The special education program shall be designed to comply with law; conform to district goals; and integrate programs of special education with the regular instructional program of the schools, consistent with the interests of the student with a disability and other students.[1][2]

Definition

Students with disabilities who are provided special education programs by the district shall include all resident children who meet the criteria defined by law.[3][16]

Authority

The Board directs that all resident students with disabilities shall be identified, evaluated, and provided with appropriate educational services, in accordance with federal and state laws and regulations. The district shall establish and implement a system of procedural safeguards and parental notification.[5][6][7][8][9]

The district's special education plan shall include procedures for identifying and educating students with disabilities and shall be aligned with the Strategic Plan adopted by the Board.[10][11]

The Board shall determine the facilities, programs, services and staff that will be provided by the district for the instruction of students with disabilities.

In order to maintain an effective special education plan, the Board may participate in special education programs of Beaver Valley Intermediate Unit No. 27.[10]

Delegation of Responsibility

The Superintendent or designee is directed to annually recommend to the Board the employment and retention of necessary staff and provision of required facilities, programs and services to provide for the needs of students with disabilities.

The Superintendent or designee shall develop procedures for evaluating the effectiveness of the district's special education plan and shall periodically report to the Board the criteria and results of such evaluation.

Guidelines

The program to which each student with a disability is assigned shall be one that provides an appropriate education, seeks to assure success in learning, and offers the least restrictive environment, in accordance with federal and state regulations.

The Board directs that all procedures for implementing an individualized education program be designed to guard the privacy of the student and family.

No student with a disability shall be denied, because of handicap/disability, participation in activities, programs or services offered or recognitions rendered to district students, unless participation is not possible because of the handicap/ disability.[7][6][14]

The district shall maintain procedures and processes that implement special education programs and services, in accordance with federal and state laws and regulations, in the following areas:[8][17]

1. Educational plans.
2. Child find.
3. Assessments.
4. Screening.
5. Evaluation.
6. Re-evaluation.
7. Individualized Education Program (IEP).
8. Extended School Year services (ESY).
9. Behavior support.
10. Educational placement.
11. Disciplinary placements.[15]
12. Facilities.
13. Early intervention.

14. Procedural safeguards.

15. Confidentiality of information.



Blackhawk
School District

| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Discipline of Students With Disabilities |
| Code | 113.1 |
| Status | Active |

Legal

1. 22 PA Code 14.133
2. Pol. 113
3. Pol. 113.2
4. 22 PA Code 14.143
5. 34 CFR 300.530
6. Pol. 218
7. Pol. 233
8. Pol. 832
9. 22 PA Code 12.6
10. 20 U.S.C. 1415
11. 20 U.S.C. 1412
12. 34 CFR 300.536
13. 34 CFR 300.532
14. 34 CFR 300.533
15. 34 CFR 300.534
16. 18 U.S.C. 930
17. Pol. 218.1
18. 21 U.S.C. 812
19. Pol. 227
20. 18 U.S.C. 1365
21. 24 P.S. 1303-A
22. 22 PA Code 10.2
23. 35 P.S. 780-102
24. 24 P.S. 1302.1-A
25. 22 PA Code 10.21
26. 22 PA Code 10.22
27. 22 PA Code 10.23
28. 22 PA Code 10.25
29. 22 PA Code 14.104
30. 34 CFR 300.535
31. Pol. 113.3
32. Pol. 218.2
33. Pol. 222
34. 20 U.S.C. 1232g
35. 34 CFR Part 99
36. Pol. 113.4
37. Pol. 216
- 24 P.S. 510
- 20 U.S.C. 1400 et seq
- 34 CFR Part 300

Adopted

May 18, 2006

Purpose

The district shall develop and implement Positive Behavior Support Plans and programs for students with disabilities who require specific interventions to address behaviors that interfere with learning.[1][2][3]

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 Positive Behavior Support Plan.[1][4][5][6][7][8]

Definitions

Students with disabilities - 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.[2]

Suspensions from school - disciplinary exclusions from school for a period of one (1) to ten (10) consecutive school days.[7][9]

Expulsions from school - disciplinary exclusions from school by the Board for a period exceeding ten (10) consecutive school days and may include permanent exclusion from school.[7][9]

Interim alternative educational settings - removal of a student with a disability from the student's 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.[5][10]

Authority

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 the student's 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.[4][5][10]

Provision of Education During Disciplinary Exclusions

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 public education (FAPE), in accordance with law.[5][9][11]

Suspension From School

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.[4][5][9][10][12]

Changes in Educational Placement/Manifestation Determinations

For disciplinary exclusions which constitute a change in educational placement, the district shall first determine whether the student's behavior is a manifestation of the student's 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 intellectual disability, any disciplinary suspension or expulsion is a change in educational placement.[4][5]

student with a disability whose behavior is not a manifestation of the student's 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.[4][5][6][7]

Parent/Guardian Appeals From Disciplinary Actions/Request for Hearing by District for Students Who Are a Danger to Themselves or Others

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 the student was removed or order the student's removal to an appropriate interim alternative educational setting for up to forty-five (45) school days if the hearing officer determines that maintaining the student's current placement is substantially likely to result in an injury to the student or others.[10][13]

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.[10][14]

Students Not Identified as Disabled/Pending Evaluation

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.[10][15]

Administrative Removal to Interim Alternative Educational Setting for Certain Infractions

School personnel may remove a student with a disability, including intellectual disability, 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:[5][10]

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, **weapon** 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.[5][10][16][17]
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.[5][10][18][19]
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, **serious bodily injury** 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.[5][10][20]

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.[21][22][23]

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 Positive Behavior Support Plan. [1][2][3][6][10][17][19][22][24][25][26][27][28][29][30][31][32][33]

For a student with a disability who does not have a Positive Behavior Support Plan, subsequent to notification to law enforcement, the district shall convene the student's IEP team to consider whether a Positive Behavior Support Plan should be developed to address the student's behavior, in accordance with law, regulations and Board policies. [1][3][27][31]

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 ensure compliance with the Family Educational Rights and Privacy Act when transmitting copies of the student's special education and disciplinary records. [10][22][25][26][27][30][34][35][36][37]

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. [21]



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Behavior Support |
| Code | 113.2 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 22 PA Code 14.1332. 22 PA Code 14.1453. 20 U.S.C. 14144. 34 CFR 300.1145. 34 CFR 300.3246. 20 U.S.C. 14157. 34 CFR 300.348. 34 CFR 300.5309. Pol. 11310. Pol. 113.111. Pol. 113.312. 22 PA Code 14.14313. 24 P.S. 1302.1-A14. 22 PA Code 10.215. 22 PA Code 10.2116. 22 PA Code 10.2217. 22 PA Code 10.2318. 22 PA Code 10.2519. 22 PA Code 14.10420. 34 CFR 300.53521. Pol. 21822. Pol. 218.123. Pol. 218.224. Pol. 22225. Pol. 22724 P.S. 1303-A20 U.S.C. 1400 et seq34 CFR Part 300 <p>Pennsylvania Training and Technical Assistance Network, Question and Answer Compendium, January 2020</p> |
| Adopted | May 18, 2006 |
| Last Revised | January 14, 2021 |

Purpose

Students with disabilities shall be educated in the least restrictive environment (LRE) in accordance with their Individualized Education Program (IEP), and shall only be placed in settings other than the regular education class when the nature or severity of the student's disability is such that education in the regular education class with the use of appropriate supplementary aids and services cannot be achieved satisfactorily and cannot meet the needs of the student. The IEP team for a student with a disability shall develop a Positive Behavior Support Plan if the student requires specific intervention to address behavior that interferes with learning. The identification, evaluation, and plan or program shall be conducted and implemented in accordance with state and federal laws and regulations.[1][2][3][4][5]

Authority

The Board directs that the district's behavior support programs shall be based on positive rather than negative behavior techniques to ensure that students shall be free from demeaning treatment and unreasonable use of restraints or other aversive techniques. The use of restraints shall be considered a measure of last resort and shall only be used after other less restrictive measures, including de-escalation techniques. Behavior support programs and plans shall be based on a functional behavioral assessment and shall include a variety of research-based techniques to develop and maintain skills that will enhance students' opportunity for learning and self-fulfillment.[1][3][5][6][7][8][9][10][11]

Definitions

The following terms shall have these meanings, unless the context clearly indicates otherwise.[1]

Aversive techniques - deliberate activities designed to establish a negative association with a specific behavior.

Behavior support - development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.

Positive Behavior Support Plan or Behavior Intervention Plan - plan for students with disabilities who require specific intervention to address behavior that interferes with learning. A Positive Behavior Support Plan shall be developed by the IEP team, be based on a functional behavioral assessment, and become part of the individual student's IEP. These plans must include methods that use positive reinforcements, other positive techniques and related services required to assist a student with a disability to benefit from special education.

Positive techniques - 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.

Restraints - application of physical force, with or without the use of any device, designed to restrain free movement of a student's body, excluding the following:

1. Briefly holding a student, without force, to calm or comfort the student.
2. Guiding a student to an appropriate activity.
3. Holding a student's hand to escort the student safely from one area to another.
4. Hand-over-hand assistance with feeding or task completion.
5. Techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student's parents/guardians and specified in the IEP.
6. Mechanical restraints governed by this policy, such as devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices.

Seclusion - confinement of a student in a room, with or without staff supervision in the same room at all times, in order to provide a safe environment to allow the student to regain self-control.

Students with disabilities - 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.[9]

Delegation of Responsibility

The Superintendent or designee shall ensure that this Board policy is implemented in accordance with federal and state laws and regulations.

The Superintendent or designee shall develop administrative regulations to implement this policy.

The Superintendent or designee shall provide regular training and retraining of staff in the use of specific procedures, methods and techniques, including de-escalation techniques, emergency responses, restraints and seclusions, that will be used to implement positive behavior supports or interventions in accordance with students' IEPs, Positive Behavior Support Plans and Board policy.[1]

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 to be made to the district by entities educating students with disabilities who attend programs or classes outside the district, including private schools, agencies, intermediate units and career and technical schools.[1]

Guidelines

Development of a separate Positive Behavior Support Plan is not required when appropriate positive behavioral interventions, strategies and supports can be incorporated into a student's IEP.[1][5]

When an intervention is necessary to address problem behavior, the positive techniques and types of intervention chosen for a student shall be the least intrusive necessary.

Physical Restraints

Restraints to control acute or episodic aggressive behavior may be used only when the student is acting in a manner that presents a clear and present danger to the student, other students or employees, and only when less restrictive measures and techniques have proven to be or are less effective.[1]

The Director of Special Education or designee shall notify the parent/guardian as soon as practicable of the use of restraints to control the aggressive behavior of the student and shall convene a meeting of the IEP team within ten (10) school days of the use of restraints, unless the parent/guardian, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs a functional behavioral assessment, re-evaluation, a new or revised Positive Behavior Support Plan, or a change of placement to address the inappropriate behavior.[1]

The use of restraints shall not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment. Restraints may be included in an IEP with parental consent only if:[1]

1. The restraint is used with specific component elements of a Positive Behavior Support Plan.
2. The restraint is used in conjunction with teaching socially appropriate alternative skills or behaviors.
3. Staff are authorized to use the restraint and have received appropriate training.
4. Positive Behavior Support Plan includes efforts to eliminate the use of restraints.

Mechanical Restraints

Mechanical restraints, which are used to control involuntary movement or lack of muscular control of a student when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student's parents/guardians.[1]

Mechanical restraints shall prevent a student from injuring the student or others, or promote normative body positioning and physical functioning.

Seclusion

The district permits involuntary seclusion of a student for a limited period of time 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. District staff shall provide continuous supervision of students in seclusion, which need not always involve presence of staff within the same room.

The district prohibits the seclusion of students in locked rooms, locked boxes and other structures or spaces from which the student cannot readily exit.[1]

Aversive Techniques

The following aversive techniques of handling behavior are considered inappropriate and shall not be used in educational programs:[1]

1. Corporal punishment.
2. Punishment for a manifestation of a student's disability.
3. Locked rooms, locked boxes, other locked structures or spaces from which the student cannot readily exit.
4. Noxious substances.
5. Deprivation of basic human rights, such as withholding meals, water or fresh air.
6. Suspensions constituting a pattern as defined in state regulations.[12]
7. Treatment of a demeaning nature.
8. Electric shock.
9. Methods implemented by untrained personnel.
10. Prone restraints, which are restraints by which a student is held face down on the floor.

Referral to Law Enforcement

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 Positive Behavior Support Plan. [1][6][9][10][13][14][15][16][17][18][19][20][21][22][23][24][25]

For a student with a disability who has a Positive Behavior Support Plan at the time of referral, subsequent to notification to law enforcement, the district shall convene the student's IEP team and an updated functional behavioral assessment and Positive Behavior Support Plan shall be required.[1][11][17]

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 Positive Behavior Support Plan.[1]

For a student with a disability who does not have a Positive Behavior Support Plan, subsequent to notification to law enforcement, the district shall convene the student's IEP team to consider whether a Positive Behavior Support Plan should be developed to address the student's behavior, in accordance with law, regulations and Board policy.[1][17]

Relations With Law Enforcement

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.[9][17][19]

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.[1][9][17][19]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Surrogate Parents |
| Code | 113.3 |
| Status | Active |
| Legal | 2. 20 U.S.C. 1400 et seq 3. 34 CFR Part 300 |
| Adopted | May 18, 2006 |

Authority

The Blackhawk School District policy on the use and training of surrogate parents has been adopted to comply with IDEA. The Blackhawk School District recognizes that in the process of a child's education, parents play an important role in safeguarding the rights of a handicapped child. To ensure those rights where children are wards of the state or where parents are unknown or unavailable, the Blackhawk School District may identify those children and appoint an individual to represent the child in matters of education. [2][3]

Definition

A **surrogate parent** is a trained individual acting in place of a parent in matters of education, to a child assigned by the school district, to ensure that the child's rights for a free public and appropriate education are developed and maintained.

Guidelines

The surrogate appointed by the school district shall act in place of a parent for the student concerning his/her educational program by being involved in planning, understanding of procedure and rights, and will receive notices concerning evaluation and placement.

In order to identify students in need of surrogate parents, the school district shall utilize the services of the intermediate unit and/or services of district personnel to maintain an ongoing search of records to identify those handicapped, or children thought to be handicapped, to determine the need for a surrogate parent.

The intermediate unit and/or district personnel shall provide training for surrogates which will include acquainting the surrogate parent with:

1. The student.
2. Description of the current educational program.
3. Identifying key people in the school system.
4. Familiarizing the surrogate with the procedures for IEP development and due process and confidentiality of records.
5. Familiarizing the surrogate with comparable educational programs provided by the school district and intermediate unit.

Following training and assignment, members of the I.U. staff will be available for ongoing consultation for the Blackhawk School District on an as needed basis.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Confidentiality of Special Education Student Information |
| Code | 113.4 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. Pol. 1132. Pol. 2163. 34 CFR 300.611-300.6274. 34 CFR 300.5205. 34 CFR 300.6256. 34 CFR 300.6117. 34 CFR 99.38. 20 U.S.C. 1232g9. 34 CFR 300.3210. 34 CFR 300.61311. 34 CFR 99.1012. 34 CFR 99.413. 34 CFR 300.61514. 34 CFR 99.1215. 34 CFR 300.61616. 34 CFR 300.61717. 34 CFR 99.1118. 34 CFR 300.61419. 34 CFR 300.61820. 34 CFR 99.2021. 34 CFR 300.510-300.51622. 34 CFR 300.61923. 34 CFR 99.2124. 34 CFR 300.62125. 34 CFR 99.2226. 34 CFR 300.62027. 34 CFR 300.62328. 34 CFR 300.62429. 34 CFR 99.3030. 34 CFR 99.3131. 34 CFR 300.15432. 34 CFR 300.62233. Pol. 113.1 |

34. Pol. 113.2

35. 22 PA Code 10.2

36. 22 PA Code 10.21

37. 22 PA Code 10.22

38. 22 PA Code 10.23

39. 20 U.S.C. 1415

40. 34 CFR 300.535

41. 34 CFR Part 99

20 U.S.C. 1400 et seq

34 CFR Part 300

Bureau of Special Education Letter to School Entities on Retention of Records, Dated November 9, 2009

Pennsylvania Department of Education Individuals With Disabilities Education Act Part B LEA Policies and Procedures under 34 CFR §§300.101 - 300.176 (2018)

Pol. 113.3

Adopted

January 14, 2021

Authority

The Board recognizes the need to protect the confidentiality of personally identifiable information in the education records of students with disabilities.[1][2]

The district shall maintain a system of safeguards to protect the confidentiality of students' educational records and personally identifiable information when collecting, retaining, disclosing and destroying student special education records, in accordance with Board policy, state requirements, and federal and state law and regulations.[2][3]

The rights provided by this policy apply to parents/guardians of students who receive special education programming and services from the district or an outside program provided through the district.[4][5]

Definitions

Destruction shall mean the physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.[6]

Disclosure shall mean to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.[7]

Education records, for purposes of this policy, shall include the records and information covered under the definition of education records in the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations.[2][7][8]

Personally identifiable information includes, but is not limited to:[7][9]

1. The name of a student, the student's parents/guardians or other family members.
2. The address of the student or student's family.
3. A personal identifier, such as the student's social security number, student number, or biometric record.
4. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.

5. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
6. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

Guidelines

Parental Access Rights

The district shall permit parents/guardians to inspect and review any education records relating to their child(ren) that are collected, retained, or used by the district in connection with providing special education services to the student.[10][11]

The district shall comply with a parental request to inspect and review education records without unnecessary delay and before any meeting regarding an Individualized Education Program (IEP); any impartial due process hearing relating to the identification, evaluation, educational placement, or the provision of a free and appropriate public education (FAPE) to a student; a hearing related to the discipline of the student; and a resolution meeting.

The district shall presume a parent/guardian has authority to inspect and review records relating to their child unless it has been provided documentation that the requesting parent/guardian does not have this authority under applicable state law.[10][12]

The district shall comply with a parental request for review within forty-five (45) days following receipt of the request.[10][11]

A parent's/guardian's right to inspect and review education records includes the right to:

1. A response from the district to reasonable requests for explanations and interpretations of the records;
2. Request that the district provide copies of the records if failure to provide copies would effectively prevent the parent/guardian from exercising the right to inspect and review the records; and
3. Have a representative inspect and review the records.

If an education record includes information on more than one (1) student, the parents/guardians shall have access only to the information relating to their child or shall be informed of the information in the record. [13][14]

The district shall provide parents/guardians, upon request, a list of the types and locations of education records collected, maintained, or used by the district.[15]

Fees

The district may charge a fee for copies of records that are made for parents/guardians so long as the fee does not effectively prevent parents/guardians from exercising their right to inspect and review those records.[16][17]

The district shall not charge a fee to search for or to retrieve information in response to a parental request.

Record of Access

The district shall keep a record of parties obtaining access to education records collected, maintained, or used in providing special education and related services to students with disabilities, except access by parents/guardians and authorized district employees.[18]

The district's record of access shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Amendment of Records Upon Parental Request

If a parent/guardian believes that information in the student's education records is inaccurate, misleading or violates the privacy or other rights of the student, the parent/guardian may request that the district amend the information.[19][20]

The district shall decide whether to amend the information within a reasonable period of time from receipt of the request.

If the district declines to amend the information in accordance with a parental request, the district shall inform the parent/guardian of the refusal and advise the parent/guardian of the right to a hearing.

Records Hearing

The district shall, on request, provide parents/guardians with an opportunity for a hearing to challenge information in the student's education records to ensure that the information is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. The district recognizes that parents/guardians who believe that there is a due process violation relating to an alleged violation of confidentiality may also request a special education due process hearing.[21][22][23]

Hearing Procedures

A hearing to challenge information in education records must meet the following requirements:[24][25]

1. The district shall hold the hearing within a reasonable time after receiving the request for a hearing.
2. The district shall give the parent/guardian reasonable advanced written notice of the date, time, and place of the hearing.
3. The hearing may be conducted by any individual, including a district official, who does not have a direct interest in the outcome of the hearing.
4. The district shall give the parent/guardian a full and fair opportunity to present relevant evidence. The parent/guardian may, at their own expense, be assisted or represented by one (1) or more individuals of their choice, including an attorney.
5. The district shall inform parents/guardians of its decision in writing within a reasonable period of time after the hearing.
6. The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

Result of Hearing

If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the district shall amend the information accordingly and inform the parent/guardian in writing.[23][26]

If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the district shall inform the parent/guardian of the parent's/guardian's right to place in the student's records a statement commenting on the information and/or providing any reasons for disagreeing with the district's decision.

Any explanation placed in the student's records shall be:

1. Maintained by the district as part of the student's records as long as the record or contested portion is maintained by the district; and
2. Included with the record or contested portion if the record or contested portion are disclosed to any party.

Storage, Retention and Destruction of Information

The district shall store all education records and personally identifiable information of students receiving special education services in such a way as to protect the confidentiality and integrity of the records and information, prevent unauthorized access to and disclosure of records and information, and ensure compliance with other legal and regulatory requirements regarding records retention.[27]

The district shall maintain, for public inspection, a current listing of the names and positions of those district employees who have access to personally identifiable information.[27]

In order to comply with state compliance monitoring requirements, the district shall maintain education records for students receiving special education services for at least six (6) years.[2]

The district shall inform parents/guardians when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student. After notice, such information shall be destroyed upon parental request.[28]

No education record shall be destroyed if there is an outstanding request to inspect or review the record or if a litigation hold exists.[11]

The district may maintain a permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed.[28]

The district shall ensure the destruction of education records in a manner that protects the confidentiality and privacy rights of the student and the student's family.[27]

Disclosure to Third Parties

The district shall obtain parental consent before disclosing personally identifiable information to parties other than school district officials with a legitimate educational interest or other educational institutions that provide special education services to the student for the purposes of meeting a requirement of law or regulation unless the information is contained in education records and the disclosure is permitted without parental consent under law and regulations.[2][29][30][31][32][33][34]

Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.[32]

If a student is enrolled, or is going to enroll in a private school that is not located in the district of the parent's/guardian's residence, parental consent must be obtained before any personally identifiable information about the student is released between officials in the district where the private school is located and officials in the district of the parent's/guardian's residence.[32]

Disclosure to Law Enforcement

When reporting an incident committed by a student with a disability to the appropriate authorities, in accordance with applicable law, regulations and Board policy, 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 ensure compliance with the Family Educational Rights and Privacy Act when transmitting copies of the student's special education and disciplinary records.[2][8][33][35][36][37][38][39][40][41]

Delegation of Responsibility

In order to maintain the confidentiality of the educational records and personally identifiable information of students with disabilities, the Board designates the Director of Special Education to coordinate the district's efforts to comply with this policy and applicable laws and regulations.[27]

All district employees collecting or using personally identifiable information shall receive training or instruction regarding Board policy, administrative regulations, and state and federal law and regulations regarding confidentiality of education records and personally identifiable information.[27]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Gifted Education |
| Code | 114 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 22 PA Code 16.1 et seq2. 24 P.S. 13713. 24 P.S. 13724. 22 PA Code 4.285. 22 PA Code 16.26. 22 PA Code 16.217. 22 PA Code 16.228. 22 PA Code 16.319. 22 PA Code 16.3210. 22 PA Code 16.4111. 22 PA Code 16.6112. 22 PA Code 16.6213. 22 PA Code 16.6514. 20 U.S.C. 1232g15. 34 CFR 9918. 22 PA Code 16.1 |
| Adopted | May 18, 2006 |

Authority

In accordance with the Board's philosophy to develop the special abilities of each student, the district shall provide gifted education programs designed to meet the individual educational needs of each student.[1][2][3][4]

In order to provide quality gifted education services and programs, the Board may enter into a cooperative agreement with Beaver Valley Intermediate Unit 27.[5]

Definitions

Gifted student - shall mean a student of school age with an IQ of 130 or higher who meets established multiple criteria indicating gifted ability or a school-aged student with an IQ lower than 130 when other educational criteria strongly indicate gifted ability. For purposes of this definition, any determination of mentally gifted status shall include an assessment by a certified school psychologist.[6]

GIEP - shall mean a Gifted Individualized Education Program.[18]

GMDT - shall mean a Gifted Multidisciplinary Team. The GMDT shall be formed on the basis of the student's needs and shall be comprised of the student's parents/ guardians; a certified school psychologist; persons familiar with the student's educational experience and performance; one or more of the student's current teachers; persons trained in the appropriate evaluation techniques; and, when possible, persons familiar with the student's cultural background. A single member of the GMDT may meet two (2) or more of the specified qualifications.[Z]

Guidelines

The district's gifted education program shall provide the following:[5]

1. Services and programs planned, developed and operated for identification and evaluation of each gifted student.
2. Gifted education for each identified student, based on the unique needs of the student, not solely on the classification.
3. Gifted education that enables identified students to participate in acceleration and enrichment programs, and to receive services appropriate to their intellectual and academic abilities and needs.[4]

Referral Procedures

The Superintendent or designee shall develop and implement procedures and the necessary forms to permit teachers to refer a student or allow a parent/guardian to request in writing that a school-aged student undergo a gifted multidisciplinary evaluation to determine if the student is gifted.[Z]

Evaluation Process

The Superintendent or designee shall develop and implement procedures to create a GMDT to determine if a school-aged student is eligible to receive gifted services.[Z]

Development of GIEP

The Superintendent or designee shall develop and implement procedures to ensure the development of a GIEP for each gifted student and subsequent modification of services, in the manner prescribed by law.[8]
[9]

Caseloads/Class Size

The Superintendent or designee shall develop and implement procedures, in conjunction with the building principals and other appropriate school personnel, to annually assess the delivery of gifted education within the district in order to:[10]

1. Ensure the ability of assigned staff to provide the services required in each identified student's GIEP.
2. Address the educational placements for gifted students within the district.
3. Limit the total number of gifted students that can be on an individual gifted teacher's caseload to a maximum of seventy-five (75) students.
4. Limit the total number of gifted students that can be on an individual gifted teacher's class roster to a maximum of twenty (20) students.

Notwithstanding the above, the district shall have the right to make a written request to the Secretary of Education to waive the applicable caseload and class size maximums in extenuating circumstances.[10]

Notice/Consent for Evaluation

Prior to the district conducting an initial gifted multidisciplinary evaluation or re-evaluation of any school-aged student, the district shall provide the parents/ guardians of that student with written notice proposing such an evaluation and obtain written parental consent to do so.[11][12]

Awareness Activities

The Superintendent or designee shall annually conduct awareness activities to inform parents/guardians of school-aged children residing within the district of its gifted education program. Those awareness activities may include providing written notice of the district's gifted education program through newspapers and district publications; distributing such written notice to private schools serving school-aged residents; hosting meetings and/or distributing literature designed to inform parents/ guardians of newly-enrolled students of the district's gifted services.[6]

Confidentiality of Student Records

All personally identifiable information regarding a gifted student shall be treated as confidential and disclosed only as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, and the State Board of Education Regulations.[13][14][15]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Vocational Technical Education |
| Code | 115 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 22 PA Code 4.312. 24 P.S. 18013. 24 P.S. 18064. 22 PA Code 11.285. 22 PA Code 11.86. 24 P.S. 18077. 24 P.S. 18418. 22 PA Code 4.139. 22 PA Code 4.3510. 24 P.S. 1850.111. 24 P.S. 110612. 22 PA Code 4.3413. 22 PA Code 4.3314. 24 P.S. 180815. 24 P.S. 184216. 22 PA Code 4.3218. 24 P.S. 1212 |
| Adopted | May 18, 2006 |

Purpose

The Board shall provide a program of vocational technical education in order to:[1]

1. Prepare students for gainful employment as skilled workers or technicians in recognized, new and emerging occupations.
2. Prepare students for enrollment in postsecondary education programs.
3. Assist students in choosing meaningful career pathways.

Definition

For purposes of this policy, **vocational technical education** shall be defined as a series of planned academic and vocational technical education courses articulated with one another to teach the knowledge and skills necessary to prepare students to effectively pursue recognized profitable employment.[1][2]

Authority

The Board shall support a program of vocational technical education which may include:

1. Vocational technical courses of study interwoven and articulated throughout the curriculum of the school.[1][3]
2. A recognized school-to-work program experience in private employment.
3. A work-study program for the employment of qualified students in public agencies and institutions.[4]
4. A cooperative education program to offer students experience in private employment.[1][5][4][2]
5. Attendance at the Beaver County Area Vocational Technical School and participation in a cooperative program of career development.[6][2]

In order to maintain a program of vocational technical education, the Board shall:

1. Approve the content, organization and assessment standards of all vocational courses stated in the Strategic Plan.[8][1]
2. Approve the placement of students in work-study and career preparatory programs and supervise the nature and conduct of their employment.[1][4][9][10]
3. Operate programs in compliance with the current state plan for vocational education.
4. Employ and supervise certified district vocational technical staff.[11]
5. Provide adequate facilities and equipment for maintenance of the district's program.[12][3]
6. Utilize qualifying private resources as necessary and appropriate to effectuate the purposes of this policy.
7. In cooperation with the Beaver County Area Vocational Technical School, establish the number of credits to be awarded toward graduation for vocational technical education courses of study and for cooperative education programs.[1]

The Board shall establish appropriate advisory committees to advise the Board, administration and staff concerning the aspects of the educational program delegated to each committee.[13][14][15]

Delegation of Responsibility

The Superintendent or designee shall be responsible for developing procedures which ensure that:

1. All district programs are operated in conformance with the current state plan for vocational technical education and State Board regulations.[1][16][10][9]
2. All district teachers are properly certified for their specific vocational technical teaching assignments.[18]
3. All approved planned instruction is carried out.[1]
4. Students participating in cooperative education programs are not exploited, illegally employed, or employed under conditions that fail to safeguard their health and interests.
5. Development of district vocational technical curricula is integrated with a continuing assessment of the employment demands of the community and the state, as well as the needs and interests of students.
6. Students and parents/guardians are informed that admission to vocational technical education programs is accessible to regularly enrolled students, in accordance with established criteria for admittance.[1]

The Superintendent shall seek and utilize all available state, federal, and private sources of revenue for the financial support of vocational technical education.

All students participating in vocational technical programs supervised by this Board or in vocational technical programs sponsored by this Board are considered to be regularly enrolled in district schools and are subject to the policies and rules of the Board, and jointly established policies and rules of this district and the Beaver County Area Vocational Technical School.[8][4]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Tutoring |
| Code | 116 |
| Status | Active |
| Legal | 1. 22 PA Code 4.52 2. 22 PA Code 11.22 3. 24 P.S. 1327 4. 22 PA Code 11.31 |
| Adopted | May 18, 2006 |

Purpose

The Board recognizes that some students may require special help beyond the regular classroom program.

Guidelines

Wherever possible within the working day, each teaching staff member shall assist assigned students in the remediation of individual learning difficulties.[1]

In cases where extra help is desirable and the parents/guardians request such assistance, the Superintendent or designee may recommend that the parents/ guardians secure tutorial services for the student from a list of available tutors maintained by the school.

Special instruction and services may be utilized when the students learning interests and needs are sufficient to warrant help beyond ordinary classroom instruction. This shall be determined through joint consultation of the classroom teacher, parents/ guardians, and the appropriate representative of the administration. Such programs shall include:

1. Ongoing communication between administration, teaching staff members, and parent(s)/guardian(s) of students participating in special educational programs.
2. Evaluation procedures which measure student achievement related to such educational program objectives and standards.

Excusal From School

Upon the written request of the parent/guardian, a student may be excused during school hours for tutoring in a field not offered in the district curriculum if such excusal does not interfere with the student's regular program of studies.[2]

The tutor's qualifications must be approved by the Superintendent.

The district may establish reasonable conditions for excusal of a student for such tutoring.

Private Tutoring

The instructional program for students not enrolled in public schools due to private tutoring by a qualified tutor shall comply with state law and regulations.[3][4]

The parent/guardian shall provide written assurance that all instructional requirements are being met.

When the Superintendent receives a complaint that a student is not being provided the required instruction or that a student is not making satisfactory progress, the Superintendent may request evidence of the student's academic progress and documentation that instruction is being provided for the required number of days and hours.

Evidence of satisfactory progress may include samples of student work, assignments, progress reports, report cards and evaluations. Documentation of instructional time may include logs maintained by the tutor or parent/guardian, attendance records, or other records indicating the dates and time instruction was provided.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Homebound Instruction |
| Code | 117 |
| Status | Active |
| Legal | 1. 24 P.S. 1329 2. 22 PA Code 11.25 |
| Adopted | May 18, 2006 |

Authority

The Board shall provide, pursuant to law and regulations, homebound instruction to students confined to home or hospital for physical disability, illness, injury, urgent reasons, or when such confinement is recommended for psychological or psychiatric reasons. The period of homebound instruction for an individual shall not exceed three (3) months.[1][2]

Delegation of Responsibility

Application for homebound instruction shall certify the nature of the illness or disability, state the probable duration of the confinement, and be recommended by the Superintendent.

The Superintendent or designee may request approval from the Department of Education to extend the period of homebound instruction for an individual, which shall be reevaluated every three (3) months.[2]

Guidelines

The Board shall provide homebound instruction only for those confinements expected to last at least twenty (20) or more school days. Exceptions may be recommended by the Superintendent.

The program of homebound instruction provided to each student shall be in accordance with the standards established by the state.

The Board reserves the right to withhold homebound instruction when:

1. The instructor's presence in the place of a student's confinement presents a hazard to the health of the teacher.
2. A parent/guardian or other adult in authority is not present with the student during the hours of instruction.
3. The condition of the student precludes any benefit from such instruction.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Independent Study |
| Code | 118 |
| Status | Active |
| Legal | 1. 22 PA Code 4.4 |
| Adopted | May 18, 2006 |

Purpose

The Board shall consider the approval of a course of independent study for a properly qualified student, as recommended by the Superintendent, on the condition that the student will demonstrate achievement of established academic standards as a result of participation in the independent study.

The purposes of independent study shall be to:

1. Extend the learning experience of the classroom.
2. Develop a student's judgment and self-reliance in the conduct of the learning experience.
3. Relate academic knowledge to the world of work and learning beyond the school.
4. Draw upon community resources as well as school resources for a student's educational program.
5. Include a greater variety of learning experiences within the educational program.
6. Identify and explore an area of particular interest.
7. Set personal learning goals and work toward achieving them, with appropriate staff guidance.
8. Learn to utilize various research tools and methods.

Authority

The Board shall approve each course of independent study and may designate the number of credits toward graduation to be awarded upon successful completion of each course, except that the Board reserves the right to assign no credit for an approved course.[1]

Each course of independent study must meet the requirements of applicable laws and regulations.

Delegation of Responsibility

The Superintendent or designee shall develop procedures for implementing independent study which:

1. Counsel students who apply for independent study.
2. Develop specified, measurable instructional objectives and standards for each planned course of independent study.
3. Assure that each student conducts study under appropriate staff guidance and supervision.

4. Monitor the progress of each student.

5. Certify the completion of each course of independent study based upon the original specified objectives.

6. Prepare recommendations for Board approval of courses of independent study.

Guidelines

Recommendations for approval may include the qualifications of the student, objectives established for the course, description of the method of study and research to be undertaken, staff members assigned to advise the project, manner in which the project will be evaluated, and proposal for the number of credits to be awarded for the course.

The Board directs that only those students shall be admitted to courses of independent study who provide evidence of academic proficiency, maturity of judgment, self-reliance, and staff recommendations.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Current Events |
| Code | 119 |
| Status | Active |
| Adopted | May 18, 2006 |

Purpose

The Board believes that consideration of current events has a legitimate place in the educational program of the schools. Properly introduced and conducted, discussion of such events can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop skills for formulating and evaluating positions.

Definition

For purposes of this policy, a **current event** is a topic on which opposing points of view have been promulgated by responsible opinion and is not expressly enumerated in the course guide as appropriate for the course of study.

Authority

The Board shall permit the introduction and proper educational use of current events, provided that their use in the instructional program:

1. Is related to the course's instructional goals and the students' level of maturity.
2. Does not tend to indoctrinate or persuade students to a particular point of view.
3. Encourages balanced presentations and open mindedness.
4. Is conducted in a spirit of scholarly inquiry.

Delegation of Responsibility

In the discussion of any event, a teacher may express a personal opinion but shall identify it as such and must not express an opinion for the purpose of persuading students to his/her point of view.

The Superintendent or designee shall assist teaching staff members to:

1. Develop an alertness to the occurrence of current events in the context of the curriculum.
2. Develop techniques for the management of current events that do not stifle a spirit of free and scholarly inquiry.



| | |
|---------|-----------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Field Trips |
| Code | 121 |
| Status | Active |
| Legal | 1. 24 P.S. 1361 2. 24 P.S. 517 |
| Adopted | May 18, 2006 |

Purpose

The Board recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important component of the instructional program of the schools. Properly planned and executed field trips can:[1]

1. Supplement and enrich classroom learning by providing educational experiences in an environment outside the schools.
2. Arouse new interests among students.
3. Help students relate academic learning to the reality of the world outside of school.
4. Introduce community resources, such as natural, cultural, industrial, commercial, governmental, and educational.
5. Afford students the opportunity to study real things and real processes in their actual environment.

Definition

For the purposes of this policy, a **field trip** shall be defined as a journey with the following four (4) characteristics:

1. A journey at any time by one (1) or more students away from the school building and its immediate campus.
2. A journey under the direction of one (1) or more teachers, coaches, or adult sponsors designated by the administration as persons responsible for participating students.
3. A journey that is an integral part of an approved course of study or extracurricular program.
4. A journey conducted for the purpose of affording one (1) or more of the following opportunities:
 - a. A first-hand educational experience not available in the classroom.
 - b. An enrichment experience.
 - c. Participation in competitive or performance activities by teams or other approved student groups.

Authority

Every field trip must be approved by the Board prior to the date of the proposed trip.[2][1]

Every field trip proposal that is submitted to the Board must include a designation of one (1) or more teachers, sponsors of approved student groups, or coaches who will assume responsibility for the trip. Every field trip proposal must include a full description of transportation arrangements, the dates and times of the trip's schedule, costs, and funding recommendations. Every field trip proposal must be submitted on the district's approved form bearing the principal's signature, indicating his/her endorsement and approval.

Students on field trips remain under the supervision and responsibility of this Board and are subject to its rules and regulations.

The Board does not endorse, support nor assume responsibility in any way for any district staff member who takes students on trips not approved by the Board or Superintendent. No staff member may solicit district students for such trips within district facilities or on district grounds without Board permission.

Delegation of Responsibility

The Superintendent or designee shall prepare and implement procedures for operation of field trips.

The building principal shall be responsible for ensuring the safety and well-being of students participating in field trips. If a Discipline Code infraction occurs on a field trip, the principal shall investigate immediately and respond appropriately. The principal shall notify the Superintendent immediately regarding any major Discipline Code infraction occurring on a field trip.

Guidelines

Field trips shall be governed by guidelines which ensure that:

1. The safety and well-being of students will be protected at all times.
2. Permission of the parent/guardian is sought and obtained before any student may participate.
3. The principal approves the purpose, itinerary and duration of each proposed trip.
4. Each field trip is properly planned, integrated with the curriculum, and followed up by appropriate activities that enhance its value.
5. The effectiveness of field trip activities is monitored and evaluated continuously.
6. Teachers are allowed flexibility and innovation in planning field trips.
7. No field trip will be approved unless it contributes to the achievement of specified instructional objectives.

The Superintendent shall develop procedures to inform the parents/guardians of resident students in nonpublic schools not operated for profit of the right of those students to participate in field trips financed by the district, and to be provided with transportation for such participation by the district. It shall be the responsibility of the parent/guardian of a nonpublic student desiring to participate in a district-financed field trip to give advance notification to the appropriate building principal.

In the event a charge is assessed to participate in a field trip, the district may, in its discretion, waive the payment by the student who is unable to afford payment of the charge.

Field trips may be financed by an appropriation from the district's general fund, fundraisers, community organizations, grants or gifts, or by another appropriate method.

Extracurricular clubs may sponsor journeys, not classified as field trips, wherein student participants pay their own expenses. The district's general fund shall not contribute to the financing of such field trips. School rules and regulations shall be in effect on such trips, and a club sponsor or other staff member shall be designated by the principal to have responsibility for student participants. If a problem related to school rules occurs on such a trip, the principal shall investigate immediately and make a full report to the Superintendent. If the investigation indicates one (1) or more major infractions of school rules, the appropriate students shall be penalized in accordance with the Discipline Code, and the Board may restrict or suspend the club's privileges.

National Competitions

The Board shall consider the payment of registration fees for any student attending and competing in a national competition involving a school-sponsored activity, with the exception of interscholastic athletics. All other costs of attendance including, but not limited to, transportation, lodging and meals (to the extent not included in the registration fee), shall be the responsibility of the participant.



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Extracurricular Activities |
| Code | 122 |
| Status | Active |
| Legal | 1. 22 PA Code 12.1 2. 24 P.S. 5322 3. 24 P.S. 1425 4. 20 U.S.C. 4071 et seq 5. 24 P.S. 511 6. Pol. 103 7. Pol. 110 8. Pol. 218 9. 24 P.S. 5323 10. Pol. 123.3 11. 22 PA Code 12.4 24 P.S. 5321 et seq |
| Adopted | May 18, 2006 |
| Last Revised | January 14, 2021 |

Purpose

The Board recognizes the educational values inherent in student participation in extracurricular activities and supports the concept of student organizations for such purposes as building social relationships, developing interests in a specific area, and gaining an understanding of the elements and responsibilities of good citizenship.

Definitions

For purposes of this policy, **extracurricular activities** shall be those programs that are sponsored or approved by the Board and are conducted wholly or partly outside the regular school day; are marked by student participation in the processes of initiation, planning, organizing, and execution; and are equally available to all students who voluntarily elect to participate.[1]

For purposes of this policy, an **athletic activity** shall mean all of the following:[2][3]

1. An athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with the school, including cheerleading, club-sponsored sports activities and sports activities sponsored by school-affiliated organizations.
2. Noncompetitive cheerleading that is sponsored by or associated with the school.
3. Practices, interschool practices and scrimmages for all athletic activities.

Authority

The Board shall make school facilities, supplies and equipment available and shall assign staff members for the support of extracurricular activities for students. Such availability and assignment shall be in accordance with the Equal Access Act.[4][5][6]

The Board encourages secondary level students to pursue clubs and interests that may not be related directly to any of the curriculum programs offered in the district. In pursuit of such goal and in compliance with law, the Board maintains a limited open forum in which secondary students may meet for voluntary student-initiated activities unrelated directly to the curriculum, regardless of the religious, political, philosophical or other content of the speech related to such activities.

Any extracurricular activity shall be considered under the sponsorship of this Board when it has been approved by the Board upon recommendation of the Superintendent.

The Board shall maintain the program of extracurricular activities at no cost to participating students, except that:

1. The Board's responsibility for provision of supplies shall carry the same exemptions as listed in the Board's policy on regular school supplies.[7]
2. Students may assume all or part of the costs for travel and attendance at extracurricular events and trips.

Off-Campus Activities

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:[8]

1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, whether or not via school district furnished transportation.
2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, 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.
5. The conduct involves the theft or vandalism of school property.
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.

Delegation of Responsibility

Each school year, prior to participation in an athletic activity, every student athlete and their parent/guardian shall sign and return the acknowledgement of receipt and review of the following:[3][9][10]

1. Concussion and Traumatic Brain Injury Information Sheet.
2. Sudden Cardiac Arrest Symptoms and Warning Signs Information Sheet.

The Superintendent or designee shall develop administrative regulations to implement the extracurricular activities program. All student groups shall adhere to Board policy and administrative regulations.

Guidelines

Guidelines shall ensure that the program of extracurricular activities:

1. Assesses the needs and interests of and is responsive to district students.
2. Invites the participation of parents/guardians and community in developing extracurricular activities. Such participation shall be in accordance with the Equal Access Act.[4]

3. Involves students in developing and planning extracurricular activities.
4. Ensures provision of competent guidance and supervision by staff.
5. Guards against exploitation of students.
6. Provides a variety of experiences and diversity of organizational models.
7. Provides for continuing evaluation of the program and its components.
8. Ensures that all extracurricular activities are open to all students and that all students are fully informed of the opportunities available to them.[1][11]

Equal Access Act

The district shall provide secondary students the opportunity for noncurriculum-related student groups to meet on the school premises during noninstructional time for the purpose of conducting a meeting within the limited open forum on the basis of religious, political, philosophical, or other content of the speech at such meetings. Such meetings must be voluntary, student-initiated, and not sponsored in any way by the school, its agents or employees.[4]

Noninstructional time is the time set aside by the school before actual classroom instruction begins, after actual classroom instruction ends, or during the lunch hour.

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

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

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



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Interscholastic Athletics |
| Code | 123 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 22 PA Code 4.272. 24 P.S. 1601-C et seq3. 34 CFR 106.414. Pol. 1035. 24 P.S. 5116. Pol. 2047. Pol. 2188. 24 P.S. 53239. 24 P.S. 142510. Pol. 123.311. 22 PA Code 12.112. 22 PA Code 12.413. 24 P.S. 1603-C14. Pol. 22915. Pol. 70816. Pol. 91117. Pol. 61118. Pol. 22219. Pol. 22720. Pol. 23324 P.S. 5321 et seq |
| Adopted | May 18, 2006 |
| Last Revised | January 14, 2021 |

Purpose

The Board recognizes the value of a program of interscholastic athletics as an integral part of the total school experience for all district students and as a conduit for community involvement.

The program fosters the growth of school loyalty within the student body as a whole and stimulates community interest.

The game activities and practice sessions provide opportunities to teach the values of competition, sportsmanship, and teamwork.

Definition

For purposes of this policy, the program of **interscholastic athletics** shall include all activities relating to competitive or exhibition sport contests, games or events involving individual students or teams of students when such events occur between schools within this district or outside this district.

Authority

It shall be the policy of the Board to offer opportunities for participation in interscholastic athletic programs to male and female students on as equal a basis as is practicable and without discrimination, in accordance with law and regulations.[1][2][3][4]

The Board shall approve a program of interscholastic athletics and require that all facilities utilized in that program, whether or not the property of this Board, properly safeguard both players and spectators and are kept free from hazardous conditions.[5]

The Board shall determine the standards of eligibility to be met by all students participating in an interscholastic program. Such standards shall require that each student, before participating in any interscholastic activity, be covered by student accident insurance; be free of injury; and undergo a physical examination by a licensed physician.[5]

The Board further adopts those eligibility standards set by the Constitution of the Pennsylvania Interscholastic Athletic Association.

The Board directs that no student may participate in interscholastic athletics who has not:[5]

1. Met the requirements for academic eligibility.
2. Complied with the requirements of the Athletic Handbook.
3. Complied with the requirements of the Code of Conduct for Interscholastic Athletics and Board policies and administrative regulations related to student discipline.
4. Attended school regularly.[6]
5. Been in attendance on the day of the athletic event or practice for the hours required.
6. Returned all school athletic equipment previously used.
7. Adhered to applicable discipline standards.[7]

Off-Campus Activities

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:[7]

1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, whether or not via school district furnished transportation.
2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, 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.
5. The conduct involves the theft or vandalism of school property.

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.

Delegation of Responsibility

Each school year, prior to participation in an interscholastic athletic activity, every student athlete and their parent/guardian shall sign and return the acknowledgement of receipt and review of the following: [8][9][10]

1. Concussion and Traumatic Brain Injury Information Sheet.

2. Sudden Cardiac Arrest Symptoms and Warning Signs Information Sheet.

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

The Superintendent shall inform the Board of changes in that schedule as they occur.

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

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

The Superintendent shall ensure that interscholastic athletics are open to all eligible students and that all students are fully informed of the opportunities available to them. [11][12]

Guidelines

Male/Female Athletic Opportunities Report

By October 15 of each year, on the designated disclosure form, the Superintendent or designee shall report to the PA Department of Education the interscholastic athletic opportunities and treatment for male and female secondary school students for the preceding school year. [13]

By November 1 of each year, the completed disclosure form shall be made available for public inspection during regular business hours and posted on the district's website. [13]

The availability of the completed disclosure form shall be announced by posting a notice on school bulletin boards, in the school newspaper, on any electronic mailing list or list serve, and by any other reasonable means. [13]

Teams to be Sponsored

The district will sponsor teams in organized competition in as many sports as is feasible. Teams to be sponsored may include boys' football, basketball, golf, baseball, track, cross-country, tennis, swimming, soccer, and wrestling; girls' teams in basketball, track, golf, cross-country, soccer, softball, swimming, tennis, and volleyball.

Participation

Varsity and freshmen teams which engage in league competition or a regular schedule of interdistrict competition will be comprised of players in ninth grade or higher in compliance with the regulations of the P.I.A.A. Middle school teams may participate in a limited number of interscholastic contests.

Medical Exam

The district will make arrangements and set the dates for athletic physical exams. Each student will be required to pay for his/her own examination. Students will not be permitted to participate until they have returned their physical card signed by a physician.

Auxiliary Groups

Any auxiliary group planning activities which involve the use of school facilities, the involvement of a school team, or the participation of students must have the approval of the school principal prior to the activity.

Activities aimed at fundraising shall be discussed with the principal or Athletic Director before the activity is planned, and any purposes for which funds are raised which would be of any effect upon the school must be approved by the principal or Athletic Director. Installation or purchase of equipment should be approved before such funds are committed or activities are undertaken. The fundraising activities should be kept to a minimum and be of the type that would be acceptable to the school. The use of tag days at school events is not acceptable.[14]

Equipment

Equipment to be used in athletics is the responsibility of the district and will be purchased by the district through proper purchasing procedures. School athletic equipment will not be loaned or given to anyone nor used for any purposes other than school-sponsored activities without approval of the building principal or Athletic Director.[15]

Practice Arrangements

The building principal or Athletic Director will establish a practice schedule for each team. Times of practice will be established in advance and must be adhered to by coaching staffs.

Where facilities are to be shared by several teams, a schedule of use will be prepared by the principal or Athletic Director, and this schedule will be adhered to.

The preseason practice drills for any team will be in conformity to conference and P.I.A.A. rules. Preseason football drills will be conducted on the school premises.

Coaches will follow a practice schedule established in advance of the season, and will be responsible for safety precautions in scheduling drills so that no excessively long drills are scheduled and so that all precautions are taken for the welfare of the students in reference to rest periods, and weather conditions, such as extreme heat, etc.

Ticket Sales/Crowd Control

The district is responsible for all W.P.I.A.L. and P.I.A.A. sponsored athletic activities and will specifically be responsible for ticket sales, traffic and crowd control. Also, the concession stands may be assigned to interested groups within the district.

Publicity

The district will cooperate with local news media in relation to publicity, coverage of games, and broadcasts of games. Permission for broadcasts of games shall be obtained in advance of the game from the building principal or Athletic Director. Any other activities or arrangements involving students or school facilities must be cleared with the principal of the building.[16]

Athletic Awards

Official awards for participation in athletics shall be the responsibility of the school, and regulations for awards, type of awards, and presentation of awards will be the responsibility of the building principal or the Athletic Director. Such awards will be purchased through regular school purchasing procedures.[17]

Official awards shall be defined as follows:

1. Middle School letter -- 4-inch B and certificate.
2. Varsity
 - a. First year winner -- 6-inch B, pin and certificate.
 - b. Second year winner -- numerals of graduation and certificate.

c. Third year winner -- certificate plaque.

d. Fourth year winner -- shadow box and plaque.

Responsibility of the Athlete

An athlete involved in the use of drugs, alcoholic beverages, or tobacco products of any kind during a school function or on school property will be placed on suspension from school and team.[7][18][19][20]

Adoption of New Programs

If there is sufficient interest in a new athletic program which is sponsored by the W.P.I.A.L. and/or the P.I.A.A., upon administrative recommendation and Board approval, a two (2) year trial period for this sport will be instituted.

This trial period will provide time for students to develop the necessary skills needed to compete with other established programs. It will also permit the administration and Board time to assess student interest and better determine the need to adopt said program on a permanent basis.

Junior W.P.I.A.L. Jurisdiction

If the Blackhawk School District offers an athletic program on the junior high school level, which would include grades 7, 8, and 9 and that athletic program belongs under Junior W.P.I.A.L. jurisdiction, no ninth grade student will be moved to a higher level of competition.

The ninth grade student will play at the junior high level unless his/her age determines that s/he is too old legally to play at this level, or there are no competitive teams for the students at the junior high level, or a coach may petition to play a ninth grade student at a higher level.

If a coach petitions for a student to play at a higher level, s/he must present in writing an explanation for the request along with the student's academic records, and a written request signed by the parents/guardians.

This information will be presented to a committee chaired by the high school principal and consisting of the Athletic Director, Assistant Athletic Director and the chairperson of the Athletic Committee.

The function of the committee will be to make a decision on the request based on the merits of the student's maturity, both physically and mentally, the student's development, both socially and emotionally, and the student's skill level. The committee will then bring their recommendation to the Board for their decision.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | First Aid Training |
| Code | 123.1 |
| Status | Active |
| Legal | 1. 42 Pa. C.S.A. 8332 |
| Adopted | May 18, 2006 |

Purpose

The Blackhawk School District, recognizing that the safety and welfare of student athletes has always been a prime importance, wishes to reemphasize the responsibility of coaches to provide for the physical safety and effective instruction of participants in athletic programs.

Authority

In order to protect student athletes, as well as the interscholastic coaching staff, the Blackhawk School District requires cardiopulmonary resuscitation (CPR) and first aid certification for all athletic coaches.

Guidelines

All persons approved by the Board who are engaged in the instruction and supervision of students for the purpose of interscholastic athletic competition shall hold a current CPR certificate, and American Coaching Effectiveness Program Certificate in sport science and sport first aid or equivalent, and shall have attended and participated in a preventive and care of athletic injuries program within one (1) year of the date of hire.

All certificates must be updated regularly as required by the issuing authorities.

It is intended that all athletic coaches who render emergency care or first aid shall be immune from civil liability pursuant to law.[1]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Gender Participation on Athletic Teams |
| Code | 123.2 |
| Status | Active |
| Legal | 1. 34 CFR 106.41 2. 22 PA Code 4.27 3. Pol. 103 4. Pol. 123 |
| Adopted | May 18, 2006 |

Authority

Due to the fact that the physical size, speed and power of male athletes would create a hazard to the health and safety of female participants, the Board prohibits male participation on female athletic teams that are considered contact sports.

Definition

For purposes of this policy, **contact sports** shall be defined as sports in which the purpose or major activity involves bodily contact.[1]

Guidelines

The Board shall provide equal opportunities on athletic teams for male and female students in accordance with law and regulations.[2][1][3][4]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Sudden Cardiac Arrest |
| Code | 123.3 |
| Status | Active |
| Legal | 1. 24 P.S. 1425 2. Pol. 123 3. Pol. 122 Pol. 822 |
| Adopted | January 14, 2021 |

Authority

The Board recognizes the importance of ensuring the safety of students participating in the district's athletic programs. This policy has been developed to provide guidance for prevention and recognition of sudden cardiac arrest in student athletes.[1]

Definition

Athletic activity shall mean all of the following:[1]

1. Interscholastic athletics.[2]
2. An athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with the district, including cheerleading, club-sponsored sports activities and sports activities sponsored by school-affiliated organizations.[3]
3. Noncompetitive cheerleading that is sponsored by or associated with the district.[3]
4. Practices, interschool practices and scrimmages for all athletic activities, as defined above.[2][3]

Delegation of Responsibility

Each school year, prior to participation in an athletic activity, every student athlete and their parent/guardian shall sign and return the acknowledgement of receipt and review of the Sudden Cardiac Arrest Symptoms and Warning Signs Information Sheet that includes information about electrocardiogram testing.[1]

Guidelines

The school may hold an informational meeting prior to the start of each athletic season for all competitors regarding the symptoms and warning signs of sudden cardiac arrest and information about electrocardiogram testing. In addition to the student athletes, such meetings may include parents/guardians, coaches, other appropriate school officials, physicians, cardiologists, and athletic trainers.[1]

Removal From Play

A student who, as determined by a game official, coach from the student's team, certified athletic trainer, licensed physician, or other official designated by the district, exhibits signs or symptoms of sudden cardiac

arrest while participating in an athletic activity shall be removed by the coach from participation at that time.[1]

Any student known to have exhibited signs or symptoms of sudden cardiac arrest prior to or following an athletic activity shall be prevented from participating in athletic activities.[1]

Return to Play

The coach shall not return a student to participation until the student is evaluated and cleared for return to participation in writing by a licensed physician, certified registered nurse practitioner or cardiologist.[1]

Training

All coaches shall annually, prior to coaching an athletic activity, complete the sudden cardiac arrest training course offered by a provider approved by the PA Department of Health.[1]

Penalties

A coach found in violation of the provisions of this policy related to removal from play and return to play shall be subject to the following minimum penalties:[1]

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



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Summer School |
| Code | 124 |
| Status | Active |
| Legal | 1. 24 P.S. 502 2. 24 P.S. 1901 3. 24 P.S. 1906 4. 24 P.S. 1903 5. 22 PA Code 4.41 |
| Adopted | May 18, 2006 |

Authority

It is the policy of the Board that the district may conduct a summer program of remedial and enrichment instruction for resident students of this district.[1][2][3]

In order to support a program of summer instruction, the Board shall employ teaching and administrative staff, provide necessary books, materials, supplies, and equipment, and utilize schools or other facilities as required.[4]

Planned instruction offered in summer school may be designed as credit or noncredit offerings.[5]

Guidelines

Students eligible for the district's summer school program shall include resident students who are eligible for regular attendance in district schools.

Tuition fees established by the Board shall be charged to resident students and nonresident students.

The Board does not accept responsibility for transporting any student to summer school.

Delegation of Responsibility

The Superintendent or designee shall be responsible for:

1. Planning the summer school curriculum.
2. Recommending appropriate staff appointments.
3. Assigning students and staff.
4. Evaluating and reporting on student progress.
5. Utilizing facilities.
6. Developing and enforcing rules for student behavior.

Guidelines for the operation of summer school shall be consistent with Board policies, and the operation of summer school shall not conflict in any way with the administration of the regular school sessions.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Adult Education |
| Code | 125 |
| Status | Active |
| Legal | 1. 24 P.S. 502 2. 24 P.S. 1901 3. 24 P.S. 1906 4. 24 P.S. 1903 5. 24 P.S. 1923 |
| Adopted | May 18, 2006 |

Purpose

The Board recognizes the value of educational growth and advancement to adult members of the community and the need of both adults and minors for educational programs.

Authority

The Board may establish and maintain a program of adult education based upon the needs and interests of the residents, consistent with the educational goals and policies of the district.[1][2][3]

The Board may employ staff, utilize available facilities, supply instructional and supplementary materials, and provide administrative leadership required to maintain the adult education program. The Board shall establish the tuition rate for each course offered in the adult education program.[4][5]

Guidelines

Admission to an adult education program shall be open to:

1. All adult residents of this district.
2. Adult residents of other districts who apply and whose admittance will not deprive admittance to a district resident.

Delegation of Responsibility

The Superintendent or designee shall:

1. Utilize appropriate staff members.
2. Assess the needs and resources of the community.
3. Develop a program of adult education and present that program to the Board for approval.
4. Prepare a calendar of adult education activities.
5. Develop and implement means to inform the public of adult education offerings.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Assessments |
| Code | 127 |
| Status | Active |
| Legal | 1. 22 PA Code 4.52 2. 22 PA Code 4.13 3. 22 PA Code 4.51 5. 22 PA Code 12.41 6. 22 PA Code 4.4 7. Pol. 919 8. 20 U.S.C. 6311 9. 22 PA Code 403.1 10. 22 PA Code 403.3 |
| Adopted | May 18, 2006 |

Purpose

The Board recognizes its responsibility to develop and implement an assessment plan that will determine the degree to which students are achieving academic standards and will provide information for improving the educational program.[1]

Authority

The Board shall approve an assessment plan for use in district schools that is aligned with the adopted academic standards and state assessments. The assessment plan shall be described in the district's Strategic Plan.[2][3][1]

The Board reserves the right to review district assessment measures and to approve those that serve a legitimate purpose without infringing upon the personal rights of the students or parents/guardians.[1][5]

The Board shall grant requests by parents/guardians to review the state assessments two (2) weeks prior to their administration, during regular district office hours. The district shall ensure the security of the assessment documents.[6]

The Board shall grant parents/guardians the right to have their child excused from state assessments that conflict with their religious beliefs, upon receipt of a written request to the Superintendent.[6]

Delegation of Responsibility

The Superintendent or designee shall recommend methods of assessment and evaluation based on his/her professional judgment, generally accepted professional practice, and staff input.

The Superintendent or designee shall annually disseminate to parents/guardians and the public information regarding student assessment results, as required by federal and state law and regulations.[7]

The Superintendent shall recommend improvements in the curriculum and instructional practices based upon student assessment results.

Guidelines

Parents/Guardians shall receive information regarding their child's state assessment scores and may obtain an explanation of assessment results from qualified school personnel.[8]

The district shall provide assistance to students not attaining academic standards at the proficient level.[1]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Instrumental Music Program |
| Code | 129 |
| Status | Active |
| Adopted | May 18, 2006 |

Purpose

The purpose of the Blackhawk School District's instrumental music program is to encourage student participation and provide effective learning opportunities in playing musical instruments.

Guidelines

Goals

The district's instrumental music program shall have the following goals:

1. Students shall be encouraged to develop musical talents.
2. Students shall acquire an understanding of, and an appreciation for, instrumental music.
3. Students shall have opportunities to participate with peers in meaningful, appropriate group endeavors.
4. Performance experiences shall enhance the student's enjoyment of instrumental music as a leisure time activity.
5. Attention shall be given to the consideration of instrumental music as a vocation.
6. Opportunities shall be provided at appropriate levels for interested students.
7. Activities shall promote good citizenship and acceptance of responsibility.
8. The program shall maximize the number of playing participants.
9. Participants shall be given opportunities to participate in making decisions of importance to the group. Members will be encouraged to engage in goal setting in musical development and teamwork.
10. The program shall promote pride in the school and community.

Objectives

The district's instrumental music program shall have the following objectives:

1. Opportunities shall be provided for solo and ensemble experiences. The Middle School Band shall perform in concert for the public and will provide an opportunity for marching band experience. The High School Band shall include marching, concert, symphonic and jazz experiences.
2. A schedule of public performances and participation in out-of-district activities shall be submitted in advance of such events to the Board for approval.

3. The band directors shall provide for coordination and continuity between the Middle School and High School instrumental programs.
4. The band directors shall develop well-defined methods of selection for ensemble participation that are objective, fair, and sensitive to student desires and feelings.
5. The band directors shall develop effective procedures for maintaining and inventorying equipment, instruments and uniforms that are owned by the district. The procedures shall be supervised by the building principal.
6. Handbooks detailing rules and regulations for student behavior must be developed by the band directors, approved by the building principal, and submitted to the Board for approval prior to implementation.
7. Fundraising activities and award systems involving band students and/or the band booster organization require approval and supervision by the appropriate building principal.
8. Any major change in the costuming or composition of the band requires prior approval by the building principal and the Board.
9. Supplemental instrumental music activities, such as band trips, summer band camps, festivals, honors band, and PMEA-sponsored events, should provide meaningful, educational, musical, and performance experiences. A major trip will not be planned more frequently than every three (3) years. A **major trip** shall be defined as a trip involving two (2) or more nights stay and with expenses generally paid by fundraising activities and/or student contributions.
10. The band shall place a high priority on participation in district and community events within reasonable guidelines that provide appropriate consideration for the students' academic responsibilities and summer commitments, such as vacations, jobs, and other activities.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Homework |
| Code | 130 |
| Status | Active |
| Adopted | May 18, 2006 |

Purpose

The Blackhawk School District supports the role of homework as a pivotal factor in the educational process. Homework encourages and measures the development of self-discipline and associated good working habits. By focusing on students' abilities to concentrate, follow rules, control impulses, face and overcome stress, and to resist distractions, homework can nurture self-discipline, which in turn will improve academic skills and knowledge.

This policy is intended to guide good educational practice but not to hamper the creativity and flexibility of individual teachers.

Homework motivates students and promotes learning. It can also increase learning time, provide practice for classroom learning, and develop independence, initiative and responsibility.

Homework is neither punishment nor busy work, and should not be assigned for disciplinary reasons.

Guidelines

Homework shall be planned and evaluated with respect to its purpose, appropriateness, and completion time. The demand of homework upon the students' time shall be consistent with the best interests of the students in regards to other valuable experiences to be gained outside of school.

There are four (4) types of homework assignments available for selection by teachers:

1. Practice assignments provide opportunities for students to continue what has been presented in class. For example, a math teacher may assign additional problems for homework after a math concept has been presented and practiced in class. These assignments can be effective when a skill needs practice.
2. Preparation assignments have the purpose of preparing the student for the next lesson in a subject. For example, a science teacher may assign the reading or study of textbook material in order to prepare students for a forthcoming class discussion. Preparation assignments serve their purpose best when students understand what is to be accomplished by completion of the reading/study assignment.
3. Extension assignments have the purpose of extending a previously learned skill or concept. For example, a social studies teacher may assign the reading of library reference materials in order for students to gain additional insight into concepts being studied. Extension assignments may be long-term.
4. Creativity assignments provide opportunities for students to apply previously learned knowledge. For example, the English teacher may use creativity assignments to provide opportunities for students to respond to a piece of literature through written, artistic, or dramatic expression.
5. Teachers may, at their discretion, vary the length of homework assignments depending upon the nature of the topic being studied.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Home Education Programs |
| Code | 137 |
| Status | Active |
| Legal | 1. 24 P.S. 1327 2. 24 P.S. 1327.1 3. 22 PA Code 11.31a 4. Pol. 203 5. Pol. 209 6. 24 P.S. 111 7. 22 PA Code 4.1 et seq |
| Adopted | May 18, 2006 |

Authority

Home education programs for students residing in the school district shall be conducted in accordance with state law and regulations.[1][2][3]

Definitions

Home Education Program - a program conducted in compliance with law by the parent/guardian or person having legal custody of a child. A home education program shall not be considered a nonpublic school under the provisions of law.[2]

Supervisor - the parent/guardian or person having legal custody of a child who is responsible for providing instruction, provided that such person has a high school diploma or its equivalent.

Hearing Examiner - shall not be an officer, employee or agent of the Department of Education or of the school district or intermediate unit of residence of the child in the home education program.

Appropriate Education - a program consisting of instruction in the required subjects for the time required by law and in which the student demonstrates sustained progress in the overall program.

Guidelines

Eligibility/Affidavits

A notarized affidavit of the parent/guardian or person having legal custody of the child shall be filed prior to commencement of the home education program and annually thereafter on August 1 with the Superintendent. The affidavit shall set forth:[2]

1. Name of the supervisor of the home education program who will be responsible for the provision of instruction.
2. Name and age of each child who will participate in the home education program.

3. Address and telephone number of the home education program site.
4. That subjects required by law are offered in the English language, including an outline of proposed education objectives by subject area.
5. Evidence that the child has been immunized and has received the health and medical services required for students of the child's age or grade level.[4][5]
6. Certification signed by the supervisor that the supervisor, all adults in the home and persons having legal custody of a child in the home education program have not been convicted of criminal offenses as enumerated in the School Code.[6]

Transfers

When a home education program is relocating to another school district, the supervisor is responsible to follow the requirements of law.[2]

Program

A student who is enrolled in a home education program shall be deemed to have met the requirements if the program provides a minimum of one hundred eighty (180) days of instruction, or nine hundred (900) hours of instruction per year at the elementary level, or nine hundred ninety (990) hours per year at the secondary level.[2]

At the elementary level, the following courses shall be taught: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; music; and art.

At the secondary level, the following courses shall be taught: English, to include language, literature, speech and composition; science; geography; social studies, to include civics, world history, history of the United States and Pennsylvania; mathematics, to include general mathematics, algebra and geometry; art; music; physical education; health; and safety education, including regular and continuous instruction in the dangers and prevention of fires.

Courses of study may include, at the discretion of the supervisor: economics; biology; chemistry; foreign languages; trigonometry; or other age appropriate courses required by the State Board of Education.[2]

Requirements of Supervisor

In order to demonstrate that appropriate education is occurring, the supervisor shall provide and maintain on file for each student enrolled in the home education program a portfolio of records and materials.[2]

The portfolio shall consist of a log, made contemporaneously with the instruction, that designates by title the reading materials used; samples of any writings; worksheets, workbooks or creative materials used or developed by the student; and in grades three, five and eight results of nationally normed standardized achievement tests in reading, language arts and mathematics or results of statewide tests administered in these grade levels.

The supervisor shall ensure that the nationally normed standardized tests or the statewide tests are not administered by the child's parent/guardian.

Evaluation Requirements

A teacher or administrator who evaluates a portfolio at the elementary level or secondary level shall meet the requirements established in law.[2]

An annual written evaluation of the student's educational progress as determined by a licensed clinical or school psychologist, a teacher certified by the Commonwealth, or a nonpublic school teacher or administrator is required. The evaluation shall also be based on an interview of the child and a review of the portfolio and shall certify whether or not an appropriate education is occurring. At the request of the

supervisor, persons with other qualifications may conduct the evaluation with the prior consent of the Superintendent. In no event shall the evaluator be the supervisor or his/her spouse.

Documentation required by this policy shall be provided to the district Superintendent or designee at the conclusion of each school year. The Superintendent shall determine whether the child is receiving appropriate education, as defined in this policy and law, as a program consisting of instruction in the required subjects for the time required and in which the student demonstrates sustained progress in the overall program.

If the Superintendent or designee has a reasonable belief that, at any time during the school year, appropriate education may not be occurring in the home education program, s/he may require documentation pertaining to the portfolio to be submitted to the district by certified mail with return receipt requested within fifteen (15) days, and the evaluation to be submitted within thirty (30) days.

If the Superintendent or designee determines, based on documentation, that appropriate education is not occurring, s/he shall send a letter to the supervisor stating that in his/her opinion appropriate education is not occurring in the home education program and shall return all documentation, specifying what aspect(s) of the documentation are inadequate.

The supervisor of the program shall have twenty (20) days from receipt of the certified letter to submit additional documentation demonstrating that appropriate education is taking place. If documentation is not submitted within that time, the home education program shall be out of compliance; and the student shall be promptly enrolled in the public or a nonpublic school.

Right of Hearing

The Board shall provide for a proper hearing by a duly qualified and impartial hearing examiner within thirty (30) days. The examiner shall render a decision within fifteen (15) days of the hearing, except that s/he may require the establishment of a remedial education plan, mutually agreed to by the Superintendent and supervisor of the home education program, which shall continue the home education program. The decision of the examiner may be appealed by either the supervisor or the Superintendent to the Secretary of Education or Commonwealth Court.[2]

If the hearing examiner finds that the documentation does not indicate that appropriate education is taking place in the home education program, the home education program shall be out of compliance; and the student shall be promptly enrolled in a public or nonpublic school.

Loan of Instructional Materials

The district shall, at the request of the supervisor, lend to the home education program copies of the school's planned courses, textbooks, and other curriculum materials appropriate to the student's age and grade level.[2]

Graduation Requirements

The following minimum courses in grades 9 through 12 are established as a requirement for graduation in a home education program: four (4) years of English; three (3) years of mathematics; three (3) years of science; three (3) years of social studies; two (2) years of arts and humanities.[2]

The school district shall not award a diploma or acknowledge completion of a student's education in a home education program.

Students With a Disability

A home education program shall meet compulsory attendance requirements for a student with a disability only when the program addresses the specific needs of the student and is approved by a teacher with a valid education certificate from the Commonwealth to teach special education, or a licensed clinical or certified school psychologist. Written notice of such approval must be submitted with the required affidavit.[1]

The supervisor may request that the school district or intermediate unit of residence provide services that address the specific needs of a student with a disability.

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



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Extracurricular Participation by Home Education Students |
| Code | 137.1 |
| Status | Active |
| Legal | 1. 24 P.S. 511 2. 24 P.S. 1327.1 3. Pol. 137 4. Pol. 122 5. Pol. 123 6. Pol. 204 7. Pol. 218 |
| Adopted | May 18, 2006 |

Authority

The Board shall approve participation in the district's extracurricular activities and interscholastic athletic programs by a student enrolled in a home education program if all of the following conditions are met:[1][2][3]

1. The student is a resident of the school district.
2. The student fulfills all eligibility criteria, or their equivalent, required for participation in an activity or program by district students, in accordance with Board Policy 122 Extracurricular Activities and/or Policy 123 Interscholastic Athletics.[4][5]

The Board shall not provide individual transportation for students enrolled in home education programs who participate in the district's extracurricular activities or interscholastic athletic programs. When the district provides transportation to and from an away competition, game, event or exhibition and requires district students to use district transportation, home education students shall be required to use the transportation provided by the district.

Guidelines

Students attending home education programs shall be given an equal opportunity to compete for positions and participate in district extracurricular activities and interscholastic athletic programs.

A home education student may participate only in extracurricular activities and interscholastic athletic programs at the school building the student would be assigned to if s/he was enrolled in the school district.

Prior to trying-out or joining an activity, a home education student shall submit required documents and written verification of eligibility to the building principal or Athletic Director.

To be considered in attendance in accordance with Board Policy 204 Attendance, the home education student must participate in a full, normally scheduled academic program, in accordance with the planned home education program.[6]

The following guidelines shall govern participation in the district's extracurricular activities and interscholastic athletic programs by home education students, who shall:

1. Meet the same eligibility criteria, or their equivalent, required of district students, in accordance with applicable Board policies and administrative regulations.[4][5]
2. Maintain appropriate insurance coverage, consistent with the coverage requirements for district students.
3. Comply with Board policies and school rules and regulations regarding extracurricular activities, interscholastic athletics, and student discipline.[4][5][6][7]
4. Comply with policies, rules and regulations, or their equivalent, of the activity's governing organization.[1]
5. Meet attendance and reporting requirements established for all participants of the activity or program.
6. Meet the requirements for physical examinations and physical fitness and any height and/or weight restrictions.
7. Comply with all requirements and directives of the district staff, coaches and administrators involved with the extracurricular activity or interscholastic athletic program.

Delegation of Responsibility

The building principal or Athletic Director shall receive and review verification from the parent/guardian that a student has met and continues to meet the established eligibility criteria for an extracurricular activity or interscholastic athletic program.

The district shall distribute information regarding eligibility criteria and student participation in extracurricular activities and interscholastic athletics to all affected by them.

Home education students shall have access to information regarding the district's extracurricular activities and interscholastic athletic programs via the district's web site.



Book Blackhawk S D Policy Manual

Section 100 Programs

Title English as a Second Language/Bilingual Program

Code 138

Status Active

Legal

1. 22 PA Code 4.26
2. 42 U.S.C. 2000d
3. 20 U.S.C. 6801 et seq
4. 22 PA Code 4.13
5. Pol. 100
6. 22 PA Code 49.16
7. 22 PA Code 49.17
8. 24 P.S. 1205.1
9. 24 P.S. 1205.2
10. Pol. 333
12. 22 PA Code 11.11
13. Pol. 200
15. 20 U.S.C. 1703
16. Pol. 433
17. Pol. 404

Adopted May 18, 2006

Purpose

In accordance with the Board's philosophy to provide a quality educational program for all students, the Blackhawk School District shall provide an appropriate planned instructional program for identified students whose dominant language is not English.

The purpose of the program is to increase the English language proficiency of eligible students so that they can attain the academic standards adopted by the Board and achieve academic success.

Authority

The school district shall provide a program for each student whose dominant language is not English for the purpose of facilitating the student's achievement of English proficiency and the academic standards. The program shall include bilingual-bicultural or English as a Second Language instruction. The program shall meet the three-pronged test of program compliance: (1) sound research-based education theory, (2) sufficient resources and staffed by appropriate prepared personnel, and (3) periodic program evaluation.[1]
[2][3]

The Board shall include provisions for the LEP programs that are outlined in the district's Strategic Plan.[4]
[5][6][7][8][9][10][16]

The Board shall include provisions for the LEP professional education for ESL teachers, classroom teachers of LEP students and new teachers that are outlined in the district's professional development plan.

The Board shall establish procedures for identification of students whose dominant language is not English. The Home Language Survey shall be completed for every student in the district and filed in the student's permanent record folder through graduation. For students whose dominant language is not English, assessment of the student's English proficiency level must be completed to determine the need for English as a Second Language instruction.[3][12][13]

Delegation of Responsibility

The Superintendent or designee shall implement and supervise an ESL/Bilingual program that meets the legal requirements for ESL/Bilingual program compliance.

The Superintendent or designee, in conjunction with appropriate stakeholders, shall develop and disseminate written procedures regarding the ESL program, including:

1. Program goals.
2. Student enrollment procedures (i.e. Home Language Survey).
3. Assessment procedures for program entrance, measurement progress in gaining English proficiency, and program exiting.
4. Accommodations for English Language Learners (ELL) in the classroom.
5. Grading policies.
6. List of resources including support agencies and interpreters.

Guidelines for the ESL/Bilingual Program

LEP students shall be enrolled upon presentation of a local address and proof of immunization.

The ESL/Bilingual program shall be designed to provide instruction to meet each student's individual needs, based on the assessment of English proficiency in reading, writing, listening and speaking. Adequate content area support shall be provided while the student is learning English, to ensure achievement of academic standards.

A PA certified teacher and/or, if necessary, appropriate support staff (e.g. teacher aides) shall provide the ESL program.[17][16]

Instructional resources shall be comparable to the resources provided other core academic subjects.

The program shall be evaluated for effectiveness based on the attainment of English proficiency. If ELL are not learning English, the program shall be changed to ensure greater success.[3]

The ELL shall be required to meet established academic standards and graduation requirements with accommodations as adopted by the Board.[3]

Students shall have access to and should be encouraged to participate in all academic achievement and other related education issues in the language understood by the parent/guardian whenever possible.[15]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Charter Schools |
| Code | 140 |
| Status | Active |
| Legal | 1. 24 P.S. 1702-A 2. 24 P.S. 1703-A 4. 24 P.S. 1715-A 5. 22 PA Code 4.4 6. 22 PA Code 4.12 7. 22 PA Code 4.13 8. 24 P.S. 1717-A 10. 24 P.S. 1720-A 11. 24 P.S. 1724-A 12. 24 P.S. 1728-A 13. 24 P.S. 1729-A 14. 24 P.S. 1727-A 15. 24 P.S. 1310 21. 42 U.S.C. 12101 et seq 22. 24 P.S. 1726-A 23. 24 P.S. 1718-A 24. 65 Pa. C.S.A. 701 et seq 25. 34 CFR 104.31-104.37 |
| Adopted | May 18, 2006 |

Purpose

In order to provide students, parents/guardians and community members an opportunity to establish and maintain schools that operate independently from this school district, the Board shall evaluate applications submitted for charter schools located within the district, in accordance with the requirements of law and those established by the Board.[1]

The Board shall work cooperatively with individuals and groups submitting proposals and applications for charter schools.

Definitions

Charter School means an independent, nonsectarian public school established and operated under a charter from the local Board and in which students are enrolled or attend. A charter school must be organized as a public, nonprofit corporation; and charters may not be granted to any for-profit entity nor to support home education programs.[2][4][8]

Local Board of Directors (Board) means the Board of Directors of the school district in which a proposed or approved charter school is located.[2]

Regional Charter School means an independent public school established and operated under a charter from more than one local Board and approved by an affirmative vote of a majority of all Board members of each of the school districts involved.[2][23]

Appeal Board means the State Charter School Appeal Board established by the Charter School Law.

The Board of Trustees of a charter school shall be classified as public officials.[4]

Authority

The Board shall ensure that each charter school application provides appropriate assurances of compliance with the requirements of the Charter School Law, State Board regulations, and any additional requirements established by the Board.[5][6][7]

The Board shall evaluate submitted applications for charter schools based on the criteria established by law and any additional criteria, as determined by the Board.[8]

A charter school application shall be approved or denied by a majority vote of all Board members at a public meeting, in accordance with the provisions of law. Written notice of the Board's decision shall be sent to the applicant, Department of Education and the Appeal Board, including reasons for denial and a clear description of application deficiencies if the application is denied. The Board shall evaluate denied applications that are revised and resubmitted.[8][24]

Upon approval of a charter application, the Board and the charter school's Board of Trustees shall sign the written charter, which shall be binding on both. The charter shall be for a period of three (3) to five (5) years and may be renewed for five-year periods by the Board.[10]

The Board may approve a leave of absence for up to five (5) years for a district employee to work in a charter school located in the district of employment or in a regional charter school in which the employing district is a participant, and the employee shall have the right to return to a comparable position in the district. The Board at its discretion may grant tenure to a temporary professional employee on leave from this district to teach in a charter school located in the district, upon completion of the appropriate probation period.[11]

The Board shall annually assess whether each charter school is meeting the goals of its charter and shall require each charter school to submit an annual report no later than August 1 of each year.[12][7]

The Board shall conduct a comprehensive review prior to granting a five-year renewal of the charter.[12]

The Board shall have ongoing access to the records and facilities of the charter school to ensure that the charter school is in compliance with its charter, Board policy and applicable laws.[12]

In cases where the health or safety of the charter school's students, staff or both is at serious risk, the Board may take immediate action to revoke a charter.[13]

The Board affirms that the Board of Trustees and the charter school shall be solely liable for any and all damages and costs of any kind resulting from any legal challenges involving the operation of a charter school. The local Board shall not be held liable for any activity or operation related to the program of a charter school.[14]

A charter school shall execute a "hold harmless" agreement indemnifying and insuring/agreeing to defend the school district in any and all kinds of liability areas so that the school district and Board are protected in any litigation related to the operation of a charter school.

Delegation of Responsibility

Applications for charter schools shall be submitted to the Superintendent or designee, who shall be responsible for communicating and cooperating with all applicants.

The Superintendent or designee shall be responsible to assist applicants with plans for technical assistance and contracted services that may be provided by the district.

Guidelines

A charter school shall be subject to all federal and state laws and regulations prohibiting discrimination in admissions, employment and operation on the basis of disability, race, creed, color, gender, sexual orientation, national origin, religion, ancestry or need for special education services.[15][5][21][25]

A charter school shall submit monthly enrollment figures and other required reports to the district, as stated in the charter.

Transportation

The district shall provide transportation to resident students attending a charter school located in the district, a regional charter school of which the district is a member, and a charter school located within ten (10) miles outside district boundaries.[22]

Transportation shall be provided to charter school students on the dates and periods that the charter school is in session, regardless of whether transportation is provided to district students on those days.

Applications

Applications for charter schools must contain all the information specified in the Charter Schools Law and any additional information required by the Board.[8][3]

Applications for charter schools shall be submitted to the Board by November 15 of the school year preceding the school year in which the school will be established.

Within forty-five (45) days of receipt, the Board shall hold at least one (1) public hearing on the charter application, in accordance with law. At least forty-five (45) days must pass between the first public hearing and the final decision of the Board. No later than seventy-five (75) days after the first public hearing, the Board shall grant or deny the application.

Insurance/Risk Management

The charter school shall adequately protect against liability and risk through an active risk management program approved by the Board. The program shall include proof of purchase of insurance coverages as required by the Board.

Minimum coverages and levels of appropriate coverages shall be established in the charter.

A charter school shall operate in a manner that minimizes the risk of injury and harm to students, employees and others.[5][6][7]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Extracurricular Participation by Charter/Cyber Charter Students |
| Code | 140.1 |
| Status | Active |
| Legal | 1. 24 P.S. 1719-A 3. Pol. 140 4. Pol. 122 5. Pol. 123 6. Pol. 218 7. 24 P.S. 1749-A |
| Adopted | May 18, 2006 |

Authority

The Board shall approve participation in the district's extracurricular activities and interscholastic athletic programs by a student enrolled in a charter or cyber charter school if all of the following conditions are met:
[1][3][2]

1. The student is a resident of the school district.[4][5]
2. The charter or cyber charter school does not provide the same extracurricular activity or interscholastic athletic program.
3. The student fulfills all requirements for participation in the activity or program required for district students.

The Board shall not provide transportation for individual students enrolled in charter or cyber charter schools who participate in the district's extracurricular activities or interscholastic athletic programs.

The Board may require the charter or cyber charter school to pay the cost of the expenses for its students' participation in the district's extracurricular activities or interscholastic athletic programs.

Guidelines

Charter and cyber charter school students shall be given an equal opportunity to compete for positions in extracurricular activities and interscholastic athletic programs.

The following guidelines shall govern participation in the district's extracurricular activities and interscholastic athletic programs by eligible charter and cyber charter school students, who shall:

1. Meet the same eligibility criteria required of district students.
2. Maintain appropriate insurance coverage, consistent with the coverage requirements for district students.
3. Comply with Board policies and school rules and regulations regarding extracurricular activities and interscholastic athletics.[4][5]

4. Comply with Board policies and school rules and regulations regarding student discipline.[6]

5. Meet the requirements for physical examinations and physical fitness.

6. Comply with all requirements and directives of the district staff, coaches and administrators involved with the extracurricular activity or interscholastic athletic program.

A charter or cyber charter school student may only participate in extracurricular activities and interscholastic athletic programs at the school building closest to the charter or cyber charter school or at the school building the student would be assigned to if s/he was enrolled in the school district.

Delegation of Responsibility

The building principal shall receive and review from the charter or cyber charter school written confirmation that a student has met and continues to meet the established participation requirements for the extracurricular activity or interscholastic athletic program. The confirmation shall include the student's attendance record and grades, where applicable.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Migrant Students |
| Code | 142 |
| Status | Active |
| Legal | 1. 24 P.S. 1326 2. 24 P.S. 1327 5. Pol. 105 6. 22 PA Code 403.1 7. 20 U.S.C. 6391 et seq 8. 34 CFR 200.81-200.88 |
| Adopted | May 18, 2006 |

Authority

The Board establishes a program to address the needs and provide appropriate services to migrant students attending district schools.[1][2][7][8]

Guidelines

The district program for migrant students shall include procedures to:

1. Identify migrant students and assess their educational and related health and social needs.
2. Ensure migrant students have the appropriate educational opportunities to meet the same academic standards required of all students.
3. Provide a full range of services to migrant students including applicable Title I programs, special education, gifted education, vocational education, language programs, counseling programs and elective classes.[5]
4. Provide parents/guardians an opportunity for meaningful participation in the program.
5. Provide advocacy and outreach programs for migrant students and their families.
6. Provide professional development for district staff.

The district shall provide materials to parents/guardians regarding their role in improving the academic achievement of their child.

Delegation of Responsibilities

The Superintendent or designee shall develop procedures to notify and involve parents/guardians in the development, implementation and evaluation of the district's program for migrant students.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Standards for Persistently Dangerous Schools |
| Code | 143 |
| Status | Active |
| Legal | 1. 22 PA Code 403.6 2. 20 U.S.C. 7912 3. 22 PA Code 403.2 4. 24 P.S. 1303-A 5. 22 PA Code 403.1 |
| Adopted | May 18, 2006 |

Purpose

The Pennsylvania Department of Education, as required by the Unsafe School Choice Option provision of the No Child Left Behind Act of 2001 (Section 9532), hereby adopts the following standards for identifying persistently dangerous schools.[1][2]

Definitions

As used in these standards, the following terms shall be defined as provided herein:[3]

Dangerous incidents - shall include both weapons possession incidents resulting in arrest (guns, knives or other weapons) and violent incidents resulting in arrest (homicide, kidnapping, robbery, sexual offenses and assaults) as reported on the Violence and Weapons Possession Report (PDE-360).

Department - shall mean the Pennsylvania Department of Education.

Local Educational Agency or LEA - shall include a school district, an area vocational-technical school, an intermediate unit or a charter school.

Persistently dangerous school - shall mean any public elementary, secondary or charter school that meets any of the following criteria in the most recent school year and in one (1) additional year of the two (2) years prior to the most recent school year:

1. For a school whose enrollment is 250 or less - at least five (5) dangerous incidents.
2. For a school whose enrollment is between 251 to 1,000 - a number of dangerous incidents that represents at least 2% of the school's enrollment.
3. For a school whose enrollment is over 1,000 - twenty (20) or more dangerous incidents.

Safe public school - shall mean a public school that has not been designated as a persistently dangerous school under these standards or that has had such designation removed by the Department.

Guidelines

Student Opportunity to Transfer

1. Except as provided below, a student who attends a persistently dangerous school must be offered the opportunity to transfer to a safe public school within the LEA, including a charter school.
2. A student who attends a persistently dangerous school may apply to transfer at any time while the school maintains that designation.

Delegation of Responsibility

Department of Education's Responsibilities

1. The Department shall identify those schools that meet or exceed the criteria for a persistently dangerous school by analyzing the Annual Report on School Violence and Weapons Possession (PDE-360). In identifying persistently dangerous schools, the Department will use the most recent data available to it from the reporting LEA, and will take all reasonable steps to verify that the data is valid and reliable.
2. After review and verification of PDE-360 data, the Department shall promptly inform an LEA when any of its schools meets the definition of persistently dangerous school.
3. The Department shall provide technical assistance to the LEA in developing a corrective action plan. The Department shall review proposed corrective action plans submitted by LEAs and shall approve suitable corrective action plans.
4. After approval of the corrective action plan, the Department shall conduct a site visit to each persistently dangerous school to assess the school's progress in implementing the plan. If no significant improvement is observed, the Department may require the LEA to submit a revised corrective action plan for that school.
5. The Department shall reassess a school's designation as persistently dangerous at the end of the school year during which its corrective action plan is completed.
6. During the reassessment described above, the Department shall remove the designation if the school no longer meets the definition of persistently dangerous school.

LEA's Responsibilities

1. Pursuant to Pennsylvania's Safe Schools Act, Act 26 of 1995, as amended, all school entities as defined by the Act must report to the Department all incidents involving acts of violence; possession of a weapon; or the possession, use, or sale of a controlled substance, alcohol, or tobacco by any person on school property or at school-sponsored events or on school transportation to and from school or school-sponsored activities.[4]
2. Within ten (10) school days of receiving notification by the Department, an LEA shall notify the parent or legal guardian of each student who attends the school that the Department has identified the school as persistently dangerous.
3. The LEA shall offer all students who attend the school the opportunity to transfer to a safe public school, including a charter school, within the LEA.
4. The notification and offer to transfer shall state that no student is required to transfer to another school.
5. Upon receipt of an application to transfer, the LEA shall transfer the student within thirty (30) calendar days.
6. When considering a student's request to transfer to another school, the LEA should take into account the particular needs of the student and the parent/ guardian.
7. To the extent possible, the LEA should allow the student to transfer to a school that is making adequate yearly progress, and one that is not identified as being in school improvement, corrective action, or restructuring.
8. A charter school only has to accept a student who meets its admission criteria if space is available.

9. If there is not another safe school within the LEA to which students may transfer, the LEA is encouraged, but not required, to establish an agreement with a neighboring LEA to accept the transfer of students.
10. The LEA must submit a corrective action plan to the Department within thirty (30) calendar days of receiving notification that a school has been identified as persistently dangerous.
11. The LEA must receive approval from the Department for its corrective action plan and shall implement all steps contained in its corrective action plan within the time periods specified in that plan.
12. After the Department has notified an LEA that a school is no longer identified as a persistently dangerous school, the LEA is encouraged to permit students who transferred to complete their education at their new school. LEAs may not require students to return to their original school if the students are enrolled in a charter school.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 100 Programs |
| Title | Standards for Victims of Violent Crimes |
| Code | 144 |
| Status | Active |
| Legal | 1. 22 PA Code 403.6 2. 20 U.S.C. 7912 3. 22 PA Code 403.2 4. 22 PA Code 403.1 |
| Adopted | May 18, 2006 |

Purpose

The Pennsylvania Department of Education, as required by the Unsafe School Choice Option provision of the No Child Left Behind Act of 2001 (Section 9532), hereby adopts the following standards for a student who becomes a victim of a violent criminal offense while in or on the grounds of the public elementary or secondary school that s/he attends.[1][2]

Definitions

As used in these standards, the following terms shall be defined as provided herein:[3]

Local Educational Agency or LEA - shall include a school district, an area vocational-technical school, an intermediate unit or a charter school.

Safe public school - shall mean a public school that has not been designated as a persistently dangerous school under the standards for identifying persistently dangerous schools or that has had such designation removed by the Department.

Victim or student victim - shall mean the student against whom a violent criminal offense has been perpetrated while the student was in or on the grounds of the public elementary or secondary school that s/he attends.

Violent criminal offense - is defined as any of the following offenses that are set forth in Title 18 of the Pennsylvania Consolidated Statutes:

1. Kidnapping.
2. Robbery.
3. Aggravated assault (on the student).
4. Rape.
5. Involuntary deviate sexual intercourse.
6. Sexual assault.

7. Aggravated indecent assault.
8. Indecent assault.
9. Attempt to commit any of the following: homicide, murder or voluntary manslaughter.

Guidelines

Student Opportunity to Transfer

1. Except as provided below, a student who becomes a victim of a violent criminal offense while in or on the grounds of the public elementary or secondary school that s/he attends, must be offered the opportunity to transfer to a safe public school within the LEA, including a charter school.
2. In order for a student victim to be entitled to transfer to another school under these standards, the violent criminal offense first must be reported to law enforcement authorities by the student, the student's parent/guardian, or school officials.
3. A student victim (or his/her parent/guardian) may apply to the LEA to transfer to another school within thirty (30) calendar days after the incident is reported to school authorities.

Delegation of Responsibility

LEA's Responsibilities

1. Within ten (10) calendar days of receiving notice of the violent criminal offense, the LEA shall notify the student victim that s/he has the right to transfer to a safe public elementary or secondary school within the LEA, including a public charter school.
2. The notification and offer to transfer shall state that no student is required to transfer to another school.
3. Upon receipt of an application to transfer, the LEA should transfer the student as soon as possible, and shall transfer the student within ten (10) calendar days after receiving the application.
4. When considering a student's request to transfer to another school, the LEA should take into account the particular needs of the student and the parent/ guardian.
5. To the extent possible, the LEA should allow the student to transfer to a school that is making adequate yearly progress, and one that is not identified as being in school improvement, corrective action, or restructuring.
6. A charter school only has to accept a student who meets its admission criteria if space is available.
7. If there is not another safe school within the LEA to which students may transfer, the LEA is encouraged, but not required, to establish an agreement with a neighboring LEA to accept the transfer of students.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Enrollment in District |
| Code | 200 |
| Status | Active |
| Legal | 1. 24 P.S. 1301 2. 24 P.S. 1302 3. 22 PA Code 11.11 4. 22 PA Code 11.41 5. 22 PA Code 11.12 6. 24 P.S. 1303a 7. Pol. 203 8. Pol. 251 9. Pol. 202 10. Pol. 138 |
| Adopted | August 17, 2006 |

Authority

The Board shall enroll school age students eligible to attend district schools, in accordance with Board policy, laws and regulations.[1][2][3][4]

Definitions

School age shall be defined as the period from the earliest admission age for the district's kindergarten program until graduation from high school or the end of the school term in which a student reaches the age of twenty-one (21) years, whichever occurs first.[1][5]

District of residence shall be defined as the school district in which a student's parents or the guardians of the person reside.[2][3]

Guidelines

Enrollment Requirements

A school age student shall be entitled to attend the schools of the district of residence.[1][2][3]

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

The district shall not enroll a student until the parent/guardian has supplied proof of the student's age, residence, and immunizations required by law.[1][2][6][3][7]

The district shall immediately enroll identified homeless students, even if the student or parent/guardian is unable to produce the required documents, in accordance with Board policy, laws and regulations.[8]

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

Enrollment requirements and procedures shall apply to nonresident students approved to attend district schools, in accordance with Board policy.[9]

The district shall administer a home language survey to all students enrolling in district schools for the first time.[3][10]

Residency Eligibility

When the parents of a student reside in different school districts, the student may attend school in the district of residence of the parent with whom the student lives for a majority of the time, unless a court order or court approved custody agreement specifies otherwise.[3]

If the parents of a student share joint custody and time is evenly divided, the parents may choose which of the two (2) school districts the student will enroll in for the school year.

If the student is an emancipated minor, the resident school district shall be the one in which the student is then living.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Admission of Students |
| Code | 201 |
| Status | Active |
| Legal | 1. 24 P.S. 1301 2. 22 PA Code 11.14 3. 22 PA Code 11.15 4. 24 P.S. 1304 5. 22 PA Code 11.16 6. Pol. 200 7. Pol. 203 |
| Adopted | August 17, 2006 |

Authority

The Board shall establish age requirements for the admission of beginners which are consistent with statute and sound educational practice and which ensure the equitable treatment of all eligible children.[1]

Guidelines

Children who have attained their fifth (5th) birthday by September 1 will be eligible for admission and entrance into Blackhawk kindergartens in that calendar year. Such admission will be limited to the first ten (10) days of school. No student will be permitted to enroll in kindergarten as an original entry, one who has not been enrolled in kindergarten previously, after the tenth (10th) day of school.[2]

Children who have attained their sixth (6th) birthday by September 1 will be admitted to the Blackhawk first grade during the first ten (10) days of school in that calendar year providing they have not been excluded under the provisions of the School Code. After the tenth (10th) day of school no student will be admitted to first grade who has not been previously enrolled in a first grade class.[3][4]

Exceptions to these entrance dates shall be made only in keeping with the provisions of the School Code and which include the recommendation of a certified school psychologist certifying that the child has attained the necessary mental age and that all other developmental factors indicate that the child should be admitted to school at an early age.[5]

Delegation of Responsibility

The Superintendent or designee shall require that the parent/guardian of each student who registers for entrance to school shall submit proof of age, residency, and required immunizations.[6][7]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Eligibility of Nonresident Students |
| Code | 202 |
| Status | Active |
| Legal | <ul style="list-style-type: none"> 1. 24 P.S. 501 2. 24 P.S. 502 3. 24 P.S. 1301 4. 24 P.S. 1316 5. Pol. 200 6. 24 P.S. 1302 7. 22 PA Code 11.19 8. Pol. 906 9. 24 P.S. 2561 10. Pol. 607 11. 24 P.S. 1305 12. 24 P.S. 1306 13. 24 P.S. 1307 14. 24 P.S. 1308 15. 24 P.S. 1309 16. 24 P.S. 1310 17. 22 PA Code 11.18 18. Pol. 239 19. Pol. 103 24 P.S. 1306.2 |
| Adopted | August 17, 2006 |

Purpose

The Board shall operate district schools for the benefit of students residing in this district who are eligible for attendance.[1][2]

Authority

The Board may permit the admission of nonresident students in accordance with Board policy.[3][4][5]

The Board shall require that appropriate legal documentation showing dependency or guardianship or a sworn statement of full residential support be filed with the Board Secretary before an eligible nonresident student may be accepted as a student in district schools. The Board may require a resident to submit additional, reasonable information to substantiate a sworn statement, in accordance with guidelines issued by the Department of Education.[6][7]

The Board reserves the right to verify claims of residency, dependency and guardianship and to remove from school attendance a nonresident student whose claim is invalid.

If information contained in the sworn statement of residential support is found to be false, the student shall be removed from school after notice is given of an opportunity to appeal the student's removal, in accordance with Board Policy 906, Public Complaints.[6][8]

The Board shall not be responsible for transportation to or from school for any nonresident student residing outside school district boundaries.

Tuition rates shall be determined in accordance with statute. Tuition shall be charged monthly, in advance of attendance.[4][9][10]

Guidelines

Nonresident Children Placed in The District

Any child placed in the home of a district resident by a court or government agency shall be admitted to district schools and shall receive the same benefits and be subject to the same responsibilities as resident children. The Board reserves the right prior to such placement and within two (2) weeks of the written request of the potential custodian of the child to the Superintendent to deny the child's admission when conditions exist that exempt the district from the responsibility of admitting the nonresident custodial child. [11]

Residents of Institutions

A child who is living in or assigned to a facility or institution for the care or training of children that is located within this district is not a legal resident of the district by such placement; but s/he shall be admitted to district schools, and a charge shall be made for tuition in accordance with statute.[12][13][14][15][16][17]

Future Residents

Students may be admitted to the Blackhawk School District prior to moving into the district, provided the parents/guardians:[4]

1. Anticipate moving into the district before the beginning of a semester.
2. Demonstrate proof of the anticipated residency.
3. Assume full responsibility for the transportation of the students.

The Board reserves the right to verify such claims for admission under this policy, and to remove from school a nonresident student whose claim is invalid.

Former Residents

Regularly enrolled students whose parents/guardians have moved out of the school district may be permitted to finish the school year without payment of tuition.[4]

Other Nonresident Students

A nonresident student may be admitted to district schools without payment of tuition where attendance is justified on the grounds that the student:

1. Lives full-time and not just for the school year with district residents who have obtained appropriate legal documentation showing dependency or guardianship or a sworn statement of residential support to be filed with the Board Secretary.[6][7]
 2. Is visiting this country as a bona fide foreign exchange student and resides in the district.[18]
- The status of nonresident students may be reviewed at any time. The district reserves the right to rescind its approval of attendance based upon the outcome of such a status review, consistent with this policy.

Delegation of Responsibility

The Superintendent or designee shall develop procedures for the enrollment of nonresident students which:

1. Admit such students only on proper application and submission of required documentation by the parent/guardian.
2. Verify claims of residency.
3. Do not exclude any eligible student on the basis of race, creed, color, gender, sexual orientation, national origin, ancestry, or handicap/disability.[19]
4. Deny admission where the educational facilities or program maintained for district students is inadequate to meet the needs of the applicant.
5. Make continued enrollment of any nonresident student contingent upon maintaining established standards of attendance, discipline and academics.

The Superintendent shall recommend to the Board for its approval the admission of qualified applicants.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | HIV Infection |
| Code | 203.1 |
| Status | Active |
| Legal | 2. 24 P.S. 1301 3. 24 P.S. 1329 4. 22 PA Code 11.25 5. 24 P.S. 1330 6. 35 P.S. 7607 7. 24 P.S. 1409 8. 22 PA Code 4.29 9. 22 PA Code 4.4 10. Pol. 105.1 11. Pol. 105.2 12. 35 P.S. 7601 et seq |
| Adopted | August 17, 2006 |

Purpose

The Board is committed to providing a safe, healthy environment for its students and employees. The purpose of this policy shall be to safeguard the health and well-being of students and staff while protecting the rights of the individual.

This policy is based on current evidence that the HIV virus is not normally transmissible by infected individuals within the school setting, except as noted in this policy.

Definitions

HIV infection - refers to the disease caused by the HIV or human immunodeficiency virus.

AIDS - Acquired Immune Deficiency Syndrome.

CDCP - United States Public Health Service Centers for Disease Control and Prevention.

Infected students - refers to students diagnosed as having the HIV virus, including those who are asymptomatic.

Authority

This policy shall apply to all students in all programs conducted by the school district.

The Board directs that the established school rules relative to illnesses and other diseases among students shall also apply to infected students.

The Board shall not require routine screening tests for HIV infection in the school setting, nor will such tests be a condition for school attendance.[12]

Delegation of Responsibility

The Superintendent or designee shall be responsible for handling and releasing all information concerning infected students.

All district employees shall strive to maintain a respectful school climate and to prohibit physical or verbal harassment of any individual or group, including infected students.

All employees shall be required to consistently follow infection control/universal precautions in all settings and at all times, including playgrounds and school buses. Employees shall notify the school nurse of all incidents of exposure to bodily fluids and when a student's health condition or behavior presents a reasonable risk of transmitting an infection.

Building administrators shall notify students, parents/guardians and employees about current Board policies concerning HIV infection and shall provide reasonable opportunities to discuss the policy and related concerns.

Guidelines

Attendance

Infected students have the same right to attend school and receive services as other students and shall be subject to the same policies and rules. HIV infection shall not factor into decisions concerning class assignments, privileges or participation in any school-sponsored activity.[2]

School authorities shall determine the educational placement of infected students on a case-by-case basis by following policies and procedures established for students with chronic health problems and students with disabilities.

When an infected student's parent/guardian voluntarily discloses information regarding the student's condition, the district employee who receives the information shall obtain the written consent of the parent/guardian to disclose the information to members of the Screening Team.

A Screening Team comprised of the Superintendent or designee, building principal, school nurse, district physician, student's parent/guardian, and attending physician shall evaluate the infected student's educational placement. Placement decisions shall be based on the student's need for accommodations or services.

First consideration must be given to maintaining the infected student in a regular assignment. Any decision for an alternative placement must be supported by specific facts and data.

An infected student who is unable to attend school, as determined by a medical examination, shall be considered for homebound instruction or an alternative placement.[3][4]

An infected student may be excused from school attendance if the parent/guardian seeks such excusal based on the advice of medical or psychological experts treating the student.[3][5]

An infected student's placement shall be reassessed if there is a change in the student's need for accommodations or services.

Confidentiality

District employees who have knowledge of an infected student's condition shall not disclose any information without prior written consent of the student's parent/ guardian, consistent with the requirements of the Pennsylvania Confidentiality of HIV-Related Information Act.[6]

All health records, notes and other documents referring to an infected student's condition shall be secured and kept confidential.[Z]

Infection Control

Employees shall treat all bodily fluids as hazardous and shall follow universal precautions for any exposure to bodily fluids.

The school district shall maintain reasonably accessible equipment and supplies necessary for infection control.

Staff Development

All district employees shall participate in a planned HIV education program.

Designated district employees shall receive additional, specialized training appropriate to their positions and responsibilities.

Prevention Education

The goals of HIV prevention education shall be to promote healthy living and discourage the behaviors that put people at risk of acquiring HIV infection. Prevention education shall be taught at every level, be appropriate to students' developmental maturity, and include accurate information about reducing the risk of HIV infection.[8]

Prior to HIV/AIDS instruction, the district shall inform parents/guardians that curriculum outlines and materials used in the instruction shall be available for review.[9][8][10]

A student shall be excused from HIV/AIDS education when the instruction conflicts with the religious beliefs or principles of the student or parent/guardian, upon the written request of the parent/guardian.[9][8][11]



Blackhawk
School District

| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Attendance |
| Code | 204 |
| Status | Active |

Legal

1. 24 P.S. 1301
2. 22 PA Code 11.12
3. Pol. 200
4. 24 P.S. 1302
5. 24 P.S. 1327
6. 24 P.S. 1329
7. 22 PA Code 11.11
8. 22 PA Code 11.23
9. 22 PA Code 11.25
10. 22 PA Code 11.41
11. 22 PA Code 11.26
12. 22 PA Code 11.8
13. 22 PA Code 11.22
14. 22 PA Code 11.28
15. Pol. 115
16. Pol. 117
17. Pol. 118
19. 24 P.S. 1546
20. 22 PA Code 11.21
21. 24 P.S. 1330
22. 22 PA Code 11.5
23. 22 PA Code 11.32
24. 22 PA Code 11.34
25. 24 P.S. 1332
26. 24 P.S. 1333
27. 24 P.S. 1354
28. 22 PA Code 11.1
29. 22 PA Code 11.2
30. 22 PA Code 11.3
31. 24 P.S. 1339
32. 24 P.S. 1338
33. 22 PA Code 11.24
34. 24 P.S. 510
35. 24 P.S. 1318

Adopted

August 17, 2006

Purpose

The Board requires that school age students enrolled in district schools attend school regularly, in accordance with state laws. The educational program offered by the district is predicated upon the presence of the student and requires continuity of instruction and classroom participation in order for students to achieve academic standards and consistent educational progress.[1][2][3]

Authority

Attendance shall be required of all students enrolled in district schools during the days and hours that school is in session, except that a principal or teacher may excuse a student for temporary absences when receiving satisfactory evidence of mental, physical, or other urgent reasons that may reasonably cause the student's absence. Urgent reasons shall be strictly construed and do not permit irregular attendance. [4][5][6][7][8][9][10]

The Board considers the following conditions to constitute reasonable cause for absence from school:

1. Illness.
2. Quarantine.
3. Recovery from accident.
4. Required court attendance.
5. Death in family.
6. Family educational trips.
7. Educational tours and trips. [11]

Attendance need not always be within school facilities. A student will be considered in attendance if present at any place where school is in session by authority of the Board; the student is receiving approved tutorial instruction, or health or therapeutic services; the student is engaged in an approved and properly supervised independent study, work-study or career education program; the student is receiving approved homebound instruction. [12][13][8][14][5][6][15][16][17]

All absences occasioned by observance of the student's religion on a day approved by the Board as a religious holiday shall be excused. A penalty shall not be attached to an absence for a religious holiday. [20]

The Board shall, upon written request of the parents/guardians, release from attendance a student participating in a religious instruction program acknowledged by the Board. Such instruction shall not require the child's absence from school for more than thirty-six (36) hours per school year, and its organizers must inform the Board of the child's attendance record. The Board shall not provide transportation to religious instruction. A penalty shall not be attached to an absence for religious instruction. [19][20]

The Board shall permit a student to be excused for participation in a project sponsored by a statewide or countywide 4-H, FFA or combined 4-H and FFA group upon written request prior to the event. [6][10]

The Board will recognize other justifiable absences for part of the school day. These shall include medical or dental appointments, court appearances, and family emergencies. [8][9]

The Board shall excuse the following students from the requirements of attendance at the schools of this district:

1. On certification by a physician or submission of other satisfactory evidence and on approval of the Department of Education, children who are unable to attend school or apply themselves to study for mental, physical or other reasons that preclude regular attendance. [21]
2. Students enrolled in nonpublic or private schools in which the subjects and activities prescribed by law are taught, except that such students and students attending college who are also enrolled part-time in the district schools shall be counted as being in part-time attendance in this district. [22][23]
3. Students fifteen (15) or sixteen (16) years of age whose enrollment in private trade or business schools has been approved. [5]
4. Students fifteen (15) years of age, and fourteen (14) years of age who have completed sixth grade, who are engaged in farm work or private domestic service under duly issued permits. [21]

5. Students sixteen (16) years of age regularly employed during the school session and holding a lawfully issued employment certificate.[21][14]

The Board may excuse the following students from the requirements of attendance at district schools:

1. Students receiving tutorial instruction in a field not offered in the district's curricula from a properly qualified tutor approved by the Superintendent, when the excusal does not interfere with the student's regular program of studies.[13]
2. Homebound children unable to attend school on the recommendation of the school physician and the school psychologist or a psychiatrist and approval of the Secretary of Education.[24]
3. Students enrolled in special schools conducted by the Beaver Valley Intermediate Unit or the Department of Education.[5]

Educational Tours and Trips

The Board may excuse a student from school attendance to participate in an educational tour or trip not sponsored by the district if the following conditions are met:[11]

1. The parent/guardian submits a written request for excusal prior to the absence.
2. The student's participation has been approved by the Superintendent or designee.
3. The adult directing and supervising the tour or trip is acceptable to the parents/ guardians and the Superintendent.

The Board may limit the number and duration of tours or trips for which excused absences may be granted to a student during the school term.

The Board may report to appropriate authorities infractions of the law regarding the attendance of students below the age of seventeen (17). The Board shall issue notice to those parents/guardians who fail to comply with the statutory requirements of compulsory attendance that such infractions will be prosecuted according to law.[25][26][27]

Delegation of Responsibility

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

1. Ensure a school session that conforms with requirements of state regulations.[28][29][30]
2. Govern the keeping of attendance records in accordance with state statutes.[25][31]
3. Distribute annually to staff, students, and parents/guardians Board policies and school rules and regulations governing student attendance, absences and excusals.[10]
4. Impose on truant students appropriate incremental disciplinary measures for infractions of school rules, but no penalty may have an irredeemably negative effect on the student's record beyond that which naturally follows absence from classroom learning experiences.[26][32]
5. Identify the habitual truant, investigate the causes of truant behavior, and consider modification of the student's educational program to meet particular needs and interests.
6. Ensure that students legally absent have an opportunity to make up work.
7. Issue written notice to any parent/guardian who fails to comply with the compulsory attendance statute, within three (3) days of any proceeding brought under that statute. Such notice shall inform the parent/guardian of the date(s) the absence occurred, that the absence was unexcused and in violation of law, that the parent/guardian is being notified and informed of his/her liability under law for the absence of the student, and that further violation during the school term will be prosecuted without notice.[26][32][27][33]

Repeated infractions of Board policy requiring the attendance of enrolled students may constitute misconduct and disobedience to warrant the student's suspension or expulsion from the regular school program.[34][35]



Blackhawk
School District

| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Postgraduate Students |
| Code | 205 |
| Status | Active |
| Adopted | August 17, 2006 |

Authority

The Board shall assume no responsibility for making its regular educational program available to district residents who are high school graduates or who have attained the age of twenty-one (21) years; nor shall the Board be responsible for continuing education for such residents in the schools of any other district.



| | |
|---------|--------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Assignment Within District |
| Code | 206 |
| Status | Active |
| Legal | 1. 24 P.S. 1310 2. Pol. 103 |
| Adopted | August 17, 2006 |

Purpose

The Board directs that the assignment of students to classes and schools within this district shall be consistent with the educational needs and abilities of students and the best use of district resources.

Authority

The Board shall determine periodically the school attendance areas of the district and expects the students within each area to attend the designated school. In assigning students to schools within this district, no discrimination shall occur.[1][2]

Delegation of Responsibility

The Superintendent or designee periodically shall review existing attendance areas and recommend to the Board changes that may be justified by consideration of safe student transportation and travel, financial and administrative efficiency, and effectiveness of the instructional program.

The Superintendent or designee may assign a student to a school other than that designated for the attendance area when such exception is justified by circumstances and is in the proper educational interest of the student.

The Superintendent or designee shall assign incoming transfer students to schools, grades, and classes that afford each student the greatest likelihood of realizing his/her educational potential and academic goals, and that fits the transportation plans of the district.

The building principal shall assign students in the school to appropriate grades, classes or groups, based on consideration of the needs and abilities of the student, as well as the administration of the school.

Guidelines

Every effort shall be made to continue a student in the elementary school initially assigned.

Wherever practicable and advisable in the interests of the students, siblings shall be assigned to the same building.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Confidential Communications of Students |
| Code | 207 |
| Status | Active |
| Legal | 1. 22 PA Code 12.12 2. 42 Pa. C.S.A. 5945 3. 42 Pa. C.S.A. 8337 |
| Adopted | August 17, 2006 |

Purpose

The Board recognizes that certain written and oral communications between students and school personnel must be confidential.

Authority

The Board directs school personnel to comply with all federal and state laws, regulations and Board policy concerning confidential communications of students.

Guidelines

Information received in confidence from a student may be revealed by the staff member who received the information when the health, welfare or safety of the student or other persons clearly is in jeopardy.[1]

Use of a student's confidential communications to school personnel in legal proceedings is governed by statutes and regulations appropriate to the proceedings.[1][2][3]

Delegation of Responsibility

In qualifying circumstances, a staff member may reveal confidential information to the building principal and other appropriate authorities.

In qualifying circumstances, the building principal may reveal confidential information to a student's parent or legal guardian and other appropriate authorities, including law enforcement personnel.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Withdrawal From School |
| Code | 208 |
| Status | Active |
| Legal | 1. 24 P.S. 1326 2. 22 PA Code 11.13 3. 22 PA Code 11.4 |
| Adopted | August 17, 2006 |

Purpose

The Board affirms that even though statute requires attendance of a student only between the ages of eight (8) and seventeen (17), it is in the best interests of both students and the community that students complete the educational program that will equip them with skills and increase their chances for a successful life beyond school.[1][2]

Authority

The Board directs that whenever a student wishes to withdraw, efforts should be made to determine the underlying reason for such action. District resources and staff should be utilized to assist the student in pursuing career goals.

No student of compulsory school age will be permitted to withdraw without the written consent of a parent/guardian and supporting justification.

The withdrawal of students attending college full-time shall be approved.[3]

Delegation of Responsibility

The Superintendent or designee shall develop procedures to govern a student's withdrawal from school.

Guidelines

Counseling services shall be made available to any student who wishes to withdraw.

Information shall be given to help the student to define educational and life goals and help plan the realization of those goals.

Students shall be informed about the tests for General Educational Development.

The building administrator shall ensure the timely return of all district-owned supplies and equipment in the possession of the student.



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Health Examinations/Screenings |
| Code | 209 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 24 P.S. 14012. 24 P.S. 14023. 24 P.S. 14034. 22 PA Code 12.415. 24 P.S. 14076. 28 PA Code 23.1 et seq7. 24 P.S. 14058. 28 PA Code 23.29. 20 U.S.C. 1232h10. 24 P.S. 141911. 28 PA Code 23.4512. 24 P.S. 140613. 23 Pa. C.S.A. 631114. Pol. 80615. Pol. 20316. Pol. 10317. 24 P.S. 140918. Pol. 113.419. Pol. 21620. 20 U.S.C. 1232g21. 34 CFR Part 9922. Pol. 80524 P.S. 1401-141923 Pa. C.S.A. 6301 et seq |
| Adopted | August 17, 2006 |
| Last Revised | January 14, 2021 |

Authority

In compliance with applicable law and regulations, and Board-approved health and safety plans, the Board shall require that district students submit to health and dental examinations, screenings and health monitoring in order to protect the school community from the spread of communicable disease and to ensure that the student's participation in health, safety and physical education courses meets the student's

individual needs and that the learning potential of each student is not lessened by a remediable physical disability.[1][2][3][4]

Guidelines

Each student shall receive a comprehensive health examination conducted by the school physician upon original entry, in sixth grade, and in eleventh grade.[2][4][5]

Each student shall receive a comprehensive dental examination conducted by the school dentist upon original entry, in third grade, and in seventh grade.[3][4][5]

A private health and/or dental examination conducted at the parents'/guardians' request and expense shall be accepted in lieu of the school examination. The district shall accept reports of privately conducted physical and dental examinations completed within one (1) year prior to a student's entry into the grade where an exam is required.[5]

The school nurse or medical technician shall administer to each student vision tests, hearing tests, tuberculosis tests, other tests deemed advisable, and height and weight measurements, at intervals established by the district. Height and weight measurements shall be used to calculate the student's weight-for-height ratio.[2][4][6]

Parents/Guardians of students who are to receive physical and dental examinations or screenings shall be notified. The notice shall include the date and location of the examination or screening and notice that the parents/guardians may attend. The notice shall encourage the parent/guardian to have the examination or screening conducted by the student's private physician or dentist at the parent's/guardian's expense to promote continuity of care. Such statement may also include notification that the student may be exempted from such examination or screening if it is contrary to the parent's/guardian's religious beliefs.[7][8][9]

A student who presents a statement signed by the parent/guardian that a health examination is contrary to the student's or parent's/guardian's religious beliefs shall be examined only when the Secretary of Health determines that facts exist indicating that certain conditions would present a substantial menace to the health of others in contact with the student if the student is not examined for those conditions.[10][11]

Where it appears to school health officials or teachers that a student deviates from normal growth and development, or where school examinations reveal conditions requiring health or dental care, the parent/guardian shall be notified of the apparent need for a special examination by the student's private physician or dentist. The parent/guardian shall report to the school whether a special examination occurred. If the parent/guardian fails to report whether the examination occurred within a reasonable time after being notified of the apparent need and the abnormal condition persists, appropriate school health personnel shall arrange a special health examination for the student.[2][4][12]

In the event that the parent/guardian objects to or refuses to obtain a regular or special health or dental examination or refuses to permit the child to be examined as arranged by the school nurse or school physician, the school nurse, in consultation with the school physician, shall determine whether the student appears to have unaddressed health conditions such that under the circumstances the refusal should be reported to the PA Department of Health or other appropriate authorities.

Where school health officials or staff have reasonable cause to suspect that a student may be the victim of child abuse, the school employee shall make a report of suspected child abuse in accordance with law and Board policy.[13][14]

Health Monitoring

The Board directs district staff to monitor student health in accordance with applicable Board policy and the Board-approved health and safety plan.[15]

A student may request an alternative method of monitoring as a religious accommodation, and designated district staff shall assess and respond to such request in accordance with applicable law, regulations and Board policy. A request for an accommodation that would unreasonably impair safety or cause undue hardship will not be granted.[16]

A student with a health condition that may render a monitoring method ineffective should notify designated staff so that alternative or supplemental methods may be considered.[16]

Students who may be exhibiting symptoms that indicate health concerns shall be referred to the school nurse or designated staff for further assessment and response, in accordance with Board policy.[15]

Health Records

The district shall maintain for each student a comprehensive health record which includes a record of immunizations and the results of tests, measurements, regularly scheduled examinations and special examinations.[2]

All health records shall be confidential and shall be disclosed only when necessary for the health of the student or when requested by the parent/guardian, in accordance with law and Board policy.[17][18][19]

The district may disclose information from health records to appropriate parties in connection with an emergency when necessary to protect the health or safety of the student or other individuals, in accordance with applicable law and Board policy.[15][17][18][19][20][21][22]

Designated district staff shall request from the transferring school the health records of students transferring into district schools. Staff shall respond to such requests for the health records of students transferring from district schools to other schools.[17]

The district shall destroy student health records only after the student has not been enrolled in district schools for at least two (2) years.[17]

Delegation of Responsibility

The Superintendent or designee shall instruct all staff members to continually observe students for conditions that indicate health concerns or disability and to promptly report such conditions to the school nurse or designated staff.[2]

The Superintendent or designee shall ensure that notice is provided to all parents/guardians regarding the existence of and eligibility for the Children's Health Insurance Program (CHIP).[12]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Head Lice |
| Code | 209.1 |
| Status | Active |
| Adopted | August 17, 2006 |

Purpose

The Board is committed to maintaining a healthy environment for students and staff. To fulfill that commitment, the Board establishes this policy to provide guidelines for the prevention and control of head lice in students.

Guidelines

Any student suspected of having head lice by the school nurse or health aide shall be excluded from school for a period including two (2) calendar days following treatment or until treatment is completed or a physician's certificate is presented stating that the student is lice free.

Readmission

After treatment has been completed and all head lice and nits have been removed from the head, the following procedures shall be implemented:

1. The student shall not attend classes or ride the bus until examined by the school nurse.
2. After contacting the school nurse for an appointment, the parent/guardian shall accompany the student to school.
3. If upon examination the student is found to have head lice or nits, the student will be denied admission.
4. After the student has been cleared to return to classes, the nurse will continue to check for head lice or nits because of the risk of reinfestation. The student will be checked as often as deemed necessary by the nurse.



| | |
|---------|--------------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Use of Medications |
| Code | 210 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. 22 PA Code 7.13 |
| Adopted | August 17, 2006 |

Purpose

The Board shall not be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication in accordance with the direction of a physician to a student during school hours will be permitted only when failure to take such medicine would jeopardize the health of the student or the student would not be able to attend school if the medicine were not made available during school hours.

Definition

For purposes of this policy, **medication** shall include all medicines prescribed by a physician and any over-the-counter medicines.

Authority

Before any medication may be administered to or by any student during school hours, the Board shall require the written request of the parent/guardian, giving permission for such administration and relieving the Board and its employees of liability for administration of medication or the written order of the prescribing physician, which shall include the purpose of the medication, dosage, time at which or special circumstances under which the medication shall be administered, length of period for which medication is prescribed, and possible side effects of medication.[1][2]

Guidelines

A parent/guardian or student requesting that medication be administered to the student at school must submit the following documentation in advance of the administration of the medication:

1. The appropriate form to document the physician's prescription. Required information includes the student's name, the name of the medication, a description of the dosage to be administered, the time schedule for the administration of the medication, the medication's side effects, and a listing of all other medications being taken by the student. A new form, completed by the physician, shall be required with each change in medication, and at the beginning of each school year.
2. The appropriate form to document the parent's/guardian's permission for the administration of medication at school.
3. Medication to be dispensed at school must be delivered directly to a school nurse, health aide or to a building administrator, by a parent/guardian or an adult designated by the parent/guardian. The medication must be presented in the original container provided and labeled by a pharmacist.

A school employee may refuse to administer any medication that exceeds the recommended dosage by the manufacturer and/or Physician's Desk Reference.

A prescription drug log will be maintained for each student to whom medication is administered at school. This log may be computerized or on paper.

Prescription medication will be secured in a locked cabinet in the health office.

A student for whom medication has been prescribed during school hours has the responsibility of reporting to the health office at the appropriate time for the dispensing of the medication.

Medicines will be dispensed by the nurse, a person designated by the principal in the absence of the nurse, or by the student in the presence of a teacher, aide, or nurse.

Nonprescription medication will not be dispensed at school without a physician's order and parental permission.

The school nurses will orient those staff members who are authorized to administer medications. The orientation will include a review of the principles of medication administration and of the characteristics and side effects of each medication to be administered. All unused medication shall be claimed by the parent/guardian at the end of the school year. Any unclaimed medication will be destroyed by the school nurse at the end of each school year.

Student Self-Administration

To self-administer medication, the student must be able to:

1. Respond to and visually recognize his/her name.
2. Identify his/her medication.
3. Measure, pour and administer the prescribed dosage.
4. Sign his/her medication sheet to acknowledge having taken the medication.
5. Demonstrate a cooperative attitude in all aspects of self-administration.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Use of Medical Marijuana for Students |
| Code | 210.1 |
| Status | Active |
| Legal | 1. Pol. 907 2. 20 U.S.C. 7118 3. Pol. 227 |
| Adopted | October 15, 2019 |

Purpose

The Board recognizes that the use of medical marijuana may be helpful to treat serious medical conditions, as defined by the Medical Marijuana Act ("MMA"), 35 Pa. C.S. § 10231.101, et seq. The purpose of this policy is to set forth the guidelines and procedures for administration of medical marijuana to students. The Board authorizes the administration and use of medical marijuana strictly within the guidelines set forth in this policy.

Definitions

For purposes of this policy, **medical marijuana** shall mean marijuana certified for medical use by a medical marijuana-certified physician for serious medical condition(s) as defined by the MMA.

For purposes of this policy, a **caregiver** shall mean any of the following individuals:

1. A parent or legal guardian of the student-patient.
2. An individual designated by a parent or legal guardian of the student-patient; or
3. An appropriate individual approved by the Department of Health upon a sufficient showing that no parent or legal guardian is appropriate or available.

Authority

The MMA permits caregivers to administer medical marijuana to minors upon receiving a valid prescription and Safe Harbor Physician Form from a medical marijuana-certified physician. [35 Pa. C.S. § 10231.506]

Guidelines

Students may receive medical marijuana during school hours only if:

1. The student suffers from at least one (1) of the serious medical conditions defined in the MMA.
2. Has a valid prescription from a medical marijuana-certified physician practicing in Pennsylvania.
3. Submits a valid Minor Safe Harbor Physician Form from a medical marijuana-certified physician practicing medicine in Pennsylvania.

Only caregivers shall be permitted to administer medical marijuana to students. To administer medical marijuana in school, caregivers must present a copy of an approved Safe Harbor Letter to their school principal. Advanced notice of when the administration of medical marijuana will occur must also be provided to school administration. The school shall provide the caregiver with a secure and private area in which to dispense the medical marijuana.

The caregiver shall follow all applicable protocols to enter the school as a visitor when administering medical marijuana under this policy. The school principal shall provide notice to the school nurse for each instance in which a caregiver will be administering medical marijuana to a student.[1]

Under no circumstances shall any student possess medical marijuana on school property. Because students may not possess medical marijuana, the caregiver must bring the medical marijuana onto school property and also make sure to remove all excess medical marijuana from school property once the substance is administered. No student shall be permitted to self-administer medical marijuana on school property.

The Board recognizes that marijuana remains an illicit substance according to federal law. The Commonwealth's legalization of marijuana for medical purposes does not supersede the enforcement of federal drug laws, including those that prohibit the presence and use of drugs on public school property, including the Every Student Succeeds Act, 20 U.S.C. § 7118. Possession of marijuana remains a criminal offense under state and federal law and is also a violation of the school's Controlled Substances Policy No. 227.[2][3]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Possession/Use of Asthma Inhalers |
| Code | 210.2 |
| Status | Active |
| Legal | 1. 24 P.S. 1414.1 2. 24 P.S. 1401 3. 22 PA Code 7.13 |
| Adopted | August 17, 2006 |

Authority

The Board shall permit students to possess asthma inhalers and to self-administer the prescribed medication used to treat asthma when such is parent-authorized.

Possession and use of asthma inhalers by students shall be in accordance with state law and Board policy.
[1]

Definitions

Asthma inhaler shall mean a prescribed device used for self-administration of short-acting, metered doses of prescribed medication to treat an acute asthma attack.[2]

Self-administration shall mean a student's use of medication in accordance with a prescription or written instructions from a physician, certified registered nurse practitioner or physician assistant.

Guidelines

Before a student may possess or use an asthma inhaler during school hours, the Board shall require the following:[1][3]

1. A written request from the parent/guardian that the school complies with the order of the physician, certified registered nurse practitioner or physician assistant.
2. A statement from the parent/guardian acknowledging that the school is not responsible for ensuring the medication is taken and relieving the district and its employees of responsibility for the benefits or consequences of the prescribed medication.
3. A written statement from the physician, certified registered nurse practitioner or physician assistant that states:
 - a. Name of the drug.
 - b. Prescribed dosage.
 - c. Times medication is to be taken.
 - d. Length of time medication is prescribed.

- e. Diagnosis or reason medication is needed, unless confidential.
- f. Potential serious reaction or side effects of medication.
- g. Emergency response.
- h. If child is qualified and able to self-administer the medication.

The student shall be made aware that the asthma inhaler is intended for his/her use only and may not be shared with other students.[2]

The student shall notify the school nurse immediately following each use of an asthma inhaler.

Violations of this policy by a student shall result in immediate confiscation of the asthma inhaler and medication and loss of privileges.

The district reserves the right to require a statement from the physician, certified registered nurse practitioner or physician assistant for the continued use of a medication beyond the specified time period. Permission for possession and use of an asthma inhaler by a student shall be effective for the school year for which it is granted and shall be renewed each subsequent school year.

A student whose parent/guardian completes the written requirements for the student to possess an asthma inhaler and self-administer the prescribed medication in the school setting shall demonstrate to the school nurse the capability for self-administration and responsible behavior in use of the medication.[1]

To self-administer medication, the student must be able to:

1. Respond to and visually recognize his/her name.
2. Identify his/her medication.
3. Demonstrate the proper technique for self-administering medication.
4. Sign his/her medication sheet to acknowledge having taken the medication.
5. Demonstrate a cooperative attitude in all aspects of self-administration.

Delegation of Responsibility

The Superintendent or designee, in conjunction with the school nurse(s), shall develop procedures for student possession of asthma inhalers and self-administration of prescribed medication.

The district shall annually inform staff, students and parents/guardians about the policy and procedures governing student possession and use of asthma inhalers.

When an asthma inhaler is initially brought to school by a student, the school nurse shall be responsible to complete the following:

1. Obtain the required written request and statements from the parent/guardian and physician, certified registered nurse practitioner or physician assistant, which shall be kept on file in the office of the school nurse.
2. Review pertinent information with the student and/or parent/guardian, specifically the information contained on the statement submitted by the physician, certified registered nurse practitioner or physician assistant.
3. Determine the student's ability to self-administer medication and the need for care and supervision. It is recommended that an extra inhaler be kept in the health office.
4. Maintain an individual medication log for all students possessing asthma inhalers.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Student Accident Insurance |
| Code | 211 |
| Status | Active |
| Adopted | August 17, 2006 |

Purpose

The Board recognizes the need for insurance coverage for unforeseen accidents that may occur to students in the course of attendance at school or participation in the athletic and extracurricular programs of the schools.

Authority

The Board shall provide parents/guardians the opportunity to purchase insurance coverage, at no cost to the Board, for injury to the students resulting from accidents in any activity during school hours and in any activity round-the-clock.

The premium will be paid by the parents/guardians.

Delegation of Responsibility

The Superintendent or designee shall be responsible to:

1. Prepare specifications and secure suitable coverage from qualified insurance carriers for recommendation and Board approval.
2. Notify all students and parents/guardians of students who may be eligible for insurance.
3. Ascertain that where the Board assumes the full cost of insurance, each eligible student is properly insured.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Reporting Student Progress |
| Code | 212 |
| Status | Active |
| Legal | 1. Pol. 216 |
| Adopted | August 17, 2006 |

Purpose

The Board believes that cooperation between school and home is a vital ingredient in the growth and education of each student. The Board acknowledges the school's responsibility to keep parents/guardians informed of student welfare and academic progress and also recognizes the effects of state and federal laws and regulations governing student records.[1]

Authority

The Board directs establishment of a system of reporting student progress that requires all appropriate staff members to comply, as part of their teaching responsibility, with a reporting system which includes academic progress reports, report cards, and parent/guardian conferences with teachers.

Delegation of Responsibility

The building principal, counselor, and classroom teachers shall develop procedures for reporting student progress to parents/guardians.

Guidelines

Various methods of reporting appropriate to grade level and curriculum content shall be utilized, including online grading report systems.

Both student and parent/guardian shall receive ample warning of a pending grade of failure, or one that would adversely affect the student's academic status.

Scheduling of parent-teacher conferences should occur at times that ensure the greatest degree of participation by parents/guardians.

Report cards shall be issued at intervals of not less than nine (9) weeks.

Review and evaluation of methods of reporting student progress to parents/ guardians shall be conducted on a periodic basis.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Assessment of Student Progress |
| Code | 213 |
| Status | Active |
| Legal | 1. Pol. 212 2. 22 PA Code 4.11 3. 24 P.S. 1531 4. 24 P.S. 1532 5. 22 PA Code 4.51 6. 22 PA Code 4.52 7. Pol. 102 8. Pol. 216 9. Pol. 217 |
| Adopted | August 17, 2006 |

Purpose

The Board recognizes that a system of assessing student achievement can help students, teachers, and parents/guardians to understand and evaluate a student's progress toward educational goals and academic standards.[1]

Definition

Assessment shall be the system of measuring and recording student progress and achievement that enables the student, parents/guardians and teachers to determine a student's attainment of established academic standards and to learn the student's strengths and weaknesses, plan an educational or vocational future for the student in areas of the greatest potential for success, and know where remedial work is required.[2]

Authority

The Board directs that the district's instructional program shall include a system of assessing all students' academic progress. The system shall include descriptions of how achievement of academic standards will be measured and how this information will be used to assist students having difficulty meeting required standards.[3][4][2][5][6][7][8]

Students with disabilities shall be included in the district's assessment system, with appropriate accommodations when necessary.[6]

The district's assessment system shall include a variety of assessment strategies which may include:[6]

1. Written work by students.
2. Scientific experiments conducted by students.

3. Works of art or musical, theatrical or dance performances by students.
4. Demonstrations, performances, products or projects by students related to specific academic standards.[9]
5. Examinations developed by teachers to assess specific academic standards.
6. Nationally-available achievement tests.
7. Diagnostic assessments.
8. Evaluations of portfolios of student work related to achievement of academic standards.
9. Other measures, as appropriate, which may include standardized tests.

Delegation of Responsibility

The Superintendent or designee shall develop and implement procedures to assess student progress, in accordance with district goals and regulations of the State Board of Education.[6]

Guidelines

At the outset of any course, each student should be informed about the academic standards to be attained.

Each student should be kept informed of personal progress during the units of a course of planned instruction.

Methods of assessment shall be appropriate to the planned instruction and maturity of students.

Assessment strategies should objectively evaluate and reward students for their efforts.

Students should be encouraged to assess their own academic achievements.

All assessment systems shall be subject to continuing review and revision.

Staff, students, and parents/guardians should be involved in the continuing program of assessment review.



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Class Rank |
| Code | 214 |
| Status | Active |
| Legal | 1. Pol. 216 2. Pol. 217 24 P.S. 510 |
| Adopted | August 17, 2006 |
| Last Revised | November 13, 2008 |

Purpose

The Board acknowledges the importance for a system of computing grade point averages and class rank for secondary school students for the purpose of college applications and postsecondary scholarships.

Authority

The Board authorizes a system of class rank, by grade point average, for students in grades 9-12. All students shall be ranked together. The class rank will not be made public.

Guidelines

Class rank shall be computed by the final grade in all subjects taken at Blackhawk for which credit is awarded.

Any two (2) or more students whose computed grade point averages are identical shall be given the same rank. The rank of the student who immediately follows a tied position will be determined by the number of students preceding and not by the rank of the proceeding person.

A student's rank in class will not be entered on the student's record or transcripts. A student's weighted and unweighted QPA will be calculated and recorded on their transcript. For purposes of the graduation ceremony, weighted QPA shall be calculated at the end of the third nine-week grading period to determine honor graduate status.[1][2]

Class rank will be maintained by the high school guidance office. Students will be able to access their class rank for the purpose of college applications and scholarships. Students will need to formally request in writing, their class rank.

Delegation of Responsibility

The Superintendent or designee shall develop procedures for computing grade point averages and assigning class rank to implement this policy, which shall include a statement of the methods for computation and rank assignment for those to whom a student's grade point average and class rank are released.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Promotion and Retention |
| Code | 215 |
| Status | Active |
| Legal | 1. 24 P.S. 1531 3. 24 P.S. 1532 4. Pol. 213 5. 22 PA Code 4.12 6. 22 PA Code 4.13 7. Pol. 212 8. Pol. 217 9. 22 PA Code 4.42 |
| Adopted | August 17, 2006 |

Purpose

The Board recognizes that the emotional, social, physical and educational development of students will vary and that students should be placed in the educational setting most appropriate to their needs. The district will establish and maintain high standards for each grade and monitor student achievement in a continuous and systematic manner.

Authority

The Board establishes that each student shall be moved forward in a continuous pattern of achievement and development that corresponds with the student's development, the system of grade levels, and attainment of the academic standards established for each grade.[1][9]

A student shall be promoted when s/he has successfully completed the curriculum requirements and has achieved the academic standards established for the present level, based on the professional judgement of the teachers and the results of assessments. A student shall earn the right to advance to the next grade by demonstrating mastery of the required skills and knowledge.[3][4]

Delegation of Responsibility

The Superintendent or designee shall develop procedures for promotion and retention of students which assure that every effort will be made to remediate the student's difficulties before the student is retained.[5][6]

The recommendation of the classroom teacher shall be required for promotion or retention of a student.[3]

The building principal shall be assigned the final responsibility for determining the promotion or retention of each student.

Guidelines

In all cases of retention, the parents/guardians shall be fully involved and informed throughout the process. Parents/Guardians and students shall be informed of the possibility of retention of a student well in advance.

Academic achievement, attitude, effort, work habits, behavior, attendance and other factors related to learning shall be evaluated regularly and communicated to students and parents/guardians.[7][4]

The district shall utilize multiple measures of academic performance as determinants in promotion and retention decisions.[4]

Progress toward high school graduation shall be based on the student's ability to achieve the established academic standards and pass the required subjects and electives necessary to earn the number of credits mandated by the Board for graduation.[8]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Student Records |
| Code | 216 |
| Status | Active |
| Legal | 1. 24 P.S. 1303a 4. P.L. 93-380 5. 34 CFR 99 6. 22 PA Code 4.52 7. 22 PA Code 12.31 8. 24 P.S. 1532 9. Pol. 213 10. Pol. 215 11. 24 P.S. 1305-A 13. 20 U.S.C. 1232g 14. 51 P.S. 20221 et seq 15. 24 P.S. 1402 16. 24 P.S. 1409 17. 24 P.S. 1533 |
| Adopted | August 17, 2006 |

Purpose

The educational interests of students require the collection, retention, and use of data and information about individuals and groups of students while ensuring the individual's right to privacy. The school district will maintain educational records for students for legitimate educational purposes.

Authority

The Board recognizes its responsibility for compilation, retention, disposition and security of student records. The Board also recognizes the legal requirement to maintain the confidentiality of student records.[1][11][15][16][8][17]

The Board shall adopt a comprehensive plan for all aspects of student records that conforms to the mandates of the Family Educational Rights and Privacy Act (FERPA) and its regulations; the Guidelines for the Collection, Maintenance, and Dissemination of Student Records; and the Standards for Special Education. Only educational records mandated by federal and state statutes and regulations, or permitted by the Board, may be compiled by district staff.[4][5][6][7][13]

Parents/Guardians and eligible students eighteen (18) years and older shall be notified annually, and upon initial enrollment, of their rights concerning student records. The notice shall be modified to accommodate the needs of the disabled or those whose dominant language is other than English.

Delegation of Responsibility

The Superintendent or designee shall be responsible for developing and implementing a comprehensive plan for records of regular students and students with disabilities that meets the requirements of all state and federal statutes and regulations and is approved by the Board.

The designated administrator shall establish safeguards to protect the student and his/her family from an invasion of privacy when collecting, retaining and disseminating student information and providing access to authorized persons.

In accordance with law, each district teacher shall prepare and maintain a record of the work and progress of each student, including the final grade and a recommendation for promotion or retention.[8][9][10]

Guidelines

The district's plan for compilation, retention, disclosure and security of student records shall provide for the following:

1. Informing parents/guardians and eligible students of their rights and the procedures to implement those rights.
2. Permitting appropriate access by authorized persons and officials, describing procedures for access, and listing copying fees.
3. Enumerating and defining the types, locations and persons responsible for student records maintained by the district.
4. Establishing guidelines for disclosure of information and data in student records.
5. Maintaining a record of access and release of information for each student's records.
6. Assuring appropriate retention and security of student records.

7. Transferring education records and appropriate disciplinary records to other school districts.[11]
Procedures for disclosure of student records shall apply to military recruiters, colleges and universities, and prospective employers.[14]

The Board shall not permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

The annual notice of rights shall inform parents/guardians and eligible students of the following:

1. The right to inspect and review the student's education record within forty-five (45) days of the district's receipt of the request for access.
2. The right to request amendment of the student's education records that the parent/guardian or eligible student believes are inaccurate, misleading or otherwise violate the privacy rights of the student.
3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state laws authorize disclosure without consent.
4. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if the district discloses certain materials without prior consent.
5. The right to refuse to permit the designation of any or all categories of directory information except as required by state/federal law.
6. The right to request that information not be provided to military recruiting officers.[14]

This notice may be in the form of a section of the district's newsletter and/or handbook.

216-Attach.doc (32 KB)

ATTACHMENTS TO STUDENT RECORDS

**STUDENT RECORDS
NOTIFICATION OF RIGHTS
PARENTS/GUARDIANS/ELIGIBLE STUDENTS**

The Family Educational Rights and Privacy Act (FERPA) and Pennsylvania law afford parents/guardians and students eighteen (18) years of age and over (eligible students) certain rights with respect to the student's educational records, as follows:

1. The right to inspect and review the student's education records within forty-five (45) days of the district's receipt of a request for access.

A parent/guardian or eligible student making such a request must submit to the school principal (or appropriate school official) a written request that identifies the record(s) s/he wishes to inspect. The principal will make arrangements for access and notify the parent/guardian or eligible student of the time and place where the records may be inspected.

2. The right to request amendment of the student's education records that the parent/guardian or eligible student believes are inaccurate, misleading or otherwise violates the privacy rights of the student.

A parent/guardian or eligible student may request the district to amend a record s/he believes is inaccurate, misleading or violates the privacy rights of the student by clearly identifying in writing the part of the record s/he wants changed and specifying why it is inaccurate, misleading or violates the privacy rights of the student. The request shall be made to the building principal (or appropriate school official).

If the district decides not to amend the record as requested, the principal will notify the parent/guardian or eligible student of the decision and advise him/her of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent/guardian or eligible student when notified of the right to a hearing.

3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state law authorize disclosure without consent.

Disclosure of personally identifiable information can be made without consent to the following:

- a. School officials, including teachers, with a legitimate need to review an education record in order to fulfill their professional responsibilities. This may include the disclosure of disciplinary information regarding conduct that posed a significant risk to the safety or well-being of the student or others. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); or a parent/guardian or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

- b. Officials of another school or school system in which the student seeks or intends to enroll. In this case, disciplinary information may be included. The district will make a reasonable attempt to notify the student's parents/guardians prior to the disclosure of information and will provide the parent/guardian with a copy of the record if so requested.
- c. Authorities named in FERPA and accompanying federal regulations, including authorized representatives of the Comptroller General of the United States, Secretary of Education, and state and local educational authorities.
- d. Officials connected with a student's application for a receipt of financial aid.
- e. State and local officials who are required to get specific information pursuant to state law if the disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released. If the state statute was enacted after November 19, 1974, the officials must certify in writing that the information will not be disclosed to any other person, except as provided by state law, without prior written consent of the parent/guardian.
- f. Educational testing and research organizations for the purpose of administering student aid programs or improving instruction or predictive tests as long as confidentiality is maintained and such organizations are required to destroy records after they no longer are needed.
- g. Accrediting institutions.
- h. In emergency situations to appropriate persons if the information is necessary to protect the health and safety of the student or others.
- i. Anyone if required by a court order or subpoena. However, where the subpoena is issued by a federal grand jury, the district will make reasonable efforts to notify the parent/guardian or eligible student prior to complying with the subpoena or court order.

The school district may disclose group scholastic achievement data from which the individual cannot be identified without written consent of the parent/guardian or eligible student.

- 4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

- 5. The right to refuse to permit the designation of any or all of the categories of directory information.

The district is permitted by law to disclose directory information without written consent of the parent/guardian or eligible student. The parent/guardian or eligible student has the right to refuse to permit the designation of any or all of the categories of directory information if a written refusal is forwarded to the building principal.

Directory information which may be released may include the student's name, date and place of birth; major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; the most recent and previous education agency or institution attended by the student; email address; photograph and other similar information.

6. The right to request that information not be provided to military recruiting officers.

Names, addresses and home telephone numbers of secondary school students will be released to military recruiting officers unless a student submits within twenty-one (21) calendar days a written request to the Superintendent that such information not be released.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Supplemental Discipline Records |
| Code | 216.1 |
| Status | Active |
| Legal | 1. 24 P.S. 1304-A 2. 24 P.S. 1305-A 3. Pol. 216 4. 42 Pa. C.S.A. 6341 |
| Adopted | August 17, 2006 |

Authority

The school district shall maintain required records concerning adjudicated students and transfer students disciplined for offenses involving weapons, alcohol, drugs and violence on school property.[1][4]

Guidelines

Adjudicated Students

Through the juvenile probation department, the court shall report to school principals information concerning the adjudication of an enrolled student. Such reports shall include a description of delinquent acts committed by the student, disposition of the case, probation or treatment reports, prior delinquent history, the supervision plan, and any other information deemed necessary.[4]

The building principal must share this information with the student's teacher and the principal of another school to which the student may transfer.

Required reports concerning an adjudicated student shall be maintained separately from the student's official school record.

Transfer Students

Upon registration and prior to admission to the school district, the parent/guardian or person having charge of the student shall provide a sworn statement or affirmation stating whether the student previously was or presently is suspended or expelled from any public or private school for an offense involving weapons, alcohol or drugs; willful infliction of injury to another person; or any act of violence committed on school property. The statement shall include the dates of suspension or expulsion and the name of the school from which the student was suspended or expelled for these reasons.[1]

Parents/Guardians shall be informed that any willful false statements concerning this registration shall be a misdemeanor of the third degree.

This registration statement shall be maintained as part of the student's disciplinary record.

When a student transfers to this district, a certified copy of the student's disciplinary record shall be obtained from the school from which the student is transferring. This record shall be maintained as part of the student's disciplinary record and shall be available for inspection as required by law.[2][3]



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Graduation Requirements |
| Code | 217 |
| Status | Active |
| Legal | 1. 22 PA Code 4.24 2. 22 PA Code 4.52 3. 24 P.S. 1611 4. 24 P.S. 1613 6. Pol. 100 7. Pol. 102 8. 22 PA Code 11.4 9. 22 PA Code 11.8 10. Pol. 241 11. 22 PA Code 11.5 12. Pol. 213 13. Pol. 216 14. 22 PA Code 4.51 |
| Adopted | August 17, 2006 |
| Last Revised | August 28, 2014 |

Purpose

The Board will acknowledge each student's successful completion of the instructional program appropriate to the student's interests and needs by awarding a diploma at graduation ceremonies.

Authority

The Board shall adopt the graduation requirements students must achieve, which shall include course completion and grades, results of district and/or state assessments, and proficiency on the Algebra, Biology, and Literature Keystone Exams.[1][2][14]

The Board shall award a regular high school diploma to every student enrolled in this district who meets the requirements of graduation established by this Board.[3][4][1][6]

The Board requires graduation requirements to be published and distributed to students and parents/guardians, and made available in each school building or on the district's website. All changes to graduation requirements shall be published and distributed to students and parents/guardians, and made available in each school building or on the district's website immediately following approval by the Board.

A list of all candidates for the award of a diploma shall be submitted to the Board for its approval.[4]

A requirement for graduation shall be the completion of work and studies representing the instructional program assigned to grades 9 through 12, which are aligned to established academic standards. Beginning with the class of 2017 all students must achieve proficiency on the Keystone Exams.[7]

A requirement for graduation shall be achieving proficient or advanced on the Algebra, Biology and Literature Keystone Exam. Commencing with the Class of 2017, the Board will require students to fulfill this obligation in order to graduate. The Keystone Exams are end of course exams that are taken once a student has successfully completed Algebra 1, General or Lab Biology and English 10.[1]

Students that are not proficient after taking the Keystone Exams will be required to demonstrate proficiency by the successful completion of a Project Based Assessment.

The Board requires that each candidate in the graduating classes of 2015 and 2016 shall have earned 23.5 credits. Commencing with the class of 2017 all students must successfully earn a minimum of 24 credits in grades 9-12 to qualify for graduation.

The fourth year of high school shall not be required for graduation if a student has completed all requirements for graduation and attends a postsecondary institution as a full-time student. A completed annual contract prior to the senior year shall be submitted and approved by the principal.[8][9][10]

A student may qualify for graduation by attending a district school part-time when officially enrolled part-time in a postsecondary institution.[11][9]

Delegation of Responsibility

The Superintendent or designee shall be responsible for planning and executing graduation ceremonies that appropriately recognize this important achievement.

Guidelines

Accurate recording of each student's achievement of academic standards shall be maintained, as required by law and state regulations.[12][13]

Students shall be informed of graduation requirements they are required to complete.

Periodic warnings shall be issued to students in danger of not fulfilling graduation requirements.

A student who has completed the requirements for graduation shall not be denied a diploma as a disciplinary measure, but the student may be denied participation in the graduation ceremony when personal conduct so warrants. Such exclusion shall be regarded as a school suspension.

Diplomas for Eligible Veterans

In order to honor and recognize eligible veterans who left high school prior to graduation to serve in World War II or the Korean War, the Board shall grant a diploma to a veteran who meets the applicable requirements of law and completes the required application.[3]

Upon proper application, the Board may award a diploma posthumously to a veteran who meets the stated requirements.

The Superintendent shall submit to the Board for its approval the names of veterans of World War II and the Korean War who are eligible for a high school diploma.



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Student Discipline |
| Code | 218 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. 22 PA Code 12.3 3. 22 PA Code 12.4 4. Pol. 103 5. 22 PA Code 12.2 6. Pol. 235 7. Pol. 122 8. Pol. 123 9. Pol. 233 10. Pol. 220 11. 22 PA Code 12.5 12. 24 P.S. 1317 13. 24 P.S. 1318 22 PA Code 403.1 20 U.S.C. 7114 22 PA Code 12.1 et seq |
| Adopted | August 17, 2006 |
| Last Revised | May 14, 2009 |

Purpose

Proper student behavior is characterized by each student developing the desire and ability to live as a responsible citizen in a free society. The goal for each student is self-discipline – to do what is right because it is known to be right and it is a habit to do so. Therefore, discipline will always seek to develop self-discipline.

Authority

The Board shall establish fair and reasonable rules and regulations regarding the conduct and deportment of all students in the school district during the time they are under the supervision of the school or at any time while on school property, while present at school-sponsored activities, and while traveling to or from school and school-sponsored activities.[1][2][3][4]

The Board shall adopt a Disciplinary Code to govern student behavior.[2][3][4]

Each student must adhere to Board policies and the Disciplinary Code governing school discipline.[5][6]

Any student enrolled in the district who reaches the age of eighteen (18) or older remains subject to all rules and regulations of the district, including the requirement of residency.

Off-Campus Activities

This policy shall also apply to student conduct that occurs off school property and would violate the Code of Student Conduct if:

1. There is a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.
2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.[7][8]
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, such as an agreement to complete a transaction outside of school that would violate the Code of Student Conduct.
5. The conduct involves the theft or vandalism of school property.

Guidelines

Any student disciplined by a district employee shall have the right to notice of the infraction.[9]

When a violation of the Code of Student Conduct involves student expression, Policy 220 shall be followed. [10]

Suspensions and expulsions shall be carried out in accordance with Policy 233.[9]

Reasonable force may still be used by teachers and school authorities under any of the following circumstances: to quell a disturbance, to obtain possession of weapons or other dangerous objects, for the purpose of self-defense, and for the protection of persons or property.[11]

Delegation of Responsibility

The Superintendent or designee shall promulgate rules and regulations to implement Board policy governing student conduct.

The Superintendent or designee shall publish and distribute to all staff, students and parents/guardians the rules for student behavior contained in the Disciplinary Code and the sanctions that may be imposed for violations of those rules. A copy of the Disciplinary Code shall be available in each school library and school office.[2][6]

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.

The building principal 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.[12][13]

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.[12][10]

218-Attach 4.pdf (58 KB)

218-Attach 2.pdf (57 KB)

218-Attach 1.pdf (49 KB)

218-Attach 3.pdf (54 KB)

**ATTACHMENTS TO
STUDENT
DISCIPLINE**

**BLACKHAWK SCHOOL DISTRICT
DISCIPLINARY CODE
LEVEL IV**

| DESCRIPTION | EXAMPLES | OPTIONS/ CONSEQUENCES |
|---|---|---|
| <p>Disciplinary action under Level IV often results from the <u>continuation</u> of lower level offenses. Also included: acts resulting in <u>violence to person(s) or property</u>, which pose a <u>direct threat to the safety and welfare</u> of others in school. These acts are clearly criminal in nature and are so serious that they always require administrative action resulting in the immediate removal from the school. The intervention of law enforcement authorities and/or action by the Board of School Directors may also be required.</p> <p><u>PROCEDURES</u></p> <ol style="list-style-type: none"> 1. The administrator verifies the offenses and, if necessary, confers with the school personnel involved before meeting with the student. 2. The student is <u>immediately suspended</u> from school and parents are notified. Law enforcement officials may also be contacted. 3. The Board of School Directors submits a complete and accurate report to the superintendent for possible action. 4. In the event of expulsion, the student receives a full due process hearing before the Board of Education. | <ul style="list-style-type: none"> • Continuation of Level III misbehaviors • Assault and/or battery on school personnel • Arson • Bomb threat • Engaging in conduct prohibited by the criminal code or ordinances of PA / community on school grounds or at school activities • Engaging in conduct so disruptive as to interfere with the orderly operation of school or which creates a clear and present danger to the health and welfare of the school community • Possession/use/transfer of dangerous or look a-like weapons or explosives • Setting off incendiary devices (firecrackers, smoke bombs, etc.) • Unwarranted pulling of a fire alarm • Attempted theft/ Theft • Dissemination of unauthorized inflammatory/ inappropriate materials in violation of school policy • Sexual Harassment • Harassment/bullying of school personnel • Major vandalism of school property or personal property of school personnel | <ol style="list-style-type: none"> A. Maximum ten days out-of-school with an informal hearing within 3 days B. Referral to appropriate enforcement agencies C. Referral for psychological services of Psych evaluation D. Referral for alcohol/drug rehabilitation E. Restitution F. Expulsion G. Referral to outside agency H. Intake meeting with appropriate school personnel <p style="text-align: center;">NOTE: LEVEL IV EXAMPLES AND DISCIPLINARY OPTIONS/ CONSEQUENCES ARE NOT LIMITED TO THOSE PROVIDED OR AS MODIFIED IN STUDENT HANDBOOK AT BUILDING LEVEL.</p> |

**BLACKHAWK SCHOOL DISTRICT
DISCIPLINARY CODE
LEVEL II**

| DESCRIPTION | EXAMPLES | OPTIONS/ CONSEQUENCES |
|--|--|--|
| <p>These infractions often result from the <u>continuation</u> of Level I misbehavior(s) and require the intervention of personnel on the administrative level because the use of Level I disciplinary responses/options has failed to correct the situation.</p> <p>Also included in this level are <u>misbehavior(s)</u>, which <u>tend to disrupt the orderly climate and conduct of the school</u>. They are serious enough to require corrective action on the part of administrative personnel.</p> <p>PROCEDURES</p> <ul style="list-style-type: none"> • Referral to administrator • Administrator meets with student and/or teacher to determine the most appropriate response • The teacher is notified of the administrator's action. • Parents are notified of the student's misbehavior. • A proper and accurate record of the offenses and disciplinary action is maintained by the administrator. | <ul style="list-style-type: none"> • Failure to do your P.A.R.T. and display the following attributes: <ul style="list-style-type: none"> * Persevere * Accountable * Respect * Trustworthy • Continuation of unmodified Level I misbehaviors • Acting in an insubordinate manner • Bus disturbance • Cafeteria disturbance (throwing of food and objects) • Cutting class/study hall • Inappropriate dress that disrupts the educational process • Leaving school without permission • Truancy • Dissemination and/or possession of unauthorized materials that are in violation of school rules, i.e., printed materials, buttons, etc. • Harassment or Bullying in any form (electronic and otherwise) • Throwing objects (snowballs, foods, etc.) • Falsification of records, excuses, passes, schedules • Failure to complete assigned detentions • Loitering in unauthorized areas of school buildings/grounds • Misbehavior at a school-sponsored activity • Possession of obscene materials • Showing flagrant disrespect to school personnel in word and/gesture • Cheating and lying (6-12) • Defacing school property • Gambling • Violation of Driving Policy | <ul style="list-style-type: none"> A. Warning B. Office detention C. Saturday detention D. In-school suspension (Grades K-7) E. Withdrawal of privilege or activity (at the discretion of principal) F. Out-of-school suspension of one to three days (at the discretion of principal) G. Parental conference H. Referral to outside agency I. Confiscation of objectionable items J. Professional School Counselor referral K. Student contract L. SAP/IST team referral <p>NOTE: LEVEL II EXAMPLES AND DISCIPLINARY OPTIONS/ CONSEQUENCES ARE NOT LIMITED TO THOSE PROVIDED OR AS MODIFIED IN STUDENT HANDBOOK AT BUILDING LEVEL.</p> |

**BLACKHAWK SCHOOL DISTRICT
DISCIPLINARY CODE
LEVEL I**

| DESCRIPTION | EXAMPLES | OPTIONS/ CONSEQUENCES |
|---|--|--|
| <p><u>Misbehavior</u> on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school.</p> | <ul style="list-style-type: none"> • Failure to do your P.A.R.T. and display the following attributes: <ul style="list-style-type: none"> - Persevere - Accountable - Respect - Trustworthy • Cheating or lying (grades K-5) • Inappropriate clothing/shoes • Throwing objects (pencils, erasers) • Tardiness to class or study hall • Violation of classroom procedures established by teacher • Use of obscene language and/or gestures • Public display of affection • Eating and drinking in unauthorized areas (Grades 6-12) • Horseplay or scuffling • Loud, boisterous noise • Use of non-instructional items (toys, games, electronic game) (per building rules) • Running in classrooms, halls, cafeterias, locker rooms, etc. • Sleeping in class • Verbal dispute between students • Cafeteria disturbance | <ul style="list-style-type: none"> A. Verbal or written reprimand B. Personal Talk C. Special seating within classroom (As per building guidelines) D. Withdrawal of privileges (removal of recess time- 10 minutes max.) E. Detention (as per building guidelines) F. Special Assignment G. Telephone call or written communication with parents H. Parental conference |
| <p align="center"><u>PROCEDURES</u></p> <p>There is immediate and consistent intervention by the <u>teacher</u> who is supervising the student or observes the misbehavior. The teacher maintains an anecdotal record of the offenses and disciplinary action. The teacher may wish to discuss the misbehavior with the parent, administrator, and/or support personnel. Student handbooks explaining consequences will be distributed and parents/students will sign at the beginning of the year.</p> | | <p>NOTE: LEVEL I EXAMPLES AND DISCIPLINARY OPTIONS/ CONSEQUENCES ARE NOT LIMITED TO THOSE PROVIDED OR AS MODIFIED IN STUDENT HANDBOOK AT BUILDING LEVEL.</p> |

**BLACKHAWK SCHOOL DISTRICT
DISCIPLINARY CODE
LEVEL III**

| DESCRIPTION | EXAMPLES | OPTIONS/ CONSEQUENCES |
|---|--|---|
| <p>These infractions often result from the continuation of Level II misbehaviors: These acts are more serious because their consequences have a lasting effect on an individual or may pose a threat to the health and safety of others in the school. While some might be considered criminal acts, most Level III misbehaviors can be handled by responses available to school personnel. However, in some cases, law enforcement officials may have to be contacted or notified.</p> | <ul style="list-style-type: none"> • Failure to do your P.A.R.T. and display the following attributes: <ul style="list-style-type: none"> - Perseverance - Accountable - Respectful - Trustworthy • Continuation of unmodified Level II misbehaviors • Attempted theft • Assault and/or battery of another student • Fighting • Indecent exposure • Theft/possession/sale of another's property/possessions • Possession and/or use of tobacco products • Harassment or Bullying in any form (electronic or otherwise) • Inflammatory/ inappropriate materials that are in violation of school policy • Creating a school disturbance • Intimidation: verbal or physical threat to student(s) and/or school personnel | <ul style="list-style-type: none"> A. Temporary removal from class B. Out-of-school suspension for one to five days C. In-school suspension for one to five days (Grades K-7 when available) D. Saturday detention E. Parental conference F. Withdrawal of privileges G. Restitution of property and damages H. Referral to outside agency I. SAP Team Referral J. Intake meeting with appropriate school personnel |
| <p style="text-align: center;"><u>PROCEDURES</u></p> <ol style="list-style-type: none"> 1. The administrator initiates disciplinary action by investigating the infraction, and if necessary, conferring with school personnel about the consequences. 2. The administrator meets with the student and confers with the parent about the student's misconduct and appropriate disciplinary responses. 3. The administrator maintains an accurate record of offenses and disciplinary actions. 4. If appropriate, the principal contacts law enforcement officials. | | <p>NOTE: LEVEL III EXAMPLES AND DISCIPLINARY OPTIONS/ CONSEQUENCES ARE NOT LIMITED TO THOSE PROVIDED OR AS MODIFIED IN STUDENT HANDBOOK AT BUILDING LEVEL.</p> |



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Weapons |
| Code | 218.1 |
| Status | Active |
| Legal | 1. 24 P.S. 1317.2 2. Pol. 233 3. 20 U.S.C. 1400 et seq 4. 24 P.S. 1303-A 5. 22 PA Code 403.1 6. 20 U.S.C. 7151 7. 20 U.S.C. 7114 8. 18 U.S.C. 921 9. 18 U.S.C. 922 |
| Adopted | August 17, 2006 |

Purpose

The purpose of this policy is to prohibit students from being in possession of weapons on school property, at any school-sponsored activity or on any public conveyance providing transportation to a school or school-sponsored activity and to provide procedures for the investigation and notification in the event of a report or suspicion of the presence of a weapon on school property.

Definitions

Weapon - the term shall include but not be limited to any knife (including any Bowie knife, Dirk knife, lock-blade knife, or hunting knife), cutting instrument, cutting tool, nunchaku, loaded or unloaded firearm (including pellet guns or BB guns), shotgun, rifle, chain, replica of a weapon, and/or any other tool, instrument, explosive device or implement capable of inflicting serious bodily injury.[1]

Possessing - 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.

Authority

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.[1]

The school district 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.[1][2]

Delegation of Responsibility

In the case of a student with disabilities, the Superintendent shall take all necessary steps to comply with the Individuals With Disabilities Education Act.[3]

The Superintendent or designee shall report the discovery of any weapon prohibited by this policy to the student's parents/guardians and to local law enforcement officials.[1]

The Superintendent or designee shall report all incidents relating to expulsion for possession of a weapon to the Department of Education.[1]

The Superintendent or designee shall be responsible to develop a memorandum of understanding with local law enforcement officials that sets forth procedures to be followed when an incident occurs involving an act of violence or possession of a weapon by any person on school property.[4]

Acts of violence or possession of a weapon in violation of this policy shall be reported to the Office of Safe Schools on the required form at least once each year.[4]

The Superintendent and building principal shall be responsible for developing a statement and shall determine the most effective method of informing school personnel of a weapons incident. The Superintendent shall inform the Board as soon as measures have been taken to eliminate any immediate danger associated with the incident.

The building principal shall be responsible for coordinating the informal hearing procedure, investigation, obtainment of written statements, witness statements and anecdotal records substantiating the charges of possession, transmitting and/or transporting a weapon in accordance with law.

Any professional staff member or school employee who suspects or ascertains that a student is in possession of a weapon in violation of this policy shall immediately inform the building principal who will conduct a complete investigation.

Upon confiscation of a weapon, the principal will immediately notify the following:

1. Local police.
2. Superintendent.
3. Parents/Guardians of any and all students involved in the incident.

Guidelines

Students, staff and parents/guardians shall be informed at least annually concerning this policy.

An exception to this policy may be made by the Superintendent, who shall prescribe special conditions or procedures to be followed.[1]

Weapons under the control of law enforcement personnel are permitted.

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.[8][9]

Transfer Students

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.[1]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Terroristic Threats/Acts |
| Code | 218.2 |
| Status | Active |
| Legal | 2. 22 PA Code 12.2 3. Pol. 233 4. 20 U.S.C. 1400 et seq 5. 18 Pa. C.S.A. 2706 |
| Adopted | August 17, 2006 |

Purpose

The Board recognizes the danger that terroristic threats and acts 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 or act.

Definitions

Terroristic threat - shall mean a threat to commit violence communicated with the intent to terrorize another; to cause evacuation of a building; or to cause serious public inconvenience, in reckless disregard of the risk of causing such terror or inconvenience.[5]

Terroristic act - shall mean an offense against property or involving danger to another person.

Authority

The Board prohibits any district student from communicating terroristic threats or committing terroristic acts directed at any student, employee, Board member, community member or school building.

Delegation of Responsibility

The Board directs the Superintendent to react promptly and appropriately to information and knowledge concerning a possible or actual terroristic threat or act.

The Superintendent or designee shall be responsible for developing administrative procedures to implement this policy.

Staff members and students shall be responsible for informing the building principal regarding any information or knowledge relevant to a possible or actual terroristic threat or act.[2]

The building principal shall immediately inform the Superintendent after receiving a report of such a threat or act.

Guidelines

When an administrator has evidence that a student has made a terroristic threat or committed a terroristic act, the following guidelines shall be applied:

1. The building principal may immediately suspend the student.[3]
2. The building principal shall promptly report the incident to the Superintendent.
3. Based on further investigation, the Superintendent may report the student to law enforcement officials.
4. The building principal may inform any person directly referenced or affected by a terroristic threat.
5. The Superintendent may recommend expulsion of the student to the Board.

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.

In the case of students with disabilities, the district will take all steps necessary to comply with the Individuals with Disabilities Education Act and follow Board policy.[4]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Use of Physical Restraint |
| Code | 218.3 |
| Status | Active |
| Legal | 1. 22 PA Code 12.5 2. Pol. 218 3. 22 PA Code 14.133 |
| Adopted | January 15, 2009 |

Purpose

Blackhawk School District Board of Directors is committed to maintaining a safe and orderly environment for students and staff. The Board recognizes that situations may arise wherein a staff member may be called upon to exercise reasonable physical restraint in order to ensure a safe school environment.

Definition

Reasonable restraint is defined as a restriction or limitation of movement of a student by a staff member(s) in order to prevent the student from harming him/herself or others, in order to prevent damage to property, or to ensure a safe school environment.

Guidelines

Reasonable restraint should only be used after other less intrusive alternatives have failed or been deemed inappropriate. Reasonable restraint is used with extreme caution in order to prevent a student from harming him/herself, other students or staff; and then only for so long as it is necessary to achieve this end.

Reasonable restraint should be used only in proportion to the extent and nature of the risk of harm present.

Reasonable restraint shall not be used as a disciplinary measure, nor shall it be construed to constitute corporal punishment.[1][2]

For students with disabilities the use of restraints to control aggressive behavior of an individual student shall cause a meeting of the IEP team to review the current IEP for appropriateness and effectiveness.[3]

Anytime restraint is used, the employees witnessing and/or administering the restraint of the student must submit a written report to the building principal. Within ten (10) days of the restraint, a Functional Behavior Analysis must be completed.



| | |
|---------|---------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Violent and Aggressive Behavior |
| Code | 218.4 |
| Status | Active |
| Adopted | August 17, 2006 |

Purpose

The Board recognizes that there are certain behaviors that, if tolerated, would quickly destroy the type of learning environment to which the students and staff are entitled. These behaviors, categorized as violent and aggressive, will not be tolerated and shall result in immediate action being taken, by the Board.

Authority

The Board prohibits all acts of violence and aggressive behavior directed at any student, employee, Board member, community member or school building.

Definitions

Physical Assault - the act of striking or touching a person or that person's property with a part of the anatomy or any object, with the intent of causing hurt or harm.

Verbal Abuse - includes, but is not limited to, swearing, screaming, obscene gestures or threats when directed, either orally, including the telephone, or in writing, at an individual, his/her family or a group.

Intimidation - an act intended to frighten or coerce someone into submission or obedience.

Extortion - the use of verbal or physical coercion in order to obtain financial or material gain from others.

Gangs - groups of youths who share common beliefs, attitudes, and attire, and exhibit unlawful and antisocial behavior, and who associate with each other for mutual protection and/or profit.

Stalking - the persistent following, contacting, watching, or any other such threatening actions that compromise the peace of mind or the personal safety of the individual.

Defiance - the act or instance of defying or opposing; insubordination.

Delegation of Responsibility

The Board directs the Superintendent to react promptly and appropriately to information and knowledge concerning acts of violence and aggression.

Staff members and students shall be responsible for immediately reporting knowledge of threats and/or violence to the building principal.

Acts of violence and aggression shall be investigated by the principal, and documented and communicated to the Superintendent.

The Superintendent shall be responsible for developing administrative regulations to implement this policy.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Student Complaint Process |
| Code | 219 |
| Status | Active |
| Adopted | August 17, 2006 |

Purpose

The Board recognizes that students have the right to request redress of complaints. In addition, the Board believes that the inculcation of respect for established procedures is an important part of the educational process. Accordingly, individual and group complaints shall be recognized, and appropriate appeal procedures shall be provided.

Definition

For purposes of this policy, a **student complaint** shall be one that arises from actions that directly affect the student's participation in an approved educational program.

Authority

The Board and its employees will recognize the complaints of students, provided that such complaints are submitted according to the guidelines established by Board policy.

Guidelines

The student should first make the complaint known to the staff member most closely involved or, if none is identifiable, a guidance counselor; and both shall attempt to resolve the issue informally and directly.

For complaints that must move beyond the first step, the student shall prepare a written statement of his/her complaint which shall set forth:

1. Specific nature of the complaint and a brief statement of relevant facts.
2. Manner and extent to which the student believes s/he has been adversely affected.
3. Relief sought by the student.
4. Reasons why the student feels entitled to the relief sought.

The complaint may then be submitted, in turn, to the building principal, the Superintendent and the Board, with a suitable period of time allowed at each level for hearing of the complaint and preparation of a response.

At each level the student shall be afforded the opportunity to be heard personally by the school authority.

At each step the school authority hearing the complaint may call in the student's parent/guardian.

The student may seek the help of a parent/guardian at any step.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Student Expression/Distribution and Posting of Materials |
| Code | 220 |
| Status | Active |
| Legal | 1. 22 PA Code 12.9 2. 24 P.S. 511 3. 24 P.S. 510 4. 22 PA Code 12.2 5. Pol. 219 6. Pol. 218 |
| Adopted | August 17, 2006 |

Purpose

The Board respects the right of students to express themselves in word or symbol and to distribute and post materials, when areas are designated for that purpose, as a part of that expression. The Board also recognizes that exercise of that right must be limited by the district's responsibility to maintain an orderly school environment and to protect the rights of all members of the school community.

This policy addresses student expression in general and distribution and posting of materials that are not part of district-sponsored activities. Materials sought to be distributed or posted as part of the curricular or extracurricular programs of the district shall be regulated as part of the school district's educational program.

Definitions

Nonschool materials - any printed or written materials meant for general distribution to others or for posting which are not prepared as part of the curricular or extracurricular program of the district. This includes such things as fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal web sites and the like.

Distribution - students handing nonschool written materials to others on school property or during school-sponsored events; placing upon desks, on or in lockers; or engaging in any other manner of delivery of nonschool written materials to others while on school property or during school functions. When e-mail, text messaging or other technological delivery is used as a means of distributing or accessing nonschool written materials via use of school equipment or while on school property or at school functions, it shall be governed by this policy. Off-campus or after hours distribution, including technological distribution, which does or is likely to materially or substantially interfere with school activities, school work, or discipline and order on school property or at school functions is also covered by this policy.

Posting - publicly displaying nonschool written materials on school property or at school-sponsored events, including but not limited to affixing such materials to walls, doors, bulletin boards, easels, the outside of lockers, on district-sponsored or student web sites, through other district-owned technology and the like.

Expression - verbal, written or symbolic representation or communication.

Authority

Students have the right to express themselves unless such expression is likely to or does materially or substantially interfere with school activities, school work or discipline and order on school property or at school functions; threatens immediate harm to the welfare of the school or community; encourages unlawful activity; or is likely to or does materially or substantially interfere with another individual's rights.[1]

Student expression that occurs while on school property or at school-sponsored events is fully governed by this policy. In addition, off-campus or after hours expression is governed by this policy if the student expression involved constitutes unprotected expression as stated in this policy and provided the off-campus or after hours expression does or is likely to materially or substantially interfere with school activities, school work, or discipline and order on school property or at school functions.[2][1]

The Board shall require that distribution and posting of nonschool written materials takes place only at the places and during the times set forth in written administrative procedures. Such procedures shall be written to permit the orderly operation of schools, while recognizing the rights of students to engage in protected expression.[3][1]

Unprotected Student Expression

The Board reserves the right to designate and prohibit manifestations of student expression that are not protected by the right of free expression because they violate the rights of others or where such expression is likely to or does materially or substantially interfere with school activities, school work, or discipline and order on school property or at school functions. Such unprotected expressions include those which:

1. Libel any specific person or persons.
2. Advocate the use or advertise the availability of any substance or material that may reasonably be believed to constitute a direct and substantial danger to the health or welfare of students.
3. Use obscene, lewd, vulgar or profane language, whether verbal, written or symbolic.[4]
4. Incite violence; advocate use of force; or urge violation of federal, state or municipal law, Board policy or district regulations.
5. Are likely to or do materially or substantially interfere with school activities, school work, or discipline and order on school property or at school functions.
6. Violate written school district administrative procedures on time, place and manner for posting and distribution of otherwise protected expression.

Spontaneous student expression which is otherwise protected speech is not governed by this section.

Discipline for Engaging in Unprotected Expression

The Board reserves the right to forbid the posting or distribution of nonschool written materials containing unprotected expression and to forbid students from engaging in other unprotected student expression, as well as to stop unprotected student expression when it occurs. The Board reserves the right to discipline students for engaging in unprotected expression.

Distribution of Nonschool Written Materials

The Board requires that students who wish to distribute or post nonschool written materials on school property shall submit them one (1) school day in advance of planned distribution or posting to the building principal or designee, who shall forward a copy to the district Superintendent.[1]

If the nonschool written materials contain unprotected expression as set out in this policy, the building principal or designee shall notify the students that they may not post or distribute the materials because they violate Board policy.

If notice is not given during the period between submission and the time for the planned distribution or posting, students may proceed with the planned distribution or posting, provided they comply with written administrative regulations on time, place and manner of posting or distribution of nonschool written materials.

Students who post or distribute nonschool written materials in compliance with this provision may still be ordered to desist such distribution if the materials are later found to be unprotected expression under this policy.

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

Posting of Nonschool Written Materials

If a school building has an area where individuals are allowed to post nonschool written materials, students may post such items as well, so long as they do not constitute unprotected expression and the items are submitted for prior review in the same manner as if the students were going to distribute them.

Such materials shall be dated and the district may remove the materials within ten (10) days of the posting, or such other reasonable time as stated in the administrative procedures relating to posting.

Review of Student Expression

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

Student initiated religious expression is permissible and shall not be prohibited except as to time, place and manner of distribution or if the expression involved violates some other part of this policy, e.g., because it is independently determined to be unprotected expression under the standards and definitions of this policy.

The review for unprotected expression shall be reasonable and not calculated to delay distribution. Appeal of the reviewer's decision may be made to the Superintendent and then to the Board, in accordance with Board policy and district administrative procedures.[5]

Delegation of Responsibility

The Superintendent shall assist each building principal in determining the designation of the places at which and times during which nonschool written material may be distributed in each school building. Such designations may take into account maintenance of the flow of student traffic throughout the school and shall limit distribution of nonschool written materials to noninstructional times.

Disciplinary action may be determined by the administrators for students who distribute or post nonschool written materials in contravention of this policy and district regulations or who continue the manifestation of unprotected expression after a person in authority orders that they desist. This shall be included in the disciplinary Code of Conduct for students. [6]

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

**ATTACHMENTS TO
STUDENT
EXPRESSION/
DISTRIBUTION AND
POSTING OF
MATERIALS**

STUDENT EXPRESSION/DISTRIBUTION AND POSTING OF MATERIALS

Students have the responsibility to act in accordance with Board Policy 220. Student Expression/Distribution and Posting of Materials (Policy 220), to obey laws governing libel and obscenity, and to be aware of the full meaning of their expression.

Students have the responsibility to be aware of the feelings and opinions of others and to give others a fair opportunity to express their views.

These procedures address the distribution and posting of nonschool materials that are not part of the curricular or extracurricular program of the district. Materials sought to be distributed or posted as part of the curricular or extracurricular program of the district will be regulated as part of the district's educational program and are not subject to the time, place and manner provisions set forth herein.

Students may distribute and/or post nonschool materials, provided that the form of expression and/or the use of public school facilities and equipment is/are in accordance with Policy 220, these procedures and the school dress code, if applicable.

The district has no responsibility to assist students in or to provide facilities for the distribution or posting of nonschool materials.

Definitions

Distribution means students issuing nonschool materials to others on school property or during school-sponsored events; placing upon desks, tables, on or in lockers; or engaging in any other manner of delivery of nonschool materials to others while on school property or during school functions. When email, text messaging or other technological delivery is used as a means of distributing or accessing nonschool materials via use of school equipment or while on school property or at school functions, it shall be governed by Policy 220 and these procedures. Off-campus or after hours distribution, including technological distribution, that does or is likely to materially or substantially interfere with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights is also covered by Policy 220 and these procedures.

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

Nonschool materials means any printed, technological or written materials meant for posting or general distribution that are not prepared as part of the curricular or approved extracurricular program of the district. This includes, but is not limited to fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal websites and the like.

Posting means publicly displaying nonschool materials on school property or at school-sponsored events, including but not limited to affixing such materials to walls, doors, bulletin boards, easels, the outside of lockers; on district-sponsored or student websites; through other district-owned technology and the like. When email, text messaging or other technological delivery is used as a means of posting nonschool materials via use of school equipment or while on school property or at school functions, it shall be governed by Policy 220 and these

STUDENT EXPRESSION/DISTRIBUTION AND
POSTING OF MATERIALS - Pg. 2

procedures. Off-campus or after hours posting, including technological posting, that does or is likely to materially or substantially interfere with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights is also covered by Policy 220 and these procedures.

Unprotected Student Expression means expressions that are not protected by the right of free expression because such expressions violate the rights of others or where such expression is likely to or does materially or substantially interfere with school activities, school work, discipline, safety and order on school property or at school functions. While the following list is not intended to be exhaustive, such expression shall not be protected if it:

1. Violates federal, state or local laws, Board policy or district rules or procedures.
2. Is libelous, defamatory, obscene, lewd, vulgar or profane.
3. Advocates the use or advertises the availability of any substance or material that may reasonably be believed to constitute a direct and serious danger to the health or welfare of students, such as tobacco/nicotine, alcohol or illegal drugs.
4. Incites violence, advocates use of force or threatens serious harm to the school or community.
5. Is likely to or does materially or substantially interfere with the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions.
6. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs.
7. Violates written district procedures on time, place and manner for posting and distribution of otherwise protected expression.

Spontaneous student expression which is otherwise protected speech is not prohibited by this section.

Distribution of Nonschool Materials

The distribution by students of all nonschool materials will be governed by the following procedures:

1. All nonschool materials, together with a copy of the plan of distribution, must be submitted to the building principal, who will forward such information to the Superintendent or designee for approval, no later than twenty-four (24) hours prior to the planned distribution. The plan of distribution will set forth in detail the desired time, place and manner of distribution, as well as those who will be distributing the materials.

STUDENT EXPRESSION/DISTRIBUTION AND
POSTING OF MATERIALS - Pg. 3

2. Identification of the individual student or at least one (1) responsible person in a student group will be required upon submission for approval. The person wishing to distribute such material on school property must provide in writing his/her name, address, telephone number and organization, if any. This information will be filed in the building principal's office.
3. The Superintendent or designee will review the material, determine if it constitutes unprotected expression, and inform the building principal or designee of his/her decision. The building principal or designee will notify the student(s) planning to distribute nonschool material of the decision to grant or deny permission to distribute the material as planned. If the decision is to not permit the distribution, the building principal or designee will specify the reasons for the decision and will specify the changes in the content of the material or in the plan of distribution which must be made, if any, in order to secure such permission. If the student(s) desiring to distribute such material make(s) such changes in a manner satisfactory to the Superintendent or designee prior to the planned distribution, the building principal or designee may then grant permission to distribute.
4. Any materials that have not been approved for distribution will not be distributed on school property, at school-sponsored functions or on school-provided vehicles.

Time -

If permission is granted, students may only distribute approved nonschool materials at the following times:

- { } _____ minutes before the official start of school;
- { } during regularly scheduled lunch periods;
- { } _____ minutes after the official end of school;
- { } at school-sponsored activities;
- { } _____(Other).

Place -

{ } Distribution of approved nonschool materials on school property will be permitted only in locations that allow for the normal flow of traffic within the school and its exterior doors, including on sidewalks located on school property paralleling school driveways. Building entrance walkways and building lobbies will not be utilized for such distribution.

{ } Distribution of approved nonschool materials will be permitted in the following locations:

_____.

{ } Nonschool materials may not be distributed during any regularly scheduled class unless specifically authorized by the Superintendent or designee.

STUDENT EXPRESSION/DISTRIBUTION AND
POSTING OF MATERIALS - Pg. 4

Manner -

{ } Materials approved to be distributed may be required to display the appropriate district disclaimer, as directed by the building principal or designee.

{ } All nonschool materials must bear the district disclaimer.

DISCLAIMER: THE _____ SCHOOL DISTRICT IS NOT RESPONSIBLE FOR, AND DOES NOT ENDORSE, ANY STATEMENT, SENTIMENT OR OPINION PUBLISHED OR EXPRESSED IN THIS DOCUMENT. THIS DOCUMENT IS NOT PART OF, AND HAS NOT BEEN DISTRIBUTED AS PART OF, THE DISTRICT'S CURRICULAR OR EXTRACURRICULAR PROGRAMS.

Any student who distributes materials will be responsible for cleaning any litter that results from such distribution, including any discarded pamphlets, fliers or other documents.

No student will harass or otherwise interfere with the distribution of approved nonschool material by student(s), nor may a student in any way compel or coerce a student to accept any materials.

Posting of Nonschool Materials

The posting of all nonschool materials will be governed by the following procedures:

1. All requests to post nonschool materials must be submitted to the building principal, who will forward such information to the Superintendent or designee for approval, no later than twenty-four (24) hours prior to the planned posting.
2. Identification of the individual student or at least one (1) responsible person in a student group will be required upon submission for approval. The person wishing to post such material must provide in writing his/her name, address, telephone number and organization, if any. This information will be filed in the building principal's office.
3. The Superintendent or designee will review the material, determine if it constitutes unprotected expression, and inform the building principal or designee of his/her decision. The building principal or designee will notify the student(s) planning to post nonschool material of the decision to grant or deny permission to post the material as planned. If the decision is to not permit the posting, the building principal or designee will specify the reasons for the decision and will specify the changes in the content of the material, if any, in order to secure such permission. If the student(s) desiring to post such material make(s) such changes in a manner satisfactory to the Superintendent or designee prior to the planned posting, the building principal or designee may then grant permission to post.
4. Any materials that have not been approved for posting will not be posted on school property.

STUDENT EXPRESSION/DISTRIBUTION AND
POSTING OF MATERIALS - Pg. 5

5. All approved materials will be posted in an area designated by the building principal for students to post nonschool materials.
6. All material approved to be posted will contain the date it was first posted.
7. All materials approved to be posted must be removed after _____ school days to assure full access to the bulletin boards.
8. No student will remove or otherwise interfere with the posting of approved nonschool material by student(s).
9. { } Approved postings may be required to display the appropriate district disclaimer, as directed by the building principal or designee.

{ } All nonschool materials must bear the district disclaimer.

DISCLAIMER: THE _____ SCHOOL DISTRICT IS NOT RESPONSIBLE FOR, AND DOES NOT ENDORSE, ANY STATEMENT, SENTIMENT OR OPINION PUBLISHED OR EXPRESSED IN THIS DOCUMENT. THIS DOCUMENT IS NOT PART OF, AND HAS NOT BEEN DISTRIBUTED AS PART OF, THE DISTRICT'S CURRICULAR OR EXTRACURRICULAR PROGRAMS.

Disciplinary Consequences

Any student who violates any provision of Policy 220 or these procedures will be subject to disciplinary action, which may include suspension and/or expulsion from school.

Student Handbook

A copy of this procedure will be published in student handbooks.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Dress and Grooming |
| Code | 221 |
| Status | Active |
| Legal | 1. 24 P.S. 1317.3 2. 22 PA Code 12.11 3. Pol. 220 4. Pol. 325 Pol. 425 Pol. 525 |
| Adopted | August 17, 2006 |

Purpose

The Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference.

Authority

The Board has the authority to impose limitations on students' dress in school.[1]

The Board will not interfere with the right of students and their parents/guardians to make decisions regarding their appearance, except when their choices disrupt the educational program of the schools or affect the health and safety of others.[2]

When student dress may constitute student expression, Policy 220 Student Expression/Distribution and Posting of Materials shall apply.[3]

Students may be required to wear certain types of clothing while participating in physical education classes, technical education, extracurricular activities, or other situations where special attire may be required to ensure the health or safety of the student.[2]

Delegation of Responsibility

The building principal or designee shall be responsible to monitor student dress and grooming and enforce school rules governing student dress and grooming.

The Superintendent or designee shall ensure that all rules implementing this policy impose only the minimum necessary restrictions on the exercise of the student's taste and individuality.[2]

Staff members shall be instructed to demonstrate by example positive attitudes toward neatness, cleanliness, propriety, modesty, and good sense in attire and appearance.[4][5][6]



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Tobacco and Vaping Products |
| Code | 222 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 18 Pa. C.S.A. 63052. 18 Pa. C.S.A. 6306.13. Pol. 2104. Pol. 2275. 20 U.S.C. 79736. 22 PA Code 10.27. 22 PA Code 10.258. 24 P.S. 1303-A9. 22 PA Code 10.2210. 24 P.S. 1302.1-A11. Pol. 21812. 20 U.S.C. 1400 et seq13. 22 PA Code 10.2314. Pol. 103.115. Pol. 113.116. Pol. 113.224 P.S. 51020 U.S.C. 711420 U.S.C. 711820 U.S.C. 7971 et seq34 CFR Part 300 <p>Pennsylvania Department of Health Medical Marijuana Guidance for Schools and School Districts</p> |
| Adopted | September 21, 2017 |
| Last Revised | January 14, 2021 |

Purpose

The Board recognizes that tobacco and vaping products, including the product marketed as Juul and other electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers and the school environment. The purpose of this policy is to prohibit student possession, use, purchase and sale of tobacco and vaping products, including Juuls and other electronic cigarettes.

Definition

State law defines the term **tobacco product** to broadly encompass not only tobacco but also vaping products including Juuls and other electronic cigarettes (e-cigarettes). **Tobacco products**, for purposes of this policy and in accordance with state law, shall be defined to include the following:[1][2]

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.
2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.
3. Any product containing, made or derived from either:
 - a. Tobacco, whether in its natural or synthetic form; or
 - b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.
4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term **tobacco product** does not include the following:[1][2]

1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled. NOTE: *This exception shall be governed by Board policy relating to Medications.*[3]
2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. NOTE: *Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of medical marijuana by students at any time on school property or during any school activities on school property. This exception shall be governed by Board policy relating to Controlled Substances/Paraphernalia.*[4]

Authority

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

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

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

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

Delegation of Responsibility

The Superintendent or designee shall develop administrative regulations to implement this policy.

The Superintendent or designee shall notify students, parents/guardians and staff about the Board's tobacco and vaping products policy by publishing information in student handbooks, parental newsletters, posters, and by other efficient methods, such as posted notices, signs and on the district website.[2]

Reporting

Parental Report –

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use, purchase or sale of a tobacco or vaping product, including a Juul or other e-cigarette, immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether 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.[6][7]

Office for Safe Schools Report -

The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco and vaping products, including Juuls or other e-cigarettes, by students to the Office for Safe Schools on the required form.[8]

Law Enforcement Incident Report -

The Superintendent or designee may report incidents of possession, use or sale of tobacco and vaping products, including Juuls or other e-cigarettes, 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 school police, School Resource Officer (SRO) or 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.[1][2][6][8][9][10]

Guidelines

A student who violates this policy shall be subject to prosecution initiated by the district and, if convicted, shall be required to pay a fine for the benefit of the district, plus court costs. In lieu of the imposition of a fine, the court may admit the student to an adjudication alternative.[2]

Tampering with devices installed to detect use of tobacco or vaping products shall be deemed a violation of his policy and subject to disciplinary action.[11]

Students with Disabilities

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.[12][13][15][16]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Use of Motor Vehicles |
| Code | 223 |
| Status | Active |
| Adopted | August 17, 2006 |

Purpose

The Board regards the use of motor vehicles for travel to and from school by students as an assumption of responsibility by parents/guardians and students.

Authority

The Board shall permit the use of motor vehicles by secondary students in accordance with district rules, provided that such students are licensed drivers, have followed established procedures and obtained the required permit, have parental permission when they are minors, and have been granted permission by the building principal to drive a motor vehicle on school grounds.

The Board prohibits the use of mini-bikes, dirt bikes, all-terrain vehicles (ATVs), skateboards or other unlicensed off-road vehicles on school property.

The Board shall not be responsible for motor vehicles that are lost, stolen, or damaged.

Delegation of Responsibility

The building principal or designee shall develop rules and regulations for operating and parking of motor vehicles and shall disseminate those rules to affected students.

The building principal or designee shall establish standards for granting permits, which contain the warning that infraction of rules may result in revocation of the permit.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Care of School Property |
| Code | 224 |
| Status | Active |
| Legal | 1. 24 P.S. 777 2. Pol. 218 3. Pol. 233 4. 24 P.S. 1338 5. 24 P.S. 109 6. 24 P.S. 801 |
| Adopted | August 17, 2006 |

Purpose

The Board believes that the schools should help students learn to respect property and develop feelings of pride in community institutions.

Authority

The Board charges each student in the district's schools with responsibility for the proper care of the school property, school supplies and equipment entrusted to the student's use.

It is the policy of the Board that students who willfully cause damage to school property shall be subject to disciplinary measures. Students and others who damage or deface school property may be prosecuted and punished under law. Parents/ Guardians shall be held accountable for the actions of their child.[1][2][3]

The Board may report to appropriate juvenile authorities any student whose damage of school property is serious or chronic in nature. In no case shall referral to juvenile authorities be made without prior notification to the student's parent/guardian.[4]

Delegation of Responsibility

The Superintendent or designee shall develop procedures to implement this policy which include rules for safekeeping and accounting of textbooks, supplies and equipment and an established schedule of fines for lost or damaged textbooks, supplies and equipment.[5][6]

Guidelines

Vandalism

If property damage due to vandalism occurs during nonschool hours, the building principal shall survey the damage, isolate the area as much as possible, and notify the police and Central Office.

Upon arrival of law enforcement officials, the building principal or other school officer shall examine the damage, consult, and determine the course of action to be followed.

If property damage due to vandalism occurs during school hours, the building principal shall question any students who may be connected with the incident in order to determine responsibility.

After receiving sufficient information as to who is responsible for the vandalism, the building principal shall take the following courses of action:

1. Determine the appropriate disciplinary action according to the facts, circumstances, and seriousness of the incident.
 2. Require restitution for the damage by notifying the parents/guardians of their responsibility by telephone and by letter.
 3. Contact local law enforcement officials if the situation justifies the arrest of the student(s) involved.
- The Superintendent shall submit a report on incidences of vandalism to the Board on each occurrence.

Vandalism reports shall include the number and kind of incident, cost to the district, and related information the Superintendent deems necessary.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Relations With Law Enforcement Agencies |
| Code | 225 |
| Status | Active |
| Legal | 1. Pol. 204 2. 24 P.S. 1303-A |
| Adopted | August 17, 2006 |

Purpose

The Board recognizes that compulsory attendance laws impose on the Board the custodianship of district students while they are present in the schools.[1]

Authority

It shall be the policy of the Board that cooperation with law enforcement agencies is considered essential for protecting students and staff, maintaining a safe environment in schools, and safeguarding district property.

The district shall encourage programs and activities designed to enrich district curriculum and to develop and promote good citizenship and a respectful attitude toward law enforcement officials.

Delegation of Responsibility

The Superintendent or designee shall be responsible to develop a memorandum of understanding with local law enforcement officials that establishes guidelines for when law officials will be called to school and the actions that will follow.[2]

Guidelines

Interrogations

When a police officer requests to interrogate a student, the building principal shall request the officer's credentials, if the officer is not already established as a duly authorized representative of the law. If the officer cannot comply with the request, the local police or state police shall be summoned.

Once the officer has been properly identified, the principal shall have the student brought to the office in as quiet and discreet of a manner as possible.

If the officer indicates that parents/guardians have not been notified, the principal or designee shall attempt to notify the parents/guardians to inform them of the action taken or about to be taken.

If the parent/guardian cannot be notified, and the officer insists that s/he wishes to interrogate the student without parent/guardian consent, the principal shall comply with the request.

If the parent/guardian refuses to give his/her consent as a result of the notification by the principal or designee, then the officer shall be so informed. If s/he still insists on interrogating the student against the parent's/guardian's wishes, then the student shall be summoned to the office.

Once the student is brought to the office, the principal shall remain in the room and be present throughout the proceedings.

As soon as possible upon the conclusion of the interrogation, the principal shall make a complete record of the incident and notify the Central Office.

Arrests

If an officer appears with a warrant or court order for the arrest of a student, the principal shall request the officer's credentials, if s/he is not already established as a duly authorized representative of the law. If the officer cannot comply with the request, the local police or state police shall be summoned.

Once the officer has been properly identified, the principal shall have the student brought to the office in a quiet and discreet manner.

The principal or designee shall attempt to notify the parent/guardian.

If the arresting officer desires to remove the student immediately from the school premises by serving the warrant, the district must comply.

If the officer wishes to interrogate the student pursuant to court order or before making the arrest, then the following additional procedures shall be followed:

1. The principal or a representative shall be present throughout the proceedings.
2. The principal or representative shall not take an active part in the questioning.
3. The principal shall notify the Central Office of the incident if the student is removed from the school.
4. The principal shall make a record of the incident.

No student shall be released to police authorities without proper warrant, appropriate evidence or written parental permission, except in the event of emergency or for the protection of life or property as determined by the principal.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Searches |
| Code | 226 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. 22 PA Code 12.14 3. Pol. 225 |
| Adopted | August 17, 2006 |

Purpose

The Board acknowledges the need for safe storage of books, clothing, school materials and personal property and may provide lockers for storage purposes.

Authority

It shall be the policy of the Board that all lockers are and shall remain the property of the school district. As such, students shall have only a limited expectation of privacy in their lockers.[1]

No student may use a locker as a depository for a substance or object that is prohibited by law, Board policy or district rules, or constitutes a threat to the health, safety or welfare of the occupants of the school building or the building itself.

The Board reserves the right to authorize its employees to inspect a student's locker at any time, based on reasonable suspicion, for the purpose of determining whether the locker is being used improperly for the storage of contraband, a substance or object the possession of which is illegal, or any material that poses a hazard to the safety and order of the schools.[2]

Delegation of Responsibility

The Board authorizes the administration to conduct random general searches of lockers when the district has a compelling interest in protecting and preserving the health, safety or welfare of the school population.

Students, parents/guardians and staff shall be notified at least annually, or more often if deemed appropriate by administration, concerning the contents of this policy. Students shall be required to sign a waiver in order to have the use of a school locker (handbook signature).

The Superintendent or designee shall develop procedures to implement this policy.

All requests or suggestions for the search of a student's locker shall be directed to the building principal who shall seek the consent of the student and notify the student that s/he may call a parent/guardian or another representative. The principal may appoint a third party to be present at the inspection.

The principal or designee shall be present whenever a student locker is inspected, based on reasonable suspicion.

The principal shall open a student's locker for inspection on the request of a law enforcement officer only on presentation of a duly authorized search warrant or on the intelligent and voluntary consent of the student. [3]

The principal shall be responsible for the safekeeping and proper disposal of any substance, object or material found in a student's locker in violation of law, Board policy or school rules.

The principal shall be responsible for promptly recording in writing each locker inspection; such record shall include the reason(s) for the search, persons present, objects found and their disposition.

School officials are authorized to search a student's personal possessions or motor vehicle parked on school property when there is reasonable suspicion that the student is violating law, Board policy or school rules, or poses a threat to the health, safety or welfare of the school population.

Guidelines

Students shall assume responsibility for maintaining the security of their lockers.

Prior to an individual locker search, the student shall be notified and be given an opportunity to be present. However, when school authorities have a reasonable suspicion that a locker contains materials which pose a threat to the health, welfare or safety of the school population, student lockers may be searched without prior warning.[2]

Searches conducted by the administration may include but not be limited to utilization of certified drug dogs, metal detection units, or any device used to protect the health, safety and welfare of the school population.



Blackhawk
School District

| | |
|---------|-------------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Controlled Substances/Paraphernalia |
| Code | 227 |
| Status | Active |

Legal

1. 35 P.S. 780-102
2. 21 U.S.C. 812
3. Pol. 210
4. Pol. 210.1
5. 24 P.S. 510
6. 24 P.S. 511
7. 22 PA Code 12.3
8. 22 PA Code 10.23
9. 20 U.S.C. 1400 et seq
10. Pol. 103.1
11. Pol. 113.1
12. Pol. 113.2
13. Pol. 805.1
14. Pol. 218
15. Pol. 122
16. Pol. 123
17. 24 P.S. 1302.1-A
18. 24 P.S. 1303-A
19. 42 Pa. C.S.A. 8337
20. Pol. 233
21. 22 PA Code 10.2
22. 22 PA Code 10.21
23. 22 PA Code 10.22
24. 22 PA Code 10.25
25. 35 P.S. 807.1
26. 35 P.S. 807.2
- 22 PA Code 403.1
- 35 P.S. 780-101 et seq
- 35 P.S. 807.1 et seq
- 20 U.S.C. 7114
- 20 U.S.C. 7161
- 21 U.S.C. 801 et seq
- 34 CFR Part 300
- Pol. 805

Adopted August 17, 2006

Last Revised January 19, 2017

Purpose

The Board recognizes that the abuse of controlled substances is a serious problem with legal, physical and social implications for the whole school community. As an educational institution, the schools shall strive to prevent abuse of controlled substances.

Definitions

For purposes of this policy, **controlled substances** shall include all:[1][2]

1. Controlled substances prohibited by federal and state laws.
2. Look-alike drugs.
3. Alcoholic beverages.
4. Anabolic steroids.
5. Drug paraphernalia.
6. Any volatile solvents or inhalants, such as but not limited to glue and aerosol products.
7. Substances that when ingested cause a physiological effect that is similar to the effect of a controlled substance as defined by state or federal laws.
8. Prescription or nonprescription (over-the-counter) medications, except those for which permission for use in school has been granted pursuant to Board policy.[3][4]

For purposes of this policy, **under the influence** shall include any consumption or ingestion of controlled substances by a student.

For purposes of this policy, **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.

Authority

The Board prohibits students from using, possessing, distributing, and being under the influence of any controlled substances during school hours, at any time while on school property, at any school-sponsored activity, and during the time spent traveling to and from school and to and from school-sponsored activities.[5][6][7]

The Board may require participation in drug counseling, rehabilitation, testing or other programs as a condition of reinstatement into the school's educational, extracurricular or athletic programs resulting from violations of this policy.

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.[8][9][10][11][12][13]

Off-Campus Activities

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:[14]

1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, whether or not via school district furnished transportation.
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.[15][16]
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, 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.

5. The conduct involves the theft or vandalism of school property.
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.

Delegation of Responsibility

The Superintendent or designee shall develop administrative regulations to identify and control substance abuse in the schools which:

1. Establish procedures to appropriately manage situations involving students suspected of using, possessing, being under the influence, or distributing controlled substances.[17][18][19]
2. Disseminate to students, parents/guardians and staff the Board policy and administrative regulations governing student use of controlled substances.
3. Provide education concerning the dangers of abusing controlled substances.
4. Establish procedures for education and readmission to school of students convicted of offenses involving controlled substances.

Guidelines

Violations of this policy may result in disciplinary action up to and including expulsion and referral for prosecution.[14][20]

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.[17][18][21][22][23][13]

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.[21][24][13]

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.[18][13]

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.

No student may be admitted to a program that seeks to identify and rehabilitate the potential abuser without the intelligent, voluntary and aware consent of the student and parent/guardian.

Anabolic Steroids

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, increasing muscle bulk or strength, or the enhancement of athletic ability are not valid medical purposes. Human Growth Hormone (HGH) shall not be included as an anabolic steroid.[25]

Students shall be made aware 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.[26][20]

Reasonable Suspicion/Testing

If based on the student's behavior, medical symptoms, vital signs or other observable factors, the building principal has reasonable suspicion that the student is under the influence of a controlled substance, the student may be required to submit to drug or alcohol testing. The testing may include but is not limited to the analysis of blood, urine, saliva, or the administration of a Breathalyzer test.

NOTES:

Maintenance – make sure any drug testing policy has been reviewed by district solicitor. See Andrews & Price memo for guidance.

PSBA Revision 4/13 © 2015 PSBA



| | |
|---------|-------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Student Government |
| Code | 228 |
| Status | Active |
| Legal | 1. 24 P.S. 511 2. Pol. 618 |
| Adopted | August 17, 2006 |

Purpose

The Board acknowledges the importance of offering students the opportunity to participate in self government within the schools.

The purpose of student government shall be to develop student leadership, provide a learning experience in democratic decision-making, and offer another avenue toward the realization of district goals.

Authority

The Board establishes that students shall have the right to organize, conduct meetings, elect officers and representatives, and petition the Board.[1]

The Board will recognize the Student Council as the official voice of the student body.

The charter, constitution or bylaws of the organization for student government shall be approved by the Board.

The Board shall appoint a qualified member of the faculty to serve as an advisor for student government activities. [1]

Delegation of Responsibility

The Superintendent or designee shall establish rules and regulations to implement this policy which:

1. Assure that all students have equal access to the student government and an equal opportunity to vote and hold office.
2. Require fiscal accountability and adherence to Board policy for all financial aspects of student government activity.[1][2]
3. Require that decisions made and actions taken by the student government organization, in accordance with and within the scope of its constitution, shall not be voided or vetoed by any staff member.



| | |
|---------|-------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Student Fundraising |
| Code | 229 |
| Status | Active |
| Legal | 1. 24 P.S. 511 2. Pol. 618 |
| Adopted | August 17, 2006 |

Purpose

The Board acknowledges that solicitation of funds from students must be limited because compulsory attendance laws make the student a captive donor and such solicitation may disrupt the educational program of the schools.

Definition

For purposes of this policy, **student fundraising** shall include solicitation and collection of money by students in exchange for goods or services.

Authority

The Board prohibits the collection of money by a student for personal benefit in school buildings, on school property or at any school-sponsored activity.

Delegation of Responsibility

Collection of money by approved school organizations may be permitted by the building principal.[1]

Collections by students on behalf of school organizations outside the schools may be permitted only by the Superintendent.

The Superintendent or designee shall establish rules and regulations to implement this policy which:

1. Limit the number of fundraisers in a year for any group.
2. Specify times and places in which funds may be collected.
3. Describe permitted methods of solicitation that do not place undue pressure on students or patrons.
4. Limit the kind and amount of advertising for solicitation.

The building principal shall distribute this policy and relevant procedures to each student organization granted permission to solicit funds.

Funds solicited shall be controlled by Policy 618.[2]

Guidelines

Student activity clubs and organizations may jointly conduct fundraising. Such fundraising activities may be conducted provided that:

1. The fundraising activity has been approved by the participating clubs and organizations.
2. One (1) of the participating clubs and organizations has been designated as the sponsor and shall account for the receipt and disbursement of funds in accordance with Board policy.
3. A method of distribution of the profits has been agreed to by the participating clubs and organizations.
4. The sponsor of the fundraiser shall obtain the building principal's approval of the fundraising activity.



| | |
|---------|---------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Public Performances by Students |
| Code | 230 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. Pol. 204 |
| Adopted | August 17, 2006 |

Purpose

The Board recognizes the value of students sharing their talents and skills with the community through student participation and performances in public events.

Authority

The Board endorses public performances by students when they constitute a learning experience that contributes to the educational program; they do not interfere with other scheduled activities; and the circumstances of the event do not pose a threat to the health, safety or well-being of the students who are involved.[1]

Delegation of Responsibility

All requests for public performances by student groups require the approval of the Board.

The Superintendent or designee shall develop procedures to implement this policy.

Guidelines

Parental permission shall be sought and received before students may participate in any public performance.

No student shall be compelled to participate in a public performance or be penalized in any way for failure to do so.

When public performances are scheduled as a regular part of a planned course of instruction taken for credit, students shall be informed in advance of their obligation to participate; and they will be excused from participation only in accordance with the rules and procedures governing school attendance.[2]

No district student, group of students, or employees may receive compensation for a public performance of students organized as school representatives.

The interests of students shall be protected and guarded against exploitation.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Social Events and Class Trips |
| Code | 231 |
| Status | Active |
| Legal | 1. 24 P.S. 511 2. 24 P.S. 517 3. 24 P.S. 510 |
| Adopted | August 17, 2006 |

Purpose

The Board recognizes the value of student social events and class trips in enhancing and enriching the school experience for students.

Authority

The Board shall make school facilities available and provide appropriate staff for social events within the school facilities that have been approved by the Superintendent and/or building principal.[1]

Class trips and social events that take place outside of school facilities require approval by the Board.[2]

Guidelines

As voluntary participants in school social events and class trips, students shall be held responsible for compliance with district policies and rules.

Infractions of those policies or rules will be subject to the same disciplinary measures applied during the regular school program.[3]

Participation in school events is not a right and may be denied to any student who has demonstrated disregard for the policies and rules of the district or the school.

Delegation of Responsibility

The Superintendent or designee shall develop procedures for the conduct of student social events and class trips which include the following:

1. Designation of a staff member who shall be the Board employee responsible for the event.[1]
2. Provision of adequate adult supervision or police protection, as required by the circumstances of the event.
3. Formulation of rules and regulations governing the conduct and safety of all participants and distribution of such rules and regulations to all students and adults involved.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Student Involvement in Decision-Making |
| Code | 232 |
| Status | Active |
| Adopted | August 17, 2006 |

Purpose

The Board believes that students should participate in the governance of school activities at levels appropriate to their ages and competencies because as part of their educational development, students should be provided experiences and decision-making roles to prepare them for the future and students are a valuable resource whose contributions can aid and benefit the programs of the schools.

Authority

The Board directs that students be invited to participate in activities appropriate to their maturity and competency, leading to administrative decision-making in the Strategic Plan.

Suggestions for improvement may be offered by any student, provided they are of a constructive nature and contribute toward the realization of the district's educational goals.

Delegation of Responsibility

The Superintendent or designee shall develop procedures to implement this policy which:

1. Provide for submission, consideration, and response to constructive student suggestions.
2. Designate the manner by which students shall be selected for participation in school matters.
3. Ensure that student participation is fairly representational of the whole student body.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Suspension and Expulsion |
| Code | 233 |
| Status | Active |
| Legal | 1. 24 P.S. 1318 2. 22 PA Code 12.6 3. 22 PA Code 12.8 4. 22 PA Code 12.7 5. Pol. 113.1 6. 2 Pa. C.S.A. 101 et seq 7. 2 Pa. C.S.A. 101 8. Pol. 218 9. Pol. 216 |
| Adopted | August 17, 2006 |

Purpose

The Board recognizes that exclusion from the educational program of the schools, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student and one that cannot be imposed without due process.

Authority

The Board may, after a proper hearing, suspend a student for such time as it deems necessary or may permanently expel a student.[1][2][3]

Guidelines

Exclusion From School - Suspension

The principal or teacher in charge of the school may suspend any student for disobedience or misconduct for a period of one (1) to ten (10) consecutive school days and shall report the suspension to the Superintendent in writing as soon as possible. The Superintendent shall be notified of the reason for the suspension and the student's date of readmission.[1][2]

No student may be suspended without notice of the reasons for which s/he is suspended and an opportunity to be heard on his/her own behalf before the school official who holds the authority to reinstate the student. Prior notice is not required where it is clear that the health, safety or welfare of the school population is threatened. The parents/guardians and Superintendent shall be notified immediately in writing when a student is suspended.

When the suspension exceeds three (3) school days, the student and parent/guardian will be given the opportunity for an informal hearing with the designated school official. Such hearing shall take place as soon

as possible after the suspension, and the district shall offer to hold it within the first five (5) days of the suspension.

Informal hearings under this provision shall be conducted by the Superintendent or designee.

Exclusion From Class - In-School Suspension

No student may receive an in-school suspension without notice of the reasons for which s/he is suspended and an opportunity to be heard prior to the time the suspension becomes effective. The parent/guardian shall be informed of the suspension action taken by the school.[4]

Should the in-school suspension exceed ten (10) consecutive school days, the student and parent/guardian shall be offered an informal hearing with the building principal or designee. Such hearing shall take place prior to the eleventh day of the in-school suspension.

The district shall provide for the student's education during the period of in-school suspension.

Expulsion

Expulsion is exclusion from school by the Board for a period exceeding ten (10) school days. The Board may permanently expel from the district rolls any student whose misconduct and disobedience warrants this sanction. No student shall be expelled without an opportunity for a formal hearing before a duly authorized committee of the Board and upon action taken by the Board after the hearing.[1][2][3]

The Board requires that any student receiving three (3) suspensions in a single school year may be recommended to the Superintendent for possible expulsion.

Attendance Requirements

A student under seventeen (17) years of age who is expelled is not excused from compliance with the compulsory attendance statute.[2]

The initial responsibility for providing the required education rests with the student's parent/guardian. Parents/Guardians who are unable to provide an education for their student shall submit a written statement within thirty (30) days that they are unable to do so. The district shall then make provisions for the student's education. If thirty (30) days pass without satisfactory evidence that the required education is being provided, the district shall contact the parent/guardian and make provisions for the student's education.[2]

Students With Disabilities

When a student with an Individualized Education Program faces suspension or expulsion, the district shall ensure that it complies with all applicable state and federal laws and regulations and Board policies.[5]

Expulsion Hearings

A formal hearing shall be required in all expulsion actions.[6]

The Board requires that each hearing shall be closed to the public unless the student and/or the parent/guardian requests a public hearing.[2][3]

A formal hearing shall not be unreasonably delayed. If it is not possible to hold a formal hearing within the suspension period, the student shall be placed in his/her normal class, after an informal hearing, unless it is determined that the student would constitute a threat to the health, safety, morals or welfare of others.

The formal hearing shall observe the due process requirements of:[3]

1. Notification of the charges in writing by certified mail to the student's parent/ guardian.
2. Sufficient notice of the time and place of the hearing.

3. The hearing shall be private unless the student or parent/guardian requests a public hearing.
4. The right to representation by counsel.
5. Disclosure of the names of witnesses and copies of written statements or affidavits of witnesses.
6. The right to request such witnesses appear in person and answer questions or be cross-examined.
7. The right to testify and present witnesses on the student's behalf.
8. The hearing shall be held with all reasonable speed.
9. Recording of the proceedings by stenographer or tape recorder.
10. A copy of the transcript available at the student's expense.

Adjudication

A written adjudication shall be issued after the Board has acted to expel a student. The adjudication may include additional conditions or sanctions.[Z]

Delegation of Responsibility

The Superintendent or designee shall develop rules and regulations to implement this policy which include:

1. Publication of a Disciplinary Code, in accordance with Board policy on student discipline.[8]
2. Procedures that ensure due process when depriving a student the right to attend school.
3. Regulations regarding student records which require that records of disciplinary suspension be maintained in accordance with Board policy on student records.[9]
4. The name of a student who has been disciplined shall not become part of the agenda or minutes of a public meeting, nor part of any public record of the Board; but such students may be designated by code.
5. Any student who has been expelled may apply for readmission to school upon such conditions as may be imposed by the Board.



| | |
|---------|---------------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Pregnant Students |
| Code | 234 |
| Status | Active |
| Legal | 1. 24 P.S. 1326 2. 22 PA Code 12.1 |
| Adopted | August 17, 2006 |

Purpose

No student, whether married or unmarried, who is eligible to attend district schools shall be denied an educational program solely because of pregnancy, childbirth, pregnancy-related disabilities, or actual or potential parenthood; nor shall a pregnant student under the age of seventeen (17) be excused from the requirements of compulsory attendance solely for reasons of pregnancy or maternity.[1][2]

Authority

The Board reserves the right to require as a prerequisite for attendance in the regular classes and participation in the extracurricular program of the schools that each pregnant student present to the Superintendent or designee her physician's written statement that such activity will not be injurious to her health nor jeopardize her pregnancy.

Guidelines

A pregnant student whose mental or physical condition prevents her from attending regular classes, when such condition is certified by a physician, may be assigned to an alternate educational program.

A student who has received an alternate educational program for reasons associated with her pregnancy shall be readmitted to the regular school program upon her request and the written statement of a physician that she is physically fit to do so.

Delegation of Responsibility

The Superintendent or designee shall develop procedures for implementing this policy which include:

1. Offering counseling services to help the pregnant student plan her future.
2. Cooperation with community resources to assist the pregnant student.
3. Development of a curriculum for the alternate educational program to which the pregnant student may be assigned on her request.
4. Designation of a qualified staff member to act upon the physician's statement regarding the examination and health of a pregnant student.[2]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Student Rights/Surveys |
| Code | 235 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. 22 PA Code 12.1 3. 22 PA Code 12.3 5. 22 PA Code 12.2 6. Pol. 105.1 7. 20 U.S.C. 1232h 9. 22 PA Code 4.4 10. 22 PA Code 12.4 11. 22 PA Code 12.9 12. 22 PA Code 403.1 |
| Adopted | August 17, 2006 |

Purpose

This policy sets forth guidelines by which student rights and responsibilities are determined, consistent with law and regulations.

Authority

The Board has the authority and responsibility to establish reasonable rules and regulations for the conduct and deportment of district students. At the same time, no student shall be deprived of equal treatment and equal access to the educational program, due process, a presumption of innocence, and free expression and association, in accordance with Board policy and school rules.[1][3][4][10][11]

Surveys conducted by outside agencies, organizations and individuals shall be approved by the Board, based on the Superintendent's recommendation, prior to administration to students.

Guidelines

Attendant upon the rights established for each student are certain responsibilities, which include respect for the rights of others; obedience to properly constituted school authority; and compliance with the policies, rules and regulations of this district.[5][3]

Since a student who has reached the age of eighteen (18) years possesses the full rights of an adult, s/he may authorize those school matters previously handled by his/her parent/guardian but s/he also assumes full responsibility for his/her performance on school attendance and compliance with school rules and regulations.

Parents/Guardians also have the rights in the school system to know about their student's educational experience. Specific rights are listed in topic areas of these policies.

Instructional Materials

Parents/Guardians shall be notified annually that all instructional materials, including teachers' manuals, audiovisuals, or other supplementary instructional material, used in the instructional program shall be available for inspection by the parents/guardians of students, in accordance with Board policy. Instructional materials do not include tests or academic assessments.[6]

Surveys/Evaluations

Surveys conducted by outside agencies, organizations and individuals shall be approved by the Board, based on the Superintendent's recommendation, prior to administration to students.

All surveys and instruments used to collect information from students shall relate to the district's educational objectives.

Parents/Guardians shall have the right to inspect, upon request, a survey created by a third party prior to administration or distribution to a student. Such requests shall be in writing and submitted to the building principal.[Z]

No student shall be required, without written parental consent for students under eighteen (18) years of age or written consent of emancipated students or those over eighteen (18) years, to submit to a survey, analysis, or evaluation that reveals information concerning:[Z][9]

1. Political affiliations or beliefs of student or parents/guardians.
2. Mental and psychological problems of the student or family.
3. Sexual behavior or attitudes.
4. Illegal, antisocial, self-incriminating or demeaning behavior.
5. Critical appraisals of other individuals with whom respondents have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those with lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or parents/guardians.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

However, such survey, analysis or evaluation may be conducted on a voluntary basis, provided that the student and parent/guardian have been notified of their right to inspect all related materials and to opt the student out of participation.

The district shall implement procedures to protect student identity and privacy when a survey contains any of the restricted subject areas listed above.

Collection of Information for Marketing

Parents/Guardians have the right to inspect the material and opt out the student from participating in any activity that results in the collection, disclosure or use of personal information for purposes of marketing or selling that information. This does not apply to the collection, disclosure or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students.[Z]

Delegation of Responsibility

The Superintendent or designee shall develop and promulgate procedures consistent with law and Board policy to ensure that student rights under varying conditions are properly described.

The Superintendent or designee shall annually notify parents/guardians concerning: [Z]

1. Contents of this policy and its availability.
2. Approximate dates that any surveys requesting personal information may be scheduled.
3. Procedures to request access to survey instruments prior to administration.
4. Procedures for opting students out of participation in surveys.

Definition

Personal information means individually identifiable information including a student's or parent's/guardian's name, address, telephone number, or social security number.



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Responsible Use of Personal Technology Resources |
| Code | 237 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. 24 P.S. 1317.1 3. Pol. 218 4. Pol. 226 5. Pol. 233 |
| Adopted | August 17, 2006 |
| Last Revised | July 18, 2013 |

Purpose

The Board, while recognizing that technology is an essential element of 21st century education, adopts this policy to establish guidelines for the use of personal technology resources in order to minimize disruptions to and maintain a safe and developmentally appropriate educational environment.

Definitions

Personal Technology Resource shall be defined as any device capable of capturing, storing, and/or transmitting information including text, audio, and/or video data. Personal Technology Resources include, but are not limited to, such devices as: cellular devices (those that receive and send messages electronically), digital cameras, tablets, laptop computers, MP3 players, mobile devices.

Instructional Time shall be defined as time when a student is in the charge of a teacher.

Extracurricular Time shall be defined as time when a student is participating as a member of an organized, school-sponsored team or activity.

Authority

The Board permits the use of Personal Technology Resources in the following situations:[1]

1. During Instructional Time: Students are permitted to use Personal Technology Resources during class time for educational use only and with teacher permission.
2. During Extracurricular Time: Students are permitted to use Personal Technology Resources during extracurricular time for educational use only and with coach/sponsor permission.

The Board prohibits the possession of laser pointers and attachments on school grounds, buses and school vehicles or at school-sponsored activities.[2]

The district shall not be liable for the loss, damage or misuse of any electronic device or Personal Technology Resources brought to school by a student and any legal matters resulting there from or any claims arising there from.

Staff is not permitted to repair, modify, or service any student Personal Technology Resources.

Electronic Images and Photographs

The taking, storing, disseminating, transferring, viewing or sharing of obscene, pornographic or lewd images, photographs or messages, whether by electronic data transfer or other means, including, but not limited to, texting and emailing, is prohibited and constitutes a Level III violation of the district's student discipline policy. Because such violations also may constitute a crime under state and/or federal law, the district may report such conduct to law enforcement authorities.

Violations of this policy may result in disciplinary action and may result in confiscation of the Personal Technology Resources for an extended period of time.[3][4][5]

Delegation of Responsibility

The Superintendent or designee shall promulgate procedures regarding the implementation of this policy.



| | |
|---------|---------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Foreign Exchange Students |
| Code | 239 |
| Status | Active |
| Legal | 1. 8 U.S.C. 1101 2. Pol. 203 |
| Adopted | August 17, 2006 |

Purpose

In order to promote cultural awareness and understanding and to provide diverse experiences to district students, the Board shall admit foreign exchange students into district schools.

Authority

The Board shall accept foreign exchange students who meet the established guidelines for admission to district schools.[1]

The Board shall accept exchange students on a J-1 Visa who reside within the district as participants in group-sponsored exchange programs approved by the Board. Exchange students on a J-1 Visa shall not be required to pay tuition.

The Board shall accept privately sponsored exchange students on an F-1 Visa for attendance only in secondary schools upon payment of tuition at the established district rate; tuition payments may not be waived. The period of attendance shall not exceed twelve (12) months.

The Board reserves the right to limit the number of foreign exchange students admitted to the schools.

Delegation of Responsibility

The Superintendent or designee shall be responsible for determining the visa status and eligibility of foreign exchange students applying for admission to district schools.

Guidelines

Foreign exchange students shall comply with all immunization requirements for students. Once admitted, all exchange students shall be subject to all district policies and regulations governing students.[2]

Admission of foreign exchange students shall be subject to the following guidelines:

1. Students shall be at least sixteen (16) years of age and shall be sufficiently fluent in English.
2. Students may not be a graduate of their native school system.
3. Students will be considered for admittance on a space available basis.
4. Resident host families shall submit a statement accepting responsibility for the student and verifying they are serving as a volunteer host without personal profit.

5. Exchange students shall be encouraged to participate in all student activities and athletics, provided eligibility criteria are met.
6. Exchange students are not eligible to receive a high school diploma but may be awarded an honorary diploma.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Athletic Awards |
| Code | 240 |
| Status | Active |
| Adopted | August 17, 2006 |

Purpose

The purpose of this policy is to award varsity athletic letters in a fair and objective manner as possible and to provide consistency within the total athletic program.

Authority

Students in the Blackhawk secondary schools may earn special recognition for participation in varsity athletics. The Board shall approve all official athletic awards of the district.

Guidelines

An athlete who has attained the requirements and standards in a particular varsity sport for the first time shall receive the Varsity B Letter.

An athlete who has attained the requirements and standards in a particular varsity sport for the second time shall receive numerals for the year of his/her graduation.

An athlete who has attained the requirements and standards in a particular varsity sport for the third time shall receive a plaque indicating that they have lettered for the third time.

An athlete who has attained the requirements and standards in a particular varsity sport for the fourth time shall receive a small trophy/plaque indicating this particular feat.

In order to be eligible to receive athletic awards, an athlete must complete the season as a member of the team.



| | |
|---------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Full-Time College Enrollment |
| Code | 241 |
| Status | Active |
| Adopted | August 17, 2006 |

Authority

The Blackhawk School District shall permit students to leave senior high school (grades 10-12) prior to the senior year to attend approved colleges on a full-time basis, in accordance with Board policy and contingent upon the advance approval of the building principal. The district shall award a diploma to these students upon successful completion of the requirement outlined in this policy.

Guidelines

The student and parent(s)/guardian(s) are responsible for completing the appropriate application available from the building principal, fulfilling all requirements designated in this policy, and providing monitoring documentation on a timely basis to the building principal. Approval by the principal shall be made on a case-by-case basis.

Contract

Requirements for each student shall be disseminated in an annual contract to be signed by the building principal, parents/guardians, and the student prior to the beginning of the student's participation in the program for each school year.

After consultation with the appropriate guidance counselor, a plan of study shall be developed to include all courses required for each year. The plan of study shall be included in the contract.

The student shall attend college on a full-time basis and this attendance responsibility shall be indicated in the contract.

Costs and Transportation

All costs for college attendance, including transportation, shall be the responsibility of the parents/guardians. This financial responsibility shall be indicated in the contract.

Monitoring and Assessment

The student must pass each college course or pass an advanced placement examination covering the subject matter of the course in order to receive credit at Blackhawk High School.

The student and/or parents/guardians shall make arrangements for the college's office of academic records to forward to the building principal documentation of the satisfactory completion of each semester's work on a timely basis. This monitoring and assessment requirement shall be specified in the contract.

Graduation Honors

College work authorized by Board policy shall not be considered for the determination of graduation honors; however, the student may participate in the graduation ceremony. This restriction shall be specified in the contract.

ancellation

The building principal has the right to cancel a student's participation in this program at any time if the principal determines the student's performance to be in violation of the terms of the contract. This administrative right shall be specified in the contract.



Book Blackhawk S D Policy Manual

Section 200 Pupils

Title Student Wellness

Code 246

Status Active

Legal 1. 24 P.S. 1422.1
3. Pol. 100
4. Pol. 808
5. 42 U.S.C. 1751 nt
6. 24 P.S. 1513
7. Pol. 102
8. Pol. 105
9. 24 P.S. 504.1
24 P.S. 1337.1
24 P.S. 1512.1

Adopted June 15, 2006

Last Revised August 21, 2008

Purpose

Blackhawk School District recognizes that student wellness and proper nutrition are related to students' physical well-being, growth, development, and readiness to learn. The Board is committed to providing a school environment that promotes student wellness, proper nutrition, nutrition education, and regular physical activity as part of the total learning experience. In a healthy school environment, students will learn about and participate in positive dietary and lifestyle practices that can improve student achievement.

Authority

To ensure the health and well-being of all students, the Board establishes that the district shall provide to students:[1][5]

1. A comprehensive nutrition program consistent with federal and state requirements.[3]
2. Access at reasonable cost to foods and beverages that meet established guidelines.
3. Curriculum and programs for grades K-12 that are designed to educate students about proper nutrition and lifelong physical activity, in accordance with State Board of Education curriculum regulations and academic standards.
4. Physical education courses and opportunities for developmentally appropriate physical activity during the school day.

Delegation of Responsibility

The Superintendent shall be responsible to monitor district schools, programs, and curriculum to ensure compliance with this policy, related policies and established guidelines or administrative regulations.[4]

Each building principal shall report to the Superintendent regarding his/her school's compliance.

Staff members responsible for programs related to student wellness shall report to the Superintendent or designee regarding the status of such programs. The school food service provider will ensure compliance with nutritional guidelines as established by federal regulations and will report on this matter to the Superintendent yearly.[5]

Guidelines

Wellness Committee

The Superintendent shall appoint a Wellness Committee comprised of at least one (1) of each of the following: School Board Member, district administrator, district food service representative, student, parent/guardian, and member of the public.

The Wellness Committee shall serve as an advisory committee regarding student health issues and shall be responsible for developing a Student Wellness Policy that complies with the law to recommend to the Board for adoption.

The Wellness Committee shall provide periodic reports to the Superintendent regarding the status of its work as required.

District schools shall determine how they will contribute to the effort to provide students opportunities for appropriate physical activity.

Students and community shall have access to physical activity facilities outside school hours.

Physical Education

The goal of quality physical education instruction that promotes lifelong physical activity and provides instruction in the skills and knowledge necessary for life long participation. This will be provided through Physical Education curriculum consistent with standards and support lifelong physical activity.[6][7][8]

A sequential physical education program consistent with State Board of Education curriculum regulations and Health, Safety and Physical Education academic standards shall be developed and implemented.

The use of physical activity or withholding opportunities for physical activity as a punishment will be discouraged.

Other School Based Activities

The goal of other school based activities is to support wellness and health of students and families during and outside of the school day.

Students shall be provided a clean and safe meal environment.

Students shall be provided adequate time to eat.

Meal periods shall be scheduled at appropriate hours.

Drinking water shall be available at all meal periods and throughout the school day.

Students shall have access to hand washing or sanitizing before meals and snacks.

Qualified nutrition professionals shall administer the school meals program.

Access to the food service operation shall be limited to authorized staff.

The use of food as a reward will be discouraged.

Goals of the Student Wellness Policy shall be considered in planning all school-based activities.

School fundraising activities during the instructional school day will not involve food or will use only healthy food items per year of the guidelines.

A list of creative fundraising ideas will be available in school offices for reference.

Celebrations and classroom parties must consider and encourage healthy food choices with consideration for special dietary needs. A list of healthy party ideas will be made available. Teachers and parents/guardians are always encouraged to consider nonfood options for classroom celebrations.

The district shall support the efforts of parents/guardians to provide a healthy diet and daily physical activity for children.

Employees are encouraged to be healthy role models for their students.

Nutrition Guidelines

The goal of nutrition education is to teach, encourage and support healthy eating by students. Promoting student health and nutrition enhances readiness for learning and increases student achievement by promoting classroom nutrition education providing breakfast and lunch programs consistent with the federal and state regulations.

Nutrition education will be provided within the sequential, comprehensive health education program in accordance with State Board of Education curriculum regulations and the academic standards for Health, Safety and Physical Education, and Family and Consumer Sciences.

The district aims to teach, encourage, and support healthy eating by students.

Nutrition education shall be integrated into other subjects including, but not limited to, math, science, and physical education departments to complement but not replace academic standards based on nutrition education.

Healthy lifestyles will be reinforced through nutrition education and physical activity.

Nutrition education shall extend beyond the school environment by engaging and involving families and communities.

Competitive foods are defined as foods offered at school other than through the National School Lunch or School Breakfast Programs and include a la carte foods, snacks and beverages; vending food, snacks and beverages; school store food, snacks and beverages; fundraisers; classroom parties and holiday celebrations.[9]

All school personnel will use the Guidelines for Nutritional Standards for Competitive Foods in Pennsylvania Schools when providing competitive foods during the instructional school day.



Book Blackhawk S D Policy Manual

Section 200 Pupils

Title School Wellness

Code 246 Vol I 2017

Status Active

Legal

1. 24 P.S. 1422.1
2. 42 U.S.C. 1758b
3. 7 CFR 210.31
4. 7 CFR 210.15
5. 24 P.S. 1422
6. 24 P.S. 1513
7. Pol. 102
8. Pol. 105
9. Pol. 808
10. 24 P.S. 1512.1
11. 7 CFR 210.10
12. 7 CFR 220.8
13. 42 U.S.C. 1751 et seq
14. 42 U.S.C. 1773
15. 7 CFR 210.30
16. 7 CFR 210.11
17. 7 CFR 220.12
18. Pol. 229
19. 24 P.S. 504.1
20. Pol. 209.1
- 24 P.S. 1337.1
- 24 P.S. 1422.3
- P.L. 111-296
- 7 CFR Part 210
- 7 CFR Part 220
- Pol. 103
- Pol. 103.1

Adopted July 27, 2017

Purpose

Blackhawk School District recognizes that student wellness and proper nutrition are related to students' physical well-being, growth, development and readiness to learn. The Board is committed to providing a

school environment that promotes student wellness, proper nutrition, nutrition education **and promotion**, and regular physical activity as part of the total learning experience. In a healthy school environment, students will learn about and participate in positive dietary and lifestyle practices that can improve student achievement.

Authority

The Board adopts **this policy** based on the recommendations of the Wellness Committee and in accordance with federal and state laws **and regulations**.^{[1][2][3]}

To ensure the health and well-being of all students, the Board establishes that the district shall provide to students:

1. A comprehensive nutrition program consistent with federal and state requirements.
2. Access at reasonable cost to foods and beverages that meet established nutrition guidelines.
3. Physical education courses and opportunities for developmentally appropriate physical activity during the school day.
4. Curriculum and programs for grades K-12 that are designed to educate students about proper nutrition and lifelong physical activity, in accordance with State Board of Education curriculum regulations and academic standards.

Delegation of Responsibility

The Superintendent or designee shall be responsible **for the implementation and oversight of this policy to ensure** each of the district's schools, programs and curriculum **is compliant** with this policy, related policies and established guidelines or administrative regulations.^{[2][3]}

Each building principal or designee shall **annually** report to the Superintendent or designee regarding compliance in his/her school.^[3]

Staff members responsible for programs related to **school** wellness shall report to the Superintendent or designee regarding the status of such programs.

The Superintendent or designee shall annually report to the Board on the district's compliance with law and policies related to **school** wellness. The report may include:

1. {x } Evaluation of food services program.
2. { x} Recommendations for policy and/or program revisions.
3. {x } Suggestions for improvement in specific areas.

The Superintendent or designee and the **established** Wellness Committee shall conduct an assessment **at least once every three (3) years** on the contents and implementation of this policy as part of a continuous improvement process to strengthen the policy and ensure implementation. **This triennial assessment shall be made available to the public in an accessible and easily understood manner and include:**^{[2][3]}

1. The extent to which **each** district school **is** in compliance with law and policies related to **school** wellness.
2. **The extent to which this policy compares to model wellness policies.**
3. **A description of the progress made by the district in attaining the goals of this policy. At least once every three (3) years, the district shall update or modify this policy as needed, based on the results of the most recent triennial assessment and/or as district and community needs and priorities change; wellness goals are met; new health science, information and technologies emerge; and new federal or state guidance or standards are issued.**^[3]

The district shall **annually** inform and update the public, including parents/guardians, students, and others in the community, about the contents, **updates** and implementation of this policy **via the district website, student handbooks, newsletters, posted notices and/or other efficient communication methods.**

This annual notification shall include information on how to access the School Wellness policy; information about the most recent triennial assessment; information on how to participate in the development, implementation and periodic review and update of the School Wellness policy; and a means of contacting Wellness Committee leadership.[2][3]

Guidelines

Recordkeeping

The district shall retain records documenting compliance with the requirements of the School Wellness policy, which shall include:[3][4]

- 1. The written School Wellness policy.**
- 2. Documentation demonstrating that the district has informed the public, on an annual basis, about the contents of the School Wellness policy and any updates to the policy.**
- 3. Documentation of efforts to review and update the School Wellness policy, including who is involved in the review and methods used by the district to inform the public of their ability to participate in the review.**
- 4. Documentation demonstrating the most recent assessment on the implementation of the School Wellness policy and notification of the assessment results to the public.**

Wellness Committee

The **district** shall **establish** a Wellness Committee comprised of, **but not necessarily limited to**, at least one (1) of each of the following: School Board member, district administrator, district food service representative, student, parent/guardian, **school health professional, physical education teacher** and member of the public. **It shall be the goal that committee membership will include representatives from each school building and reflect the diversity of the community.[2]**

The Wellness Committee shall serve as an advisory committee regarding student health issues and shall be responsible for developing, implementing and periodically reviewing and updating a **School** Wellness policy that complies with law to recommend to the Board for adoption.

The Wellness Committee shall review and consider evidence-based strategies and techniques in establishing goals for nutrition education and promotion, physical activity and other school based activities that promote student wellness as part of the policy development and revision process.[3]

Nutrition Education

Nutrition education will be provided within the sequential, comprehensive health education program in accordance with curriculum regulations and the academic standards for Health, Safety and Physical Education, and Family and Consumer Sciences.[6][7][8]

{ x } Nutrition education **in the district** shall teach, **model**, encourage and support healthy eating by students. Promoting student health and nutrition enhances readiness for learning and increases student achievement.

{ x } Nutrition education shall provide all students with the knowledge and skills needed to lead healthy lives.

{ x } Nutrition education lessons and activities shall be age-appropriate.

{ x } Nutrition curriculum shall **teach** behavior-focused **skills, which may include menu planning, reading nutrition labels and media awareness.**

{ x } Nutrition education shall be integrated into other subjects **such as math, science, language arts and social sciences** to complement but not replace academic standards based on nutrition education.

{ x } Lifelong lifestyle balance shall be reinforced by linking nutrition education and physical activity.

{ x } The staff responsible for providing nutrition education shall be properly trained and prepared and shall participate in appropriate professional development. **The district shall develop standards for such training and professional development.**[9]

Nutrition Promotion

Nutrition promotion and education positively influence lifelong eating behaviors by using evidence-based techniques and nutrition messages, and by creating food environments that encourage healthy nutrition choices and encourage participation in school meal programs.

{ x } District staff shall cooperate with agencies and community organizations to provide opportunities for appropriate student projects related to nutrition.

{ x } **District food service personnel shall review and implement research-based, behavioral economics techniques in the cafeteria to encourage consumption of more whole grains, fruits, vegetables and legumes, and to decrease plate waste.**

{ x } Consistent nutrition messages shall be disseminated and displayed throughout the district, schools, classrooms, cafeterias, homes, community and media.

{ x } Consistent nutrition messages shall be demonstrated by avoiding use of unhealthy food items in classroom lesson plans and school staff avoiding eating less healthy food items in front of students.

{ x } District schools shall **offer resources about health and nutrition** to encourage parents/guardians to provide healthy meals for their children.

Physical Activity

{ x } District schools shall strive to provide opportunities for developmentally appropriate physical activity during the school day for all students.

{ x } Students shall participate daily in a variety of age-appropriate physical activities designed to achieve optimal health, wellness, fitness and performance benefits.

{ x } Age-appropriate physical activity opportunities, such as **outdoor and indoor** recess, before and after school **programs**, during lunch, clubs, intramurals and interscholastic athletics, shall be provided to meet the needs and interests of all students, in addition to planned physical education.

{ x } A physical and social environment that encourages safe and enjoyable activity for all students shall be maintained.

Physical Education

A sequential physical education program consistent with curriculum regulations and Health, Safety and Physical Education academic standards shall be developed and implemented. All district students must participate in physical education.[7][8][10]

{ x } Quality physical education instruction that promotes lifelong physical activity and provides instruction in the skills and knowledge necessary for lifelong participation shall be provided.

{ x } Physical education classes shall be the means through which all students learn, practice and are assessed on developmentally appropriate skills and knowledge necessary for lifelong, health-enhancing physical activity.

{ x } A comprehensive physical education course of study that focuses on providing students the skills, knowledge and confidence to participate in lifelong, health-enhancing physical activity shall be implemented.

{ x } A varied and comprehensive curriculum that **promotes both team and individual activities and** leads to students becoming and remaining physically active for a lifetime shall be provided in the physical education program.

{ x } Adequate amounts of planned instruction shall be provided in order for students to achieve the proficient level for the Health, Safety and Physical Education academic standards.

{ x } Students shall be moderately to vigorously active as much time as possible during a physical education class. Documented medical conditions and disabilities shall be accommodated during class.

{ x } Safe and adequate equipment, facilities and resources shall be provided for physical education courses.

{ x } Physical education shall be taught by certified health and physical education teachers.

{ x } Appropriate professional development shall be provided for physical education staff.

{ x } Physical education classes shall have a teacher-student ratio comparable to those of other courses **for safe and effective instruction.**

{ x } Physical activity shall not be used **or withheld solely** as a form of punishment.

Other School Based Activities

Drinking water shall be available and accessible to students, without restriction and at no cost to the student, at all meal periods and throughout the school day.[11][12]

Nutrition professionals who meet hiring criteria established by the district and in compliance with federal regulations shall administer the school meals program. Professional development and continuing education shall be provided for district nutrition staff, as required by federal regulations.[9][13][14][15]

{ } District schools shall provide adequate space, as defined by the district, for eating and serving school meals.

{ } Students shall be provided a clean and safe meal environment.

{ } Students shall be provided adequate time to eat: ten (10) minutes sit down time for breakfast; twenty (20) minutes sit down time for lunch.

{ } District schools shall implement alternative service models to increase school breakfast participation where possible, such as breakfast served in the classroom, "grab & go breakfast" and breakfast after first period to reinforce the positive educational, behavioral and health impacts of a healthy breakfast.

{ } Meal periods shall be scheduled at appropriate hours, **as required by federal regulations and as** defined by the district.[11]

{ } Students shall have access to hand washing or sanitizing before meals and snacks.

{ } Access to the food service operation shall be limited to authorized staff.

{ } Nutrition content of school meals shall be available to students and parents/guardians.

{ } To the extent possible, the district shall utilize available funding and outside programs to enhance student wellness.

{ } The district shall provide appropriate training to all staff on the components of the **School** Wellness policy.

{ } Goals of the **School** Wellness policy shall be considered in planning all school based activities.

{ } Fundraising projects submitted for approval shall be supportive of healthy eating and student wellness.

{ } Administrators, teachers, food service personnel, students, parents/guardians and community members shall be encouraged to serve as positive role models through district programs, communications and outreach efforts.

{ } The district shall support the efforts of parents/guardians to provide a healthy diet and daily physical activity for children by communicating relevant information through various methods.

{ } The district shall maintain a healthy school environment, including but not limited to indoor air quality, in accordance with the district's healthy learning environment program and applicable laws and regulations.

Nutrition Guidelines for All Foods/Beverages at School

All foods **and beverages** available in district schools during the school day shall be offered to students with consideration for promoting student health and reducing obesity.

Foods **and beverages** provided through the National School Lunch or School Breakfast Programs shall comply with established federal nutrition standards.[11][12][13][14]

Competitive Foods -

Competitive foods available **for sale shall meet or exceed the** established federal nutrition standards (**USDA Smart Snacks in School**). **These standards shall apply in all locations and through all services where foods and beverages are sold to students, which may include, but are not limited to: a la carte options in cafeterias, vending machines, school stores, snack carts and fundraisers.** [3][16][17]

Competitive foods are defined as foods and beverages offered or sold to students on school campus during the school day, which are not part of the reimbursable school breakfast or lunch.

For purposes of this policy, school campus means any area of property under the jurisdiction of the school that students may access during the school day.[3][16]

For purposes of this policy, school day means the period from midnight before school begins until thirty (30) minutes after the end of the official school day.[3][16]

The district may impose additional restrictions on competitive foods, provided that the restrictions are not inconsistent with federal requirements.[16]

Fundraiser Exemptions -

Fundraising activities held during the school day involving the sale of competitive foods shall be limited to foods that meet the Smart Snacks in School nutrition standards, unless an exemption is approved in accordance with applicable Board policy and administrative regulations.[18]

The district may allow a limited number of exempt fundraisers as permitted by the Pennsylvania Department of Education each school year: up to five (5) exempt fundraisers in elementary and middle school buildings, and up to ten (10) exempt fundraisers in high school buildings. Exempt fundraisers are fundraisers in which competitive foods are available for sale to students that do not meet the Smart Snacks in School nutrition standards.[16]

The district shall establish administrative regulations to implement fundraising activities in district schools, including procedures for requesting a fundraiser exemption.

Non-Sold Competitive Foods -

Non-sold competitive foods available to students, which may include but are not limited to foods and beverages offered as rewards and incentives, at classroom parties and celebrations, or as shared classroom snacks, shall meet or exceed the standards established by the district.

If the offered competitive foods do not meet or exceed the Smart Snacks in School nutrition standards, the following standards shall apply:

1. Rewards and Incentives:

a. { } Foods and beverages shall not be used as a reward or incentive in district schools.

1. a. Classroom Parties and Celebrations: (CHOOSE ONE OR MORE OF THE OPTIONS BELOW)

a. { } Classroom parties/celebrations with food/beverages shall be limited to no more than one (1) per month in each classroom.

b. { } Classroom parties shall offer a minimal amount of foods (maximum 2-3 items) containing added sugar as the primary ingredient (e.g., cupcakes, cookies) and will provide the following:

i. Fresh fruits/vegetables; and

ii. Water

c. { } When possible, foods/beverages for parties and celebrations shall be provided by the food service department to help prevent food safety and allergy concerns.

d. { } Food celebrations shall not occur until thirty (30) minutes after the end of the last lunch period.

e. { } Foods provided for classroom parties must be a purchased prepackaged foods and an ingredient list must be provided to the classroom teachers. No homemade treats will be permitted for classroom parties of celebrations.

2. Shared Classroom Snacks:

a. { } Shared classroom snack parties must be a purchased, prepackaged foods and an ingredient list must be provided to the classroom teachers. No homemade treats will be permitted for classroom parties or celebrations.

Marketing/Contracting -

Any foods and beverages marketed or promoted to students on the school campus during the school day shall meet or exceed the established federal nutrition standards (USDA Smart Snacks in School) and comply with established Board policy and administrative regulations.[3][16]

Exclusive competitive food and/or beverage contracts shall be approved by the Board, in accordance with provisions of law. Existing contracts shall be reviewed and modified to the extent feasible to ensure compliance with established federal nutrition standards, including applicable marketing restrictions.[19]

Management of Food Allergies in District Schools

The district shall establish Board policy and administrative regulations to address food allergy management in district schools in order to:[20]

1. Reduce and/or eliminate the likelihood of severe or potentially life-threatening allergic reactions.
2. Ensure a rapid and effective response in case of a severe or potentially life-threatening allergic reaction.
3. Protect the rights of students by providing them, through necessary accommodations when required, the opportunity to participate fully in all school programs and activities.

Safe Routes to School

{ } The district shall cooperate with local municipalities, public safety agency, police departments and community organizations to develop and maintain safe routes to school.

{ } District administrators shall seek and utilize available federal and state funding for safe routes to school, when appropriate.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Hazing |
| Code | 247 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. 24 P.S. 511 3. Pol. 122 4. Pol. 123 |
| Adopted | August 17, 2006 |

Purpose

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

Definitions

Hazing means any intentional, knowing, or reckless act, occurring on or off school district property, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of initiation or membership in or affiliation with any organization whose members are or include students of the Blackhawk School District. The term includes but is not limited to:

1. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
2. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from taking part in an activity, or that may reasonably be expected to cause a student to leave an organization rather than submit to acts described in this subsection.
5. Any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the laws of the Commonwealth of Pennsylvania or the rules or policies of the Blackhawk School District.

Any **activity** as described in this definition, upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned, shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

Authority

The Board does not condone any form of initiation or harassment, known as hazing, as part of any school-sponsored student activity. No student, coach, sponsor, volunteer or district employee shall plan, direct, encourage, assist or engage in any hazing activity.[1][2][3][4]

The Board directs that no administrator, coach, sponsor, volunteer or district employee shall permit, condone or tolerate any form of hazing.

The district will investigate all complaints of hazing and will administer appropriate discipline to any individual who violates this policy.

The Board encourages students who have been subjected to hazing to promptly report such incidents to the building principal.

Delegation of Responsibility

District administrators shall investigate promptly all complaints of hazing and administer appropriate discipline to any individual who violates this policy.

Students, administrators, coaches, sponsors, volunteers, and district employees shall be alert to incidents of hazing and shall report such conduct to the building principal.

The district shall annually inform students, parents/guardians, coaches, sponsors, volunteers and district staff that hazing of district students is prohibited, by means of distribution of written policy, publication in handbooks, presentation at an assembly, verbal instructions by the coach or sponsor at the start of the season or program, or posting of notice/signs.

Guidelines

Complaint Procedure

1. When a student believes that s/he has been subject to hazing, the student shall promptly report the incident, orally or in writing, to the building principal.
2. The principal shall conduct a timely, impartial, thorough, and comprehensive investigation of the alleged hazing.
3. The principal shall prepare a written report summarizing the investigation and recommending disposition of the complaint. Findings of the investigation shall be provided to the complainant, the accused, and others directly involved, as appropriate.
4. If the investigation results in a substantiated finding of hazing, the principal shall recommend appropriate disciplinary action, as circumstances warrant, in accordance with the Disciplinary Code. Additionally, the student may be subject to disciplinary action by the coach or sponsor, up to and including removal from the activity.

If the investigation results in a substantiated finding that a coach or sponsor affiliated with the activity planned, directed, encouraged, assisted, condoned or ignored any form of hazing, s/he will be disciplined appropriately. Discipline could include dismissal from the position as coach or sponsor.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Unlawful Harassment |
| Code | 248 |
| Status | Active |
| Legal | 1. 43 P.S. 951 et seq 2. 20 U.S.C. 1681 et seq (Title IX) 3. 29 CFR 1606.8 4. 29 CFR 1604.11 5. Pol. 103 |
| Adopted | August 17, 2006 |

Purpose

The Board strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the district to maintain an educational environment in which harassment in any form is not tolerated.

Authority

The Board prohibits all forms of unlawful harassment of students and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages students and third parties who have been harassed to promptly report such incidents to the designated employees.[1][2][3]

The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated.

Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of harassment.

Definitions

For purposes of this policy, **harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation or religion when such conduct:[3]

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment.
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.
3. Otherwise adversely affects an individual's learning opportunities.

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:
[4]

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.
2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.
3. Such conduct deprives a student of educational aid, benefits, services or treatment.
4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive educational environment.

Examples of conduct that may constitute **sexual harassment** include but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with a student's ability to work or learn or creates an intimidating, hostile or offensive learning or working environment.

Delegation of Responsibility

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent as the district's Compliance Officer.[5]

The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.

The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of their fellow students and district employees and to ensure an atmosphere free from all forms of unlawful harassment.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

Guidelines

Complaint Procedure – Student/Third Party

Step 1 – Reporting

A student or third party 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 building principal or a district employee.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

Step 2 – Investigation

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

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

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

Step 3 – Investigative Report

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

The findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

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

If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused, the solicitor and the building principal who conducted the initial investigation.

**ATTACHMENTS TO
UNLAWFUL
HARASSMENT**

REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT

Complainant: _____
Home Address: _____
Home Phone: _____
School Building: _____
Date of Alleged Incident(s): _____

Alleged harassment was based on: (circle those that apply)

- | | | |
|----------|--------------------|-----------------|
| Race | Color | National Origin |
| Gender | Age | Disability |
| Religion | Sexual Orientation | |

Name of person you believe violated the district's unlawful harassment policy:

If the alleged harassment was directed against another person, identify the other person:

Describe the incident as clearly as possible, including what force, if any, was used; verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved. Attach additional pages if necessary: _____

When and where incident occurred: _____

List any witnesses who were present: _____

This complaint is based on my honest belief that _____ has harassed me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Bullying |
| Code | 249 |
| Status | Active |
| Legal | 1. Pol. 218 2. Pol. 233 24 P.S. 1302-A 24 P.S. 1303.1-A 22 PA Code 12.3 3. Pol. 000 4. Pol. 236 5. Pol. 248 |
| Adopted | August 17, 2006 |
| Last Revised | August 13, 2018 July 21, 2022 |

Purpose

The Blackhawk School District strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the Blackhawk School District to maintain an educational environment in which bullying and cyber bullying in any form are not tolerated.

1. All forms of bullying and cyber bullying by school district students are hereby prohibited. Anyone who engages in bullying or cyber bullying in violation of the policy shall be subject to appropriate discipline.
2. Students who have been bullied or cyber bullied shall promptly report such incidents to any staff member. The report may be shared verbally or in writing. Staff members will make written record of verbal reports.
3. Complaints of bullying or cyber bullying shall be investigated promptly. The investigation will be completed by the staff member receiving the report and will include the following steps:
 - a. Review of Complaint Form which includes information regarding individuals involved (complainant, victim, accused, witnesses), description of incident, details about the location and time of incident.
 - b. All individuals involved in the incident will be interviewed. All information received will be documented using the Bullying Notification Form.
 - c. Parents/Guardians of the victim and accused shall be notified of the investigation, findings and corrective actions (if any).
4. Corrective action shall be taken when a complaint is verified per the district's Discipline Code. Neither reprisals nor retaliation shall occur as a result of the submission of a complaint.

5. The Student Handbook of each school building, which shall include this policy, shall be distributed to all students annually.
6. This policy shall be available in every classroom, posted in a prominent location in each school building and on the district web site.

Definition

Bullying shall mean unwelcome verbal, written or physical conduct directed at a student by another student that has the effect of:

1. Physically, emotionally or mentally harming a student.
2. Damaging, extorting or taking a student's personal property.
3. Placing a student in reasonable fear of physical, emotional or mental harm.
4. Placing a student in reasonable fear of damage to or loss of personal property.
5. Creating an intimidating or hostile environment that interferes with a student's educational opportunities.

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images or web site postings (including blogs) which has the effect of:

1. Physically, emotionally or mentally harming a student.
2. Placing a student in reasonable fear of physical, emotional or mental harm.
3. Placing a student in reasonable fear of damage to or loss of personal property.
4. Creating an intimidating or hostile environment that interferes with a student's educational opportunities.

All forms of bullying are unacceptable and, to the extent that such actions are disruptive of the educational process of the Blackhawk School District, offenders shall be subject to appropriate staff intervention. Bullying incidents that occur outside the school setting may be subject to the provisions of this policy if such incidents interfere with the bullied students' education or disrupt the educational process of the school.

The term **bullying** and **cyberbullying** shall not be interpreted to infringe upon a student's right to engage in legally protected speech or conduct.

Authority

The Board prohibits all forms of bullying and shall not tolerate any bullying on district property or at any school-sponsored activity on or off campus.

Delegation of Responsibility

Each student shall be responsible to respect the rights of his/her fellow students and to ensure an atmosphere free from all forms of bullying and cyber bullying.

Students shall be encouraged to report bullying or cyber bullying complaints to any district staff member.

The administration shall develop a form to be used for the documentation of bullying incidents. The administration shall annually provide with the Safe Schools Report, a copy of this policy and a report of bullying incidents and information on the development and implementation of any bullying prevention, intervention or education programs.

Any staff member who receives a bullying or cyber bullying complaint shall gather information or seek administrative assistance to determine if bullying or cyber bullying has occurred. If the behavior is found to meet the definition of bullying or cyber bullying, the staff member must complete the appropriate written form.

The building principal or designee will inform parents/guardians of the victim and also the parents/guardians of the accused.

The Superintendent or his/her designee shall review this policy annually and recommend any necessary revisions to the Board.

Guidelines

Complaint Procedures

1. A student or parent/guardian shall report a complaint of bullying or cyber bullying, orally or in writing, to any district staff member. The appropriate staff member will follow-up with interventions per this policy.
2. After the information has been gathered, the building principal or designee shall be notified of the complaint. The building principal or designee will determine the need for further investigation or the appropriate intervention, which may result in administrative discipline to ensure that the conduct ceases. If the behavior is found to meet the definition of bullying or cyber bullying, the building principal or designee must complete the appropriate written form.

Disciplinary action for students who bully others shall depend upon the results of the school's investigation and may include, but not be limited to, the following:[1][2]

1. Counseling.
2. Student Assistance Team Referral.
3. Parent/Guardian conference.
4. Detention.
5. Suspension.
6. Expulsion.

Depending on the severity of the incident, the school may also take appropriate steps to ensure student safety which may include:

1. Implementation of a Positive Behavior Plan.
2. Implementation of a safety plan.
3. Separation and supervision of students involved.
4. Implementation of staff support as necessary.
5. Referral of incident to law enforcement officials, if necessary.
6. Development of a supervision plan with the parents/guardians.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Student Recruitment |
| Code | 250 |
| Status | Active |
| Legal | 1. 51 P.S. 20221 et seq 2. 10 U.S.C. 503 3. 20 U.S.C. 7908 |
| Adopted | August 17, 2006 |

Authority

In accordance with law, the Board shall permit disclosure of required student information about secondary students to representatives of postsecondary institutions and to representatives of the armed forces of the United States.[1][2][3]

Equitable access to secondary students shall be granted to postsecondary education representatives, military recruiters and prospective employers.

Guidelines

Postsecondary institutions and military recruiters shall have access to secondary students' names, addresses and telephone numbers, unless the student or parent/ guardian requests that such information not be released without prior written parental consent.

The district shall annually notify parents/guardians of their right to request student information not be released to representatives of postsecondary institutions and military recruiters without their written consent.

Delegation of Responsibility

The building principal shall determine under what conditions and when access to secondary students will be provided to representatives of postsecondary institutions, military recruiters and prospective employers.

The building principal reserves the right to deny access to students when such will materially and substantially interfere with the proper and orderly operation of the school.

The Superintendent or designee shall annually notify parents/guardians about this policy and the notice shall include:

1. Notice that the school routinely discloses names, addresses and telephone numbers of students to recruiters, subject to a parent's/guardian's request not to disclose such information without written consent.
2. Explanation of the parent's/guardian's right to request that information not be disclosed without prior written consent.
3. Procedures for how the parent/guardian can opt out of the public, nonconsensual disclosure of such information, and the method and timeline for doing so.

This notice may be in the form of a section of the district newsletter and/or student handbooks.



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Homeless Students |
| Code | 251 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 24 P.S. 13062. 22 PA Code 11.183. 42 U.S.C. 11431 et seq4. 42 U.S.C. 11434a5. 42 U.S.C. 114326. 42 U.S.C. 114317. Pol. 2008. Pol. 2019. Pol. 20310. Pol. 20411. Pol. 20912. Pol. 21613. Pol. 113.414. Pol. 20615. Pol. 81016. Pol. 80817. Pol. 11518. Pol. 91819. Pol. 11320. Pol. 11421. Pol. 138 <p>20 U.S.C. 1232g 20 U.S.C. 6301 et seq 22 PA Code 403.1 34 CFR Part 99 67 Fed. Reg. 10698 PA Education for Homeless Children and Youth State Plan</p> |
| Adopted | August 17, 2006 |
| Last Revised | January 14, 2021 |

Authority

The Board recognizes its obligation to ensure that homeless students have access to the same educational programs and services provided to other district students. The Board shall make reasonable efforts to identify homeless children within the district, encourage their enrollment, and eliminate existing barriers to their attendance and education, in compliance with federal and state law and regulations.[1][2][3]

The Board may waive policies, procedures and administrative regulations that create barriers for enrollment, attendance, transportation and success in school of homeless students, based on the recommendation of the Superintendent.[3]

Definitions

Homeless students are defined as individuals lacking a fixed, regular and nighttime residence, which include the following conditions:[4]

1. Sharing the housing of other persons due to loss of housing or economic hardship.
2. Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations.
3. Living in emergency, transitional or domestic violence shelters.
4. Abandoned in hospitals.
5. Awaiting foster care placement.
6. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings.
7. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings.
8. Living as migratory children in conditions described in previous examples.
9. Living as run-away children.
10. Abandoned or forced out of homes by parents or caretakers.
11. Living as school age unwed mothers in houses for unwed mothers if they have no other living accommodations.

School of origin is defined as the school the student attended when permanently housed or the school in which the student was last enrolled.[5]

Delegation of Responsibility

The Board designates the Superintendent or designee to serve as the district's liaison for homeless students and families.[5]

The district's liaison shall coordinate with:[5]

1. Local service agencies that provide services to homeless children and youth and families.
 2. Other school districts on issues of records transfer and transportation.
 3. State and local housing agencies responsible for comprehensive housing affordability strategies.
- The district's liaison shall provide public notice of the educational rights of homeless students in schools, family shelters, and soup kitchens.[5]

Guidelines

Students shall not be discriminated against, segregated nor stigmatized based on their status as homeless.
[5][6]

Enrollment/Placement

To the extent feasible, and in accordance with the student's best interest, a homeless student shall continue to be enrolled in his/her school of origin while s/he remains homeless or until the end of the academic year in which s/he obtains permanent housing. Parents/Guardians of a homeless student may request enrollment in the school in the attendance area where the student is actually living or other schools. If a student is unaccompanied by a parent/guardian, the district liaison will consider the views of the student in determining where s/he will be enrolled.[5]

The selected school shall immediately enroll the student and begin instruction, even if the student is unable to produce records normally required for enrollment pursuant to district policies. However, the district may require a parent/guardian to submit contact information. The district liaison may contact the previous school for oral confirmation of immunizations, and the school shall request records from the previous district, pursuant to Board policy.[3][7][8][9][10][11][12][13]

If the district is unable to determine the student's grade level due to missing or incomplete records, the district shall administer tests or utilize appropriate means to determine the student's placement.[5][14]

If a dispute arises over school selection or enrollment, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parents/guardians shall be provided with a written explanation of the district's decision, their right to appeal and the procedures to use for the appeal.[5]

Services

Homeless students shall be provided services comparable to those offered to other district students including, but not limited to, transportation services; school nutrition programs; vocational programs and technical education; preschool programs; programs for students with limited English proficiency; and educational services for which students meet eligibility criteria, such as programs for disadvantaged students, students with disabilities, and gifted and talented students.[1][5][15][16][17][18][19][20][21]

Transportation

The district shall provide transportation for homeless students to their school of origin or the school they choose to attend within the school district.[1][5][15]

If the school of origin is outside district boundaries or homeless students live in another district but will attend their school of origin in this district, the school districts shall agree upon a method to apportion the responsibility and costs of the transportation.[5]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 200 Pupils |
| Title | Dating Violence |
| Code | 252 |
| Status | Active |
| Legal | 1. 24 P.S. 1553 2. Pol. 218 3. Pol. 248 4. 71 P.S. 611.13 5. Pol. 105.1 6. Pol. 105.2 22 PA Code 12.12 20 U.S.C. 1232g |
| Adopted | June 7, 2012 |

Purpose

The purpose of this policy is to maintain a safe, positive learning environment for all students that is free from dating violence. Dating violence is inconsistent with the educational goals of the district and is prohibited at all times.

Definitions

Dating Partner shall mean a person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long-term.[1]

Dating Violence shall mean behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner.[1]

Authority

The Board encourages students who have been subjected to dating violence to promptly report such incidents.

The district shall investigate promptly all complaints of dating violence and shall administer appropriate discipline to any student who violates this policy.[2]

Guidelines

Complaint Procedure

When a student believes that s/he has been subject to dating violence, the student is encouraged to promptly report the incident, orally or in writing, to a building principal, a guidance counselor, nurse, or classroom teacher.

The principal or his/her designee shall conduct a timely, impartial, and comprehensive investigation of the alleged dating violence.

The principal or his/her designee shall prepare a written report summarizing the investigation and recommending disposition of the complaint. The complainant and the accused shall be informed of the outcome of the investigation.[1]

If the investigation results in a substantiated finding of dating violence, the principal shall recommend appropriate disciplinary action, as circumstances warrant, in accordance with the Code of Student Conduct.[1][2]

If a possible violation of the district's harassment policy is implicated, the principal shall take additional action as necessary to comply with Board policy and state and federal law and regulations.[3]

The district shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Information regarding this policy on dating violence shall be:[1]

1. Included in the Code of Student Conduct.
2. Included in the Student Handbook.
3. Made available on the district's website.
4. Provided to parents/guardians, upon request.

Dating Violence Training

The district may provide dating violence training to guidance counselors, nurses, and mental health staff at the high school as deemed necessary. At the discretion of the Superintendent, parents/guardians and other staff may also receive training on dating violence.[1]

Dating Violence Education

The district may incorporate age-appropriate dating violence education into the annual health curriculum framework for students in grades nine through twelve. The district shall consult with at least one (1) local domestic violence program or rape crisis program when developing the educational program.[1][4]

A parent/guardian of a student under the age of eighteen (18) shall be permitted to examine the instructional materials for the dating violence education program.[1][5]

At the request of the parent/guardian, the student may be excused from all or part of the dating violence education program.[1][6]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Creating a Position |
| Code | 301 |
| Status | Active |
| Legal | 1. 24 P.S. 1001 2. 24 P.S. 1106 3. 22 PA Code 4.4 4. 24 P.S. 1075 5. 24 P.S. 1142 |
| Adopted | June 15, 2006 |

Purpose

Administrative positions will be established by the Board in order to provide effective management and leadership for the operation of the district.

Authority

The need for creating administrative positions shall be determined by the Board, based on the recommendation of the Superintendent. The Board reserves for itself the final determination of the number and type of administrative positions deemed necessary for effective management of the district.[1][2][3]

The initial salary or salary range for a new position shall be determined by the Board when creating such position, based upon the recommendation of the Superintendent and supporting documentation.[4][5]

Guidelines

In the exercise of its authority to create a new position, the Board shall give primary consideration to the following:

1. Most effective management of district programs.
2. Number of students enrolled.
3. Special needs of students.
4. Operational needs of the district.
5. Financial resources of the district.

Recommendations for a new or additional administrative position shall include:

1. Job description clearly outlining the duties for which the position was created.
2. A title that conforms with the appropriate certificate if certification is required.
3. Supporting data and other rationale relevant to the recommendation.

Delegation of Responsibility

The Superintendent shall be responsible for recommending a new or additional administrative position. [3]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Employment of Superintendent/Assistant Superintendent |
| Code | 302 |
| Status | Active |
| Legal | 1. 24 P.S. 1001 2. 24 P.S. 508 3. 24 P.S. 1071 4. 24 P.S. 1073 5. 24 P.S. 1075 6. 24 P.S. 1076 7. 24 P.S. 1077 9. 42 U.S.C. 12101 et seq 10. 24 P.S. 1002 11. 24 P.S. 1003 12. 24 P.S. 1078 13. 22 PA Code 49.172 14. Pol. 104 17. 24 P.S. 111 18. 23 Pa. C.S.A. 6301 et seq 19. 22 PA Code 8.1 et seq 20. 24 P.S. 1004 21. 28 PA Code 23.43 22. 24 P.S. 2107 23. 42 U.S.C. 653a |
| Adopted | June 15, 2006 |

Purpose

The Board places the primary responsibility and authority for the administration of this district in the Superintendent and Assistant Superintendent. Therefore, selection of a Superintendent or Assistant Superintendent is critical to the effective leadership and management of the district.[1]

Authority

When the position of Superintendent or Assistant Superintendent becomes vacant, the Board shall elect a district Superintendent or Assistant Superintendent by a majority vote of all members of the Board and shall fix the beginning salary and term of office. Such term may be three (3), four (4), or five (5) years, beginning with the effective date of the appointment to office.[2][3][4][5][6][7][22]

During the final year of the term of office, the Board may notify the Superintendent or Assistant Superintendent that it plans to seek applications for the position from other qualified candidates. Such notification shall be given by the Board at least 150 days prior to the end of the term.[4][7]

The Board shall actively seek the best qualified and most capable candidate for the position of Superintendent. It may be aided in this task by a committee of Board members and/or the services of professional consultants.

The Board shall seek applicants for the position of Assistant Superintendent by nomination of the Superintendent in conjunction with the same process used to determine the Superintendent.

Guidelines

Recruitment

Recruitment procedures shall be prepared in advance of the search and may include the following:

1. Preparation of a job description for the position, written in accordance with requirements of federal and state laws and regulations.[9]
2. Preparation of written qualifications, in addition to applicable state requirements, for all applicants.[10][11][12][13]
3. Preparation of informative material describing the school district and its educational goals.
4. Solicitation of applications from a geographical area large enough to ensure a range of backgrounds and experience.
5. Opportunity for applicants to visit the district schools, at the Board's invitation.
6. Recruitment and evaluation of candidates in accordance with Board policy and state and federal law.[14]

A screening process shall be established that ensures the Board has an opportunity to interview a sufficient number of finalist candidates so that an appropriate range of choices is available for final selection.

Employment

No candidate shall be employed until such candidate 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.[17][18][19]

No person shall be employed as Superintendent or Assistant Superintendent unless s/he has signed an employment contract or has been employed by Board resolution, either of which may include:

1. Term for which employment is contracted, including beginning and ending dates.[4][6]
2. Salary contracted and the intervals at which it will be paid.
3. Benefits to which the employee is entitled.
4. Statement of the procedure to be followed and the consequences of termination or modification.
5. Procedures for resolving misunderstandings or disagreements.
6. Statement of mutually agreeable evaluation procedures.

Before entering the duties of the office, the Superintendent or Assistant Superintendent shall take and subscribe to the oath of office prescribed by statute.[20]

After receiving an offer of employment but prior to beginning employment, the candidate shall undergo a medical examination, as required by law.[21][9]

Any candidate's misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the Board.

The district shall submit a New Hire Report for each employee required to be reported by law. [23]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Employment of Administrators |
| Code | 303 |
| Status | Active |
| Legal | 1. 24 P.S. 508 2. 24 P.S. 1106 3. 24 P.S. 1142 4. 22 PA Code 4.4 5. 24 P.S. 1109 7. 24 P.S. 111 8. 23 Pa. C.S.A. 6301 et seq 9. 22 PA Code 8.1 et seq 11. Pol. 104 12. P.L. 88-352 13. P.L. 92-318 14. 22 PA Code 49.111 15. 42 U.S.C. 653a |
| Adopted | June 15, 2006 |

Purpose

The Board places substantial responsibility and authority for the effective management of the schools with district administrators.

Authority

The Board shall, by a majority vote of all members, approve the employment; set the compensation; and establish the term of employment for each administrator employed by this district.[1][2][3][4]

Guidelines

For purposes of the 300 section of Board policy, administrative positions shall be deemed to be: Superintendent, Assistant Superintendent, Curriculum Coordinator, Special Education Supervisor, building principals and assistant principals.

Support services administrative positions shall be deemed to be: Business Manager, Building and Grounds Supervisor, Food Service Manager, Coordinator of Administrative Computer Services and Athletic Director.

Approved candidates shall be chosen from the candidates for employment recommended by the Superintendent.

Approval shall normally be given to the candidates for employment recommended by the Superintendent.

Any employee's misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the Board.

No candidate for employment as an administrator shall receive a recommendation for employment without evidence of his/her certification, if such certification is required.[5][14]

No candidate shall be employed until such candidate 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.[7][8][9]

The district shall submit a New Hire Report for each employee required to be reported by law.[15]

Delegation of Responsibility

The Superintendent or designee shall develop procedures for the recruitment, screening, and recommendation of candidates for employment as administrators. The Superintendent or designee shall recruit and recommend applicants in accordance with Board policy and state and federal laws and regulations.[11][12][13]

The Superintendent or designee shall seek candidates of good moral character who possess the following attributes:

1. Successful educational training and experience.
2. Scholarship and intellectual prowess.
3. Appreciation of children.
4. Emotional and mental maturity and stability.

The Superintendent or designee shall, in the conduct of recruiting activities, seek candidates from this state and surrounding states.

Staff vacancies that represent opportunities for professional advancement or diversification shall be made known to district personnel so they may apply for such positions.

The Superintendent or designee may apply necessary screening procedures to determine the candidate's ability to perform the tasks of the job for which the candidate is being considered.

The Superintendent or designee shall seek recommendations from former employers and others in assessing the candidate's qualifications.

Recommendations and references shall be retained confidentially and for official use only.



| | |
|---------|-------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Conflict of Interest/Nepotism |
| Code | 304.1 |
| Status | Active |
| Adopted | June 26, 2014 |

Purpose

The purpose of this policy is to prevent an employee from interviewing, recommending for hiring, contracting with, supervising, or promoting a relative or a person with whom s/he has a familial or an intimate relationship. This policy further intends to eliminate the presence of a conflict of interest in employee relations.

Authority

The Board adopts the following policy concerning the hiring, promotion, supervision and evaluation of employees.

No employee of the District and no person newly hired or promoted from within the District shall supervise another employee or be supervised by another employee where one (1) of the following relationships exist between the employee and the applicant/employee who is being interviewed, hired, contracted with, promoted, supervised or evaluated:

1. Parent – Child
2. Stepparent – Stepchild
3. Grandparent – Grandchild
4. Husband – Wife
5. Sibling – Sibling
6. Uncle/Aunt – Niece/Nephew
7. Mother in Law/Father in Law – Son in Law/Daughter in Law
8. Domestic partner – Domestic partner
9. Paramour – Paramour

Delegation of Responsibility

The Board directs the Office of Human Resources to use its best efforts to determine that individuals who are either newly hired or are being promoted from within the District are not placed in positions where a potential conflict regarding supervision or performance evaluation may occur.

The Board further prohibits conflicts of interest and requires ethical behavior as set forth and governed by Policy.



| | |
|---------|------------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Employment Contract |
| Code | 308 |
| Status | Active |
| Legal | 1. 24 P.S. 1121 2. 24 P.S. 1106 |
| Adopted | June 15, 2006 |

Purpose

Administrative employees who are certificated and covered by tenure law must have an employment contract or Board resolution that is in conformance with the School Code. Noncertificated and nontenured administrative employees may be covered by an employment contract or Board resolution that sets forth certain elements considered essential.[1]

Authority

The Board has the authority under law to prescribe employment conditions for district personnel.[2]

It shall be the policy of this school district that all administrative employees execute a contract upon employment, which shall automatically renew itself each year unless stated otherwise or unless one of the parties gives written notice sixty (60) days prior to its expiration that it will not be renewed.[1]

Guidelines

The contract shall specify those matters contained in statute for certificated administrative employees, consistent with this policy. For noncertificated administrative employees, the contract or Board resolution shall be in accordance with this policy.[1]

Willful misrepresentation of facts material to employment and determination of salary shall be considered cause for dismissal of the employee.



| | |
|---------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Assignment and Transfer |
| Code | 309 |
| Status | Active |
| Legal | 1. 23 Pa. C.S.A. 6301 et seq |
| Adopted | June 15, 2006 |

Purpose

The assignment and transfer within the district of administrative employees shall be in accordance with the administrative and management needs of the district.

Authority

The Board shall approve the initial assignment of administrative personnel at the time of employment and when such assignments involve a transfer from one building to another or a move to a position requiring a certificate or credentials other than those required for the employee's present position.

Delegation of Responsibility

The Superintendent or designee shall provide a system of assignment or reassignment that includes voluntary transfers.

The Superintendent shall, in considering any assignment or transfer, base the decision on:

1. Need to balance various administrative skills among the schools.
2. Changing student population within the district schools.
3. Impact of proposed assignment on the educational program.
4. Employee's background, experience and preparation for the position.
5. Employee's success in former positions.
6. Employee's desire for professional growth.
7. Employee's length of service in the district and in the position presently held.
8. Recommendations of the employee's administrative supervisors.
9. Administrative and operational efficiency advanced by the proposed assignment.

Guidelines

Current district employees whose transfer from one position to another position within the school district results in a change in job classification must submit to the district a valid Act 151 clearance statement.[1]

Vacancies shall be publicized to all appropriate employees.

Administrative staff members shall be informed of their assignments as early as possible preceding the school year in which the assignment will be effective.

This policy shall not prevent reassignment of an administrative staff member during the school year for good cause.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Abolishing a Position |
| Code | 310 |
| Status | Active |
| Legal | 1. 24 P.S. 524 2. 24 P.S. 1106 3. 22 PA Code 4.4 4. 24 P.S. 1124 5. Pol. 311 |
| Adopted | June 15, 2006 |

Purpose

The Board is responsible for providing the administrative staff necessary for implementing the educational program and the proper operation of the schools, and to do so efficiently and economically.

Authority

The Board recognizes its responsibility to maintain administrative staff positions consistent with the management and supervisory needs of the district.[1][2][3]

In the exercise of its authority to reduce staff or abolish positions, the Board shall give primary consideration to the effect upon the educational program and shall ascertain that elimination of a program is approved by the Department of Education.[4]

Reduction in staff as a result of the abolishment of positions shall be in accordance with law and Board policy.[5]

Guidelines

Abolishment of administrative positions may be brought about by many factors including, but not limited to, the following:

1. Substantial decline in student enrollment.
2. Changes in the district's organizational structure.
3. Changes in the district's facilities.
4. Changes in the district's economic resources and tax base.
5. Need for operating economies.

Delegation of Responsibility

The Superintendent shall recommend annually to the Board the number of administrative positions needed for the district to function efficiently, including recommending the abolishment of unnecessary positions.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Suspensions and Furloughs |
| Code | 311 |
| Status | Active |
| Legal | 1. 24 P.S. 524 2. 24 P.S. 1124 3. 24 P.S. 1125.1 4. 24 P.S. 1123 5. Pol. 313 6. 2 Pa. C.S.A. 551 et seq 7. 2 Pa. C.S.A. 551 |
| Adopted | June 15, 2006 |

Purpose

Maintenance of administrative and supervisory staff appropriate to effectively manage the district is a Board responsibility. The purpose of this policy is to establish the manner in which necessary reductions of that staff shall be accomplished.

Authority

The Board has the authority and responsibility to determine how suspensions and furloughs of administrative staff shall be made when necessary, in accordance with law.[1][2][3]

Delegation of Responsibility

The Superintendent or designee shall develop administrative procedures for reduction of staff in accordance with this policy and applicable law.[3]

The efficiency and effectiveness of district organization and staffing patterns shall be under continuing review, and recommendations for abolishing positions and reallocating duties shall be presented for Board consideration when the Superintendent considers such actions to be in the best interests of the district.

Guidelines

Data necessary for computation of each administrative employee's rating and seniority status shall be recorded and maintained.[4][5]

Standards shall be established for the suspension or furlough of one administrative employee over another when one or more must be suspended. [3]

Tenured administrative employees are entitled to a Local Agency Law hearing at the employee's request, prior to suspension or furlough.[3][6]

Nontenured administrative employees may not be entitled to a Local Agency Law hearing prior to suspension or furlough. However, nontenured administrators may request a hearing by the Superintendent prior to

suspension.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Evaluation of Superintendent |
| Code | 312 |
| Status | Active |
| Legal | 1. 24 P.S. 1073 2. 24 P.S. 1080 3. Pol. 302 |
| Adopted | June 15, 2006 |

Purpose

Regular, periodic evaluation of the Superintendent's performance is a Board responsibility. In carrying out this responsibility, the Board recognizes that the Superintendent is entitled to such a review in an objective and straightforward manner so that leadership of the district may be as effective as possible.

Authority

The Board shall evaluate the performance of the Superintendent annually.

Guidelines

Prior to the beginning of the period under evaluation, the Board and Superintendent shall agree upon the criteria to be used for evaluation purposes.

Evaluation criteria may include:

1. Superintendent's self-evaluation.
2. Objectives/Goals agreed upon annually by the Board and Superintendent.
3. Working relationship between the Board and the Superintendent.
4. Superintendent's relationship with staff, students and community.
5. Superintendent's professional growth.
6. Compilation of assessments by individual Board members, which shall then be reviewed by the Board and Superintendent.
7. Evaluation interviews between the Board and Superintendent during which no other business is discussed.

As an outcome of the Superintendent's evaluation, the Board should:

1. Recognize strengths and assist the Superintendent in capitalizing on them.
2. Identify weaknesses and establish a course of action that will assist the Superintendent in improving performance in these areas.
3. Establish specific objectives to advance the district toward its goals.

4. Determine the necessity of any action regarding the employment of the Superintendent, in accordance with law.[1][2][3]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Evaluation of Administrative Employees |
| Code | 313 |
| Status | Active |
| Legal | 1. 24 P.S. 2107 |
| Adopted | June 15, 2006 |

Purpose

Evaluation is a continuing process in which the administrative employee and supervisor cooperatively identify strengths and weaknesses in the individual's job performance.

The objectives of evaluation are to assess and improve performance, encourage professional growth, promote positive behavior, and facilitate attainment of district goals and objectives.

There shall be a plan for regular, periodic evaluation of all administrative employees, including the Assistant Superintendent. The Board shall be informed periodically about the results of those evaluations.

Authority

The Board directs that evaluations of administrative employees be performed at least annually.

Delegation of Responsibility

The Superintendent or designee shall develop procedures for the evaluation of administrative staff.

Prior to the beginning of the period under evaluation, the Superintendent or designee shall discuss with the administrative employee the criteria to be used for evaluation purposes.

Guidelines

Criteria for administrative evaluations may include:

1. Individual conferences for evaluation procedures.
2. Employee's self-evaluation.
3. Joint review of job description by the evaluator and employee.
4. Attainment of established goals/objectives.
5. Identification of areas of strength.
6. Identification of areas of weakness with suggestions for improvement.
7. Opportunity to appeal the results of his/her evaluation.

Each observation shall be followed by a conference between the evaluator and the administrative employee. Both parties to the conference shall sign the evaluation report and retain a copy for their records.

Following the conference, the employee shall have the right to submit a written disclaimer of the evaluation; the disclaimer shall be attached to the report.

The Superintendent shall conduct evaluations of the Assistant Superintendent and shall report to the Board the results of such evaluations.[1]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | HIV Infection |
| Code | 314.1 |
| Status | Active |
| Legal | 1. 24 P.S. 510 3. 42 U.S.C. 12101 et seq 4. 29 U.S.C. 2601 et seq 5. 35 P.S. 7607 6. 35 P.S. 7601 et seq |
| Adopted | June 15, 2006 |

Purpose

The Board is committed to providing a safe, healthy environment for its students and employees. The purpose of this policy shall be to safeguard the health and well-being of students and employees while protecting the rights of the individual.

This policy is based on current evidence that the HIV virus is not normally transmissible by infected individuals within the school setting, except as noted in this policy.

Definitions

HIV infection - Refers to the disease caused by the HIV or human immunodeficiency virus.

AIDS - Acquired Immune Deficiency Syndrome.

CDCP - United States Public Health Service Centers for Disease Control and Prevention.

Infected employee - Refers to employees diagnosed as having the HIV virus, including those who are asymptomatic.

Authority

This policy shall apply to all employees in all programs conducted by the school district.[1]

The Board directs that the established district policies and procedures that relate to illnesses among employees shall also apply to infected employees.

The Board shall not require routine screening tests for HIV infection in the school setting, nor will such tests be a condition for employment.[6]

Delegation of Responsibility

The Superintendent or designee shall be responsible for handling and releasing information concerning infected employees.

All district employees shall maintain a respectful working climate and shall not participate in physical or verbal harassment of any individual or group, including infected employees.

All employees shall be required to consistently follow infection control/universal precautions in all settings and at all times. Employees shall notify the school nurse of all incidents of exposure to bodily fluids.

Building administrators shall notify district employees, students and parents/ guardians about current Board policies concerning HIV infection and shall provide reasonable opportunities to discuss the policy and related concerns.

Guidelines

Infected employees whose employment is interrupted or terminated shall be entitled to available medical leave and medical disability benefits. Such employees shall be informed by the appropriate administrator of benefits, leave, and alternatives available to them through state and federal laws, district policies, the collective bargaining agreement, and the retirement system.[3][4]

Confidentiality

District employees with knowledge of an infected employee's condition shall not disclose that information without prior written consent of the employee, consistent with the requirements of the Pennsylvania Confidentiality of HIV-Related Information Act.[5]

Infection Control

Universal precautions shall be followed for exposure to bodily fluids. Employees shall treat all body fluids as hazardous and follow universal precautions.

The school district shall maintain reasonably accessible equipment and supplies necessary for infection control.

Staff Development

All district employees shall participate in a planned HIV education program.

Designated district employees shall receive additional, specialized training appropriate to their positions and responsibilities.



| | |
|---------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Nontenured Employees |
| Code | 316 |
| Status | Active |
| Legal | 1. 24 P.S. 1101 |
| Adopted | June 15, 2006 |

Purpose

Effective district operation requires capable supervision by a variety of nontenured administrators. Such administrators are an integral part of the district's management team.

Authority

It is the policy of the Board that certain administrators shall be employed with the recognition that they are not professional employees, as defined by law, and will not attain tenure status.

Nontenured administrative staff shall include any position in which provision for tenure is not made by law.
[1]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Conduct/Disciplinary Procedures |
| Code | 317 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. 24 P.S. 1122 3. 24 P.S. 1126 4. 24 P.S. 1127 5. 2 Pa. C.S.A. 551 et seq 6. Pol. 351 7. 24 P.S. 1151 |
| Adopted | June 15, 2006 |

Purpose

All administrative employees are expected to conduct themselves in a manner consistent with appropriate and orderly behavior. Effective operation of district programs requires the cooperation of all employees working together under a system of policies and rules applied fairly and consistently. The orderly conduct of the district's functions requires compliance with these policies and rules, and consistent penalties and disciplinary procedures for violations.

Authority

The Board directs that procedures be established whereby administrative employees are informed of the disciplinary actions that are considered appropriate and may be applied for violation of district policies, rules and procedures.[1]

When dismissal charges are filed against a certificated administrative employee pursuant to law, the Board shall hold a hearing in accordance with the procedures established in the School Code.[2][3][4]

Guidelines

All administrative employees shall comply with district policies, rules and regulations; attempt to maintain order; perform assigned job functions; and carry out directives issued by supervisors.

In the event it is necessary to demote or dismiss an administrative employee, a hearing shall be provided as required by statute.[5][4]

When engaged in assigned duties, no employee shall participate in activities that include but are not limited to the following:

1. Physical or verbal abuse, or threat of harm, to anyone.
2. Causing intentional damage to district property, facilities and equipment.

3. Forceful or unauthorized entry to or occupation of district facilities, buildings and grounds.
4. Use, possession, distribution, or sale of alcohol, drugs or other illegal substances.[6]
5. Use of profane or abusive language.
6. Failure to comply with directives of district officials, security officers, or law enforcement officers.
7. Carrying onto or possessing a weapon on school grounds without authorization from the appropriate school administrator.
8. Violation of district policies, rules and regulations.
9. Violations of federal, state, or applicable municipal law or regulation.
10. Conduct that may obstruct, disrupt, or interfere with teaching, research, service, administrative or disciplinary functions of the district, or any activity sponsored or approved by the Board.

Delegation of Responsibility

The Superintendent or designee shall prepare and promulgate disciplinary rules for violations of district policies, rules and procedures that provide progressive penalties, including but not limited to verbal warning, written warning, reprimand, suspension, demotion, dismissal, and/or pursuit of civil and criminal sanctions. [2][7][5]



| | |
|---------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Outside Activities |
| Code | 319 |
| Status | Active |
| Adopted | June 15, 2006 |

Purpose

The Board recognizes that members of the administrative staff do enjoy private lives and may associate with others outside of school for economic, religious, cultural or personal reasons. However, the Board has a responsibility to evaluate administrators in terms of their effectiveness in discharging assigned duties and responsibilities.

Authority

Therefore, when nonschool activities impact upon an administrator's effectiveness within the school system, the Board reserves the right to evaluate the effect of such activities upon the individual's completion of responsibilities to the students and to the district's programs.

The Board does not endorse, support, nor assume liability for any district staff member who conducts nonschool, outside activities in which district students or employees may participate.

Delegation of Responsibility

The Superintendent or designee shall disseminate guidelines so that administrators may avoid situations in which personal interests, activities, and associations may conflict with the interests of the district.

Guidelines

The following guidelines are provided for the direction of administrators:

1. Do not utilize school material for personal gain. Copyrights to materials or equipment developed, processed, or tested by district employees in the performance of district activities in fulfillment of the terms of their employment reside with and may be claimed by the district.
2. Do not use school property or school time to solicit or accept customers for private enterprises.
3. Do not use school time for outside activities when there is no valid reason to be excused from assigned duties.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Freedom of Speech in Nonschool Settings |
| Code | 320 |
| Status | Active |
| Legal | 1. Pol. 317 |
| Adopted | June 15, 2006 |

Purpose

The Board acknowledges the right of its administrative employees as citizens in a democratic society to speak out on issues of public concern. When those issues are related to the school system and its programs, however, the employee's freedom of expression must be balanced against the interests of this district.

Authority

The Board adopts this policy to clarify situations in which an administrator's expression could conflict with the district's interests.

Guidelines

- In situations in which an administrator is not engaged in the performance of professional duties, s/he shall:
1. Recognize that as an administrator his/her comments generally will be viewed as representative of the district.
 2. State clearly that his/her comments represent personal views and not those of the school district.
 3. Refrain from comments that would interfere with the maintenance of student discipline.
 4. Refrain from making public statements known to be false or made without regard for truth or accuracy.
 5. Refrain from making threats against co-workers, supervisors or district officials.
- Violations of this policy may constitute cause for disciplinary action.[1]



Blackhawk
School District

| | |
|---------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Political Activities |
| Code | 321 |
| Status | Active |
| Legal | 1. Pol. 707 2. Pol. 317 |
| Adopted | June 15, 2006 |

Purpose

The Board recognizes and encourages the right of its employees, as citizens, to engage in political activity. However, district property and district time, paid for by the citizens, may not be used for political purposes when performing assigned duties.

Authority

The Board adopts the following guidelines for those administrative staff members who intend to engage in political activities.

Guidelines

No employee shall engage in political activities during assigned hours on property under the jurisdiction of the Board unless permission has been granted for that purpose through the Use of Facilities Policy.[1]

Collection of and/or solicitation for campaign funds or campaign workers is prohibited on school property during working hours.

The use of students or staff for writing, addressing, or distributing partisan political materials is forbidden.

District employees who hold elective or appointive office are not entitled to time off from their school duties for reasons incident to such offices, except as such time may qualify under the leave policies of the Board.

The following situations are exempt from the provisions of this policy:

1. Discussion and study of politics and political issues when appropriate to classroom studies, such as history, current events, and political science.
2. Conduct of student elections and connected campaigning.
3. Conduct of employee representative elections.

Violations of this policy may constitute cause for disciplinary action, at the Board's discretion.[2]



| | |
|---------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Gifts |
| Code | 322 |
| Status | Active |
| Adopted | June 15, 2006 |

Purpose

The Board considers the acceptance of gifts by administrative staff members an undesirable practice.

Authority

It is the policy of the Board that staff members not accept gifts of significant value.

Delegation of Responsibility

The Superintendent may approve acts of generosity to individual administrative staff members in unusual situations but shall report such instances to the Board on a timely basis.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Personnel Files |
| Code | 324 |
| Status | Active |
| Legal | 1. 42 U.S.C. 12101 et seq 2. 43 P.S. 1321 |
| Adopted | June 15, 2006 |

Purpose

Orderly operation of the school district requires maintaining a file for the retention of all records relative to an individual's duties and responsibilities as a district employee.

Authority

The Board requires that sufficient records be maintained to ensure an employee's qualifications for the job held, compliance with federal and state requirements and local benefit programs, conformance with district policies and rules, and evidence of completed evaluations.

Delegation of Responsibility

The Board delegates the establishment and maintenance of official personnel records to the Superintendent or designee, who shall prepare guidelines defining the material to be incorporated into personnel files.

Guidelines

A central file shall be maintained; supplemental records may be maintained only for ease in data gathering.

Medical records shall be kept in a file separate from the employee's personnel file.[1]

Only information that pertains to the professional role of the administrative employee and is submitted by duly authorized administrative personnel and the Board may be entered in the official personnel file.

Personnel records shall be available to the Board but only as required in the performance of its designated functions as a Board and as approved by a majority vote of the Board.

Employee Access

Administrative employees shall have access to their own file, except that information relative to confidential employment references/recommendations shall not be available for review by the employee.[2]

Personnel who wish to review their own records shall:

1. Request access in writing.
2. Review the record in the presence of the administrator or designee responsible to maintain personnel records.

3. Make no alterations to the record, nor remove any material.

4. Sign a log attached to the file indicating the date and person reviewing.

Appeals

Personnel choosing to appeal material in their records shall make a written request to the administrator delegated to maintain the records and shall specify:

1. Name and date.

2. Material to be appealed.

3. Reason for appeal.

The responsible administrator shall hear the appeal and make a determination.



| | |
|---------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Dress and Grooming |
| Code | 325 |
| Status | Active |
| Legal | 1. 24 P.S. 510 |
| Adopted | June 15, 2006 |

Purpose

Administrators set an example in dress and grooming for staff and students to follow. An administrator should present an image of dignity and encourage respect for authority.

Authority

The Board has the authority to specify reasonable dress and grooming guidelines for administrative staff, within law, that will prevent an adverse impact on the educational program.[1]

Guidelines

Administrative employees are expected to be physically clean, neat, well-groomed, and dressed in a manner reflecting professional assignment.

Delegation of Responsibility

If an administrator feels that an exception to this policy would enable him/her to carry out assigned duties more effectively, a request should be made to the immediate supervisor.



| | |
|---------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Management Team |
| Code | 327 |
| Status | Active |
| Legal | 1. 24 P.S. 510 |
| Adopted | June 15, 2006 |

Purpose

The Board recognizes the importance of maintaining an effective Management Team to strengthen the administration and educational programs of the district, and to establish and improve communications; decision-making; conflict resolution; and other relationships among the members of the Team.

Authority

While the Management Team concept places emphasis upon shared responsibility and authority, nothing in this policy is intended to limit the responsibility and authority of the Board to make decisions, as prescribed by law.[1]

Definitions

Management Team Concept - is a means whereby educational policies and administrative procedures that define the district's programs and operations are arrived at through shared responsibility and authority.

Management Team - is composed of the Superintendent, Assistant Superintendent, building principals, assistant principals, and administrative, supervisory, and administrative support personnel who have significant responsibilities for:

1. Formulating or implementing district policies and procedures or programs.
2. Recommending employment, transfer, suspension, discharge, layoff, recall, promotion, assignment, compensation, or discipline of employees.
3. Directing and supervising other employees.
4. Evaluating employees.
5. Adjusting complaints.

Management Employees - refers to members of the Management Team.

Guidelines

The objectives of the district's Management Team are:

1. To provide input into policies, procedures and rules that directly affect management employees in the administration of the school district.
2. To provide a means of addressing the economic and welfare concerns of management employees.

Delegation of Responsibility

The Superintendent shall prepare administrative guidelines for the operation of the Management Team. Such guidelines shall provide that:

1. Management Team meetings will include representatives reflective of all management employee positions and all management employees, when necessary.
2. The Management Team shall address itself to appropriate concerns identified by the Superintendent.
3. Concerns of the Management Team will include but not be limited to district budget, district curriculum, personnel management, and welfare of management employees.
4. The Management Team will meet on a regular basis and when requested with the Board or its representatives.
5. Actions of all members of the Management Team shall be consistent with professional and ethical standards adopted by professional management associations.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Compensation Plan |
| Code | 328 |
| Status | Active |
| Legal | 1. 24 P.S. 1150 2. 24 P.S. 1151 3. 24 P.S. 1164 |
| Adopted | June 15, 2006 |

Purpose

The Board strongly supports the concept that a thorough and effective school system can exist only if the day-to-day management of the schools is entrusted to dedicated and competent persons. Good management relies on the abilities of administrators to perform the responsibilities of the positions for which they were hired.

Authority

It is therefore incumbent on the Board to pursue a plan of compensation, based upon responsibility and performance that will provide fair and adequate financial incentive for all management personnel. To accomplish this commitment, the Board directs that such a compensation plan be implemented.[1][2][3]

Delegation of Responsibility

Implementation of the administrative compensation plan shall be the responsibility of the Superintendent.

Guidelines

The compensation plan may include:[3]

1. Description of the program for determining administrative salaries.
2. Salary amounts or salary schedules.
3. List of fringe benefits.

The compensation plan shall be determined through a good faith meet and discuss procedure, upon request, with appropriate supervisors and administrators.



| | |
|---------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Job Related Expenses |
| Code | 331 |
| Status | Active |
| Legal | 1. 24 P.S. 517 |
| Adopted | June 15, 2006 |

Authority

Payment of the actual and necessary expenses, including traveling expenses, of any district administrator that are incurred in the course of performing services for the district shall be reimbursed in accordance with Board policy.

Delegation of Responsibility

The validity of payments for job related expenses shall be determined by the Superintendent or designee.

Guidelines

The use of a personal vehicle shall be considered a legitimate job expense if travel is among the employee's assigned schools, but not between home and school, and is authorized in advance by the responsible supervisor.

Use of a personal vehicle for approved purposes is reimbursable at the current IRS rate per mile.

Use of a personal vehicle requires that liability insurance be provided by the employee.

Attendance At Programs

Actual and necessary expenses incident to attendance at functions outside the district shall be reimbursed to an administrator if approval has been obtained in advance from the Board.[1]

Attendance at district approved events outside the district shall be without loss of regular pay unless otherwise stipulated prior to attendance.

The Superintendent or designee shall prepare procedures for reimbursement of travel expenses which shall include:

1. Under normal conditions, administrators traveling on official business shall provide themselves with sufficient funds for ordinary expenses.
2. Travel shall be by the most direct and economical route.
3. For official travel by other than automobile, the district shall arrange the advance purchase of transportation tickets.
4. In all instances of travel and job related expense reimbursement, full itemization with receipts attached shall be required.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Professional Development |
| Code | 333 |
| Status | Active |
| Legal | 1. 24 P.S. 517 2. 24 P.S. 1205.1 3. 24 P.S. 1205.2 4. 22 PA Code 4.13 5. 22 PA Code 49.17 |
| Adopted | June 15, 2006 |

Purpose

Continuing professional study and inservice training are prerequisites for professional development, enhanced ability to complete responsibilities, and maintaining certification.

Authority

The Board encourages all administrators to further their professional and personal advancement through graduate study, inservice training, and professional development activities.[1]

In order to continue employment in the district, certificated administrative employees are required to meet all obligations necessary to maintain active certification.[2][3].

Guidelines

Graduate/Special Courses

Only courses of study that are preapproved shall be eligible for reimbursement by the district or a change in compensation for the employee.

Reimbursement for credits for approved graduate study or special courses shall be made in accordance with terms of the administrative compensation plan or an individual contract.

Documentary evidence of satisfactory completion of all study programs shall be required.

All administrators shall file a record and description of the attainment of approved credits with the office of the Superintendent.

Professional Education Plan

The Board shall appoint to the professional education committee parents/guardians and representatives of the community and local businesses. Representatives of administrators, teachers and educational specialists on the professional education committee shall be selected by their respective members.[2][4][5]

The Board shall approve a professional education plan that is designed to meet the educational needs of the district and its employees; specifies approved courses, programs, activities and learning experiences; and identifies approved providers. The Board shall approve the plan prior to submission for approval by the Department of Education.[2]

The Board shall ensure an annual review of the district's professional education plan by the professional education committee to determine if the plan continues to meet the needs of the district, the Strategic Plan, and the employees, students and community. The professional education committee may recommend amendments to the plan, subject to approval by the Board and the Department of Education.[2]

The Board may approve, on a case-by-case basis, specific professional education activities not stated within the district's professional education plan. Board approval is not required for credits or hours required for administrator certification, earned through activities conducted by providers approved by the Department of Education or the Department itself, or related to the area of assignment or certification.[3]

If the district assumes all costs of credits or hours, the Board may disapprove any course, program, activity or learning experience that is inconsistent with the goals of the professional education plan.[3]



| | |
|---------|--------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Sick Leave |
| Code | 334 |
| Status | Active |
| Legal | 1. 24 P.S. 1154 2. Pol. 317 |
| Adopted | June 15, 2006 |

Purpose

The sick leave policy for administrative employees shall ensure that eligible employees will receive no less than the minimum sick leave provided under law.

Authority

The Board shall provide up to twelve (12) days annually for sick leave, which shall be cumulative.[1]

The Board reserves the right to require any administrator claiming sick leave pay to submit sufficient proof, including a physician's certification, of the employee's illness or disability.[1]

The Board shall consider the application of any eligible administrator for an extension of sick leave, pursuant to law where applicable, when the employee's own accumulated sick leave is exhausted.[1]

Delegation of Responsibility

The Superintendent shall report to the Board the names of administrators absent for noncompensable cause or whose claim for sick leave pay cannot be justified.

Guidelines

Misuse of sick leave shall be considered a serious infraction subject to disciplinary action.[2]

A sick leave shall commence when the administrator, or agent if the administrator is sufficiently disabled, reports the absence. A sick leave day, once commenced, may be reinstated as a working day only with the approval of the Superintendent or designee.

Whatever the claims of disability, no day of absence shall be considered a sick leave day on which the employee has engaged in or prepared for other gainful employment, or has engaged in any activity that would raise doubts regarding the validity of the sick leave request.[1]

Proof of Disability

An administrator absent on sick leave may be required to submit a physician's written statement certifying his/her disability.[1]

An administrator absent for five (5) or more consecutive school days shall be required to submit a physician's statement. Any additional absence in excess of four (4) consecutive days shall require a

physician's statement.

A physician's statement may not be presumed to conclusively establish the administrator's disability.

Records

The district's personnel records shall show the attendance of each employee; and the days absent shall be recorded, with the reason for such absence noted. [1]

A record shall be made of the unused sick leave days accumulated by each administrative employee, which shall be made available to the employee in accordance with law.



| | |
|----------------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Family and Medical Leaves |
| Code | 335 |
| Status | Active |
| Legal | 1. 29 U.S.C. 2601 et seq |
| Adopted | June 15, 2006 |
| Revised | December 15, 2022 |

Purpose

The purpose of this policy is to address specific leave of absence issues and to ensure the district's compliance with the Family Medical Leave Act, hereinafter referred to as FMLA.[1]

Delegation of Responsibility

The Superintendent or designee shall develop administrative guidelines regulating leaves and ensuring the district's compliance with law. Although implementing the guidelines is the responsibility of the Superintendent, they must adhere to the basic principles of law.

Guidelines

Required notices shall be posted by the district.

Guides advising employees of their rights and responsibilities shall be developed and posted. The guides shall be given to employees upon request; whenever an employee requests an FMLA leave; and whenever the district designates a leave as an FMLA leave.

All requests for leave, both FMLA leave and non-FMLA leave, shall be made in writing on a district form. The form shall request sufficient information to determine whether the leave qualifies as an FMLA leave.

If the employee requesting an FMLA leave qualifies for and is entitled to any paid leave under an administrative compensation plan, individual contract, district policy or statutory mandate, the employee may utilize such leave during the FMLA leave, at his/her discretion. Absent express contractual language to the contrary, any employee requesting FMLA leave must take it concurrently with paid leave.

Medical certification forms shall be required whenever allowed or authorized by provision of the FMLA.

Employees shall be required to provide a fitness-for-duty certificate upon returning from an FMLA leave when the leave was taken because of the employee's own serious health condition, except where such a requirement would be in violation of an administrative compensation plan or individual contract, or where the employee has taken a paid leave concurrent with the FMLA leave and school district policy and practice has not required a fitness-for-duty certificate to be provided.

Seniority shall accrue for all purposes during FMLA leaves, and credit shall be given during FMLA leaves for accruals for other leaves.

For purposes of determining whether an eligible employee under the FMLA has exhausted the twelve (12) weeks of leave in any twelve-month period, the district shall utilize a rolling twelve-month period measured backwards from the date leave is used, to avoid stacking of back-to-back leave entitlements.

An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member (spouse, child, parent) with a serious health condition, or if the employee has a serious health condition when:

1. The employee fails to establish, through medical certification, that there is a medical need for such a leave (as distinguished from voluntary treatments and procedures).
2. The employee has failed to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule.

Eligibility for an FMLA leave shall be based entirely on the eligibility criteria established by the FMLA. This policy shall not be construed to expand eligibility for an FMLA leave beyond what is required by the law.



| | |
|---------|-----------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Personal Necessity Leave |
| Code | 336 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. 24 P.S. 1154 |
| Adopted | June 15, 2006 |

Purpose

This policy shall provide for an administrative employee's absence for personal necessity when not otherwise covered by policy.

Authority

The Board has the authority to specify reasonable conditions under which personal necessity leave may be granted, the type of situations in which such leave will be permitted, and the total number of days that may be used in any school year for such leave.[1][2]

Guidelines

Personal Leave

Personal leave days with pay shall be granted to administrative employees in accordance with provisions of the administrative compensation plan or individual contract.

Bereavement Leave

Bereavement leave shall be granted to administrative employees in accordance with provisions of the administrative compensation plan or individual contract.[2]



| | |
|---------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Vacation |
| Code | 337 |
| Status | Active |
| Adopted | June 15, 2006 |

Purpose

Administrative personnel employed to work twelve (12) months or other schedules considered full time shall be provided paid vacation.

Authority

The Board shall provide vacation days for administrative employees consistent with the employee's request and convenience while considering the district's operating and management needs.

Guidelines

Vacation time shall be granted in accordance with provisions of the administrative compensation plan or individual contract.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Sabbatical Leave |
| Code | 338 |
| Status | Active |
| Legal | 1. 24 P.S. 1166 2. 24 P.S. 1171 3. 24 P.S. 1167 4. 24 P.S. 1168 5. 24 P.S. 1170 6. 24 P.S. 1169 |
| Adopted | June 15, 2006 |

Purpose

This policy shall establish the district's parameters for granting sabbatical leaves for restoration of health for eligible employees.

Authority

The Board shall grant sabbatical leaves to administrative employees only for the purpose of restoration of health.[1]

The Board reserves the right to specify the conditions under which sabbatical leaves for restoration of health may be taken, consistent with law.[2]

Guidelines

Eligibility

To be eligible for sabbatical leave, an employee shall have completed ten (10) years of satisfactory service in the public schools of the Commonwealth; at least five (5) consecutive years of such service shall be in this school district.[1]

A sabbatical leave may be taken for a half or full school term or for two (2) half school terms during a period of two (2) years, at the employee's option.

After a leave has been granted, one (1) leave of absence for restoration of health shall be allowed after each seven (7) years of service.[1]

The total number of administrative employees on sabbatical leave at any one time shall not exceed ten percent (10%) of the number of eligible employees.[3]

Application

Requests for sabbatical leave shall be submitted on the approved district form and forwarded with medical documentation to the Superintendent or designee as soon as possible.

The Board shall review each application for sabbatical leave and shall approve those meeting the requirements of adopted policy.

Documentation

Applicants for sabbatical leave shall submit with the application form an official supporting medical statement and recommendation from his/her physician.

At both the approximate midpoint of the leave and at least thirty (30) days prior to the conclusion of the leave, a physician's statement shall be submitted to the Superintendent or designee, indicating the extent to which the purpose of the leave has been achieved and evaluating the health status of the employee relative to his/her ability to return to employment.[2]

The Board reserves the right to require at its own expense additional examinations and reports by physicians of its choice to determine the validity of the leave request.

Commitment of Employee

Acceptance of a sabbatical leave incurs a commitment by the employee to return to active duty in this district immediately following the sabbatical leave for one (1) full school year, unless physically or mentally unable to do so.[4]

The Board reserves the right to require at its own expense additional examinations and reports by physicians of its choice to determine the employee's ability to return to work.

Commitment of Employer

At the expiration of the sabbatical leave, the employee shall, unless agreed otherwise, be reinstated in the same position held at the time of the granting of the leave.[4]

Time on sabbatical leave shall be counted as time on the job for purposes of seniority, where applicable in the district, and for retirement fund purposes but for no other purpose.[5]

Compensation

During the period of sabbatical leave, an employee shall be compensated at least one-half the salary to which s/he would have been entitled had the employee not taken leave.[6]

While on leave, the employee shall be entitled to insurance benefits provided other administrative employees of a similar class.

A sabbatical leave granted for restoration of health shall also serve as a leave of absence without pay from all other school activities.[1]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Compensated Professional Leaves |
| Code | 338.1 |
| Status | Active |
| Legal | 1. 24 P.S. 1166.1 2. 24 P.S. 522.2 3. 24 P.S. 1171 4. 24 P.S. 1166 5. 24 P.S. 1167 6. 24 P.S. 1168 7. 24 P.S. 522.1 8. 24 P.S. 1170 9. 24 P.S. 1169 |
| Adopted | June 15, 2006 |

Purpose

This policy shall establish the district's parameters for granting professional development and classroom occupational exchange leaves for eligible administrative employees.

Definitions

Professional Development Leave - shall be defined as a leave of absence granted for the purpose of improving professional competency or obtaining a professional certificate or commission. Such leave shall be directly related to an employee's professional responsibilities, as determined by the Board, and be restricted to activities required by state regulation or law, or completed to improve professional competency.[1]

Classroom Occupational Exchange Leave - shall be defined as a leave of absence granted for the purpose of acquiring practical work experience in business, industry or government.[2]

Authority

The Board shall have sole authority to adopt and enforce policy establishing the conditions for approval of a professional development leave. All requests for such leave shall be subject to review by the Board. The Board may approve or reject a proposed plan for professional development leave.[1][3]

The Board may grant a leave to eligible employees for classroom occupational exchange leave for the specified purpose.[2]

Guidelines

PROFESSIONAL DEVELOPMENT LEAVE

Eligibility

To be eligible for professional development leave, an employee shall have completed ten (10) years of satisfactory service in the public schools of the Commonwealth; at least five (5) consecutive years of such service shall be in this school district.[4]

A leave for professional development may be taken for a half or full school term or for two (2) half school terms during a period of two (2) years, at the employee's option. After a leave has been granted, one (1) leave of absence for restoration of health shall be allowed after each seven (7) years of service.[4]

The total number of administrative employees on such leaves of absence shall not exceed ten percent (10%) of the number of eligible employees.[5]

Application

Professional development leaves shall be granted only to employees participating in an academic program for the purpose of retaining a professional certificate or commission, further preparation and improvement in an area(s) of certification, additional certification, attaining other appropriate and identifiable educational positions within the school district, or as the Board may require, and upon the recommendation of the Superintendent.[1]

Requests for professional development leave shall be submitted on the district form and forwarded with a detailed plan to the Superintendent.

Documentation

Applicants for professional development leave shall submit with the application form a detailed plan describing the professional development activities to be undertaken and a statement specifying the benefits of the leave to the employee and the school district. The plan shall provide sufficient information to permit the Board to adequately evaluate the request.[1]

The Board may at any time require additional information from the employee in order to assist the Board in evaluating the request and the leave's benefits to and impact on the employee and the school district.

The minimum requirements for leave for a half school term shall consist of any one or a combination of the following: [1]

1. Nine (9) graduate credits.

2. Twelve (12) undergraduate credits.

3. One hundred eighty (180) hours of professional development activities.

The minimum requirements for leave for a full school term shall consist of any one or a combination of the following:

1. Eighteen (18) graduate credits.

2. Twenty-four (24) undergraduate credits.

3. Three hundred sixty (360) hours of professional development activities.

Applicants who propose to take **graduate or undergraduate credits** shall submit notification of acceptance and enrollment from an accredited institution of higher learning for study in courses approved by the Superintendent. The employee shall successfully complete the approved courses and receive passing grades. Upon return from professional development leave, the employee shall submit to the Superintendent within the first month an official transcript of all courses completed. Failure to receive passing grades or to submit required transcripts on time shall result in forfeiture of monies paid by the district.

Applicants who propose to undertake **professional development activities** shall submit to the Board a detailed plan listing the specific activities. Upon return from professional development leave, the employee shall submit to the Superintendent within the first month a formal report describing the educational activities pursued and their benefits and relevancy. Failure to submit required reports on time shall result in forfeiture of monies paid by the district.

Commitment of Employee

Acceptance of professional development leave incurs a commitment by the employee to return to active duty in this district immediately following the leave for one (1) full school year, unless prevented by illness or physical disability. Employees shall submit required reports on time or forfeit all compensation and benefits.[1][6]

Commitment of Employer

At the expiration of the professional development leave, the employee shall, unless agreed otherwise, be reinstated in the same position held at the time of the granting of the leave.[6]

Time on professional development leave shall be counted as time on the job for purposes of seniority, where applicable in the district, and for retirement fund purposes but for no other purpose.[7][8]

Compensation

During the period of professional development leave, an employee shall be compensated at least one-half the salary to which s/he would have been entitled had the employee not taken leave.[9]

A leave of absence granted for professional development shall also serve as a leave of absence without pay from all other school activities.[4]

CLASSROOM OCCUPATIONAL EXCHANGE LEAVE

Application

Requests for classroom occupational exchange leave shall be submitted on the approved district form and forwarded with appropriate documentation to the Superintendent.

Documentation

Applicants for classroom occupational exchange leave shall submit with the application form a statement from the employer agreeing to the terms and conditions of the leave, as specified in Board policy.

Upon return from such leave, the employee shall submit to the Board a final report detailing the work experience and its benefits.[2][1]

Commitment of Employee

Acceptance of classroom occupational exchange leave incurs a commitment by the employee to return to active duty in this district immediately following the leave for one (1) full school year, unless prevented by illness or physical disability.[6]

Commitment of Employer

At the expiration of the classroom occupational exchange leave, the employee shall, unless agreed otherwise, be reinstated in the same position held at the time of the granting of the leave.[6]

Time on classroom occupational exchange leave shall be counted as time on the job for purposes of seniority, where applicable in the district, and for retirement fund purposes but for no other purpose.[2]

Compensation

The business, industry or government to whom the employee is assigned during the leave shall fully compensate the school district for all salary, wages, pension and retirement contributions, and other benefits as if the employee were in full-time active service.[2]



| | |
|---------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Uncompensated Leave |
| Code | 339 |
| Status | Active |
| Legal | 1, 24 P.S. 1154 |
| Adopted | June 15, 2006 |

Purpose

The Board recognizes that in certain situations an employee may request extended leave for personal reasons, and the district could benefit from the return of the employee. This policy establishes guidelines for granting uncompensated leaves of absence.

Authority

The Board reserves the right to specify the conditions under which uncompensated leave may be taken.[1]

Guidelines

Uncompensated leave shall be granted in accordance with provisions of the administrative compensation plan or individual contract.

Application

Requests for uncompensated leave shall be made to the Superintendent in advance of the requested beginning date.

Special consideration will be given to emergencies.

All applications are subject to final approval by the Board.

Period of Leave

An uncompensated leave may be granted for a period of one (1) semester or one (1) school year.

Extensions shall be considered upon proper application.

Commitment of Employee

The employee granted an uncompensated leave of absence shall inform the Board of his/her intentions prior to the scheduled return date.

Commitment of Employer

At the expiration of uncompensated leave, the employee shall be offered the same position previously held or a like position to that previously held.

Time on uncompensated leave shall not count as time on the job.



| | |
|---------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Jury Duty |
| Code | 342 |
| Status | Active |
| Legal | 1. 42 Pa. C.S.A. 4563 |
| Adopted | June 15, 2006 |

Authority

Administrative employees regularly employed shall be protected against loss of pay for time served on jury duty.[1]

Guidelines

Should an employee be called for jury duty, s/he shall notify the Superintendent.

Employees called for jury duty shall normally be permitted to serve and will not be penalized in any way. They shall receive normal pay for the period of jury duty, but any compensation received from jury duty in excess of actual expenses shall be credited against such pay.

Time spent on jury duty will not be charged against personal leave and will count as time on the job.

Employees must submit to their supervisor a record from the court of the number of days served.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Unlawful Harassment |
| Code | 348 |
| Status | Active |
| Legal | 1. 42 U.S.C. 2000e et seq 2. 20 U.S.C. 1681 5. Pol. 103 6. Pol. 317 7. 29 CFR 1606.8 8. 29 CFR 1604.11 9. Pol. 417 10. Pol. 517 |
| Adopted | June 15, 2006 |

Purpose

The Board strives to provide a safe, positive working climate for its employees. Therefore, it shall be the policy of the district to maintain an employment environment in which harassment in any form is not tolerated.

Authority

The Board prohibits all forms of unlawful harassment of employees and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages employees and third parties who have been harassed to promptly report such incidents to the designated administrators.[1][2]

The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated.

Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of harassment.

Definitions

For purposes of this policy, **harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation or religion when such conduct:[7]

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to perform job functions or creates an intimidating, threatening or abusive work environment.

2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance.

3. Otherwise adversely affects an individual's employment opportunities.

or purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:
[8]

1. Acceptance of such conduct is made, explicitly or implicitly, a term or condition of an individual's continued employment.

2. Submission to or rejection of such conduct is the basis for employment decisions affecting the individual.

3. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that may constitute **sexual harassment** include but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with an employee's ability to work or creates an intimidating, hostile or offensive working environment.

Delegation of Responsibility

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent as the district's Compliance Officer.[5]

The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.

The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.

Each staff member shall be responsible to maintain a working environment free from all forms of unlawful harassment.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the employee or third party of the right to file a complaint and the complaint procedure.

2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.

3. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

Guidelines

Complaint Procedure – Employee/Third Party

Step 1 – Reporting

An employee or third party 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 building principal.

If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.

The complainant is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

Step 2 – Investigation

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

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

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

Step 3 – Investigative Report

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

The findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

Disciplinary actions shall be consistent with Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.

If it is concluded that an employee has knowingly made a false complaint under this policy, such employee shall be subject to disciplinary action, including termination.[6][9][10]

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer 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 building principal who conducted the initial investigation.

**ATTACHMENTS TO
UNLAWFUL
HARASSMENT**

REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT

Complainant: _____
Home Address: _____
Home Phone: _____
School Building: _____
Date of Alleged Incident(s): _____

Alleged harassment was based on: (circle those that apply)

- | | | |
|----------|--------------------|-----------------|
| Race | Color | National Origin |
| Gender | Age | Disability |
| Religion | Sexual Orientation | |

Name of person you believe violated the district's unlawful harassment policy: _____

If the alleged harassment was directed against another person, identify the other person: _____

Describe the incident as clearly as possible, including what force, if any, was used; verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved. Attach additional pages if necessary: _____

When and where incident occurred: _____

List any witnesses who were present: _____

This complaint is based on my honest belief that _____ has harassed me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Administrative Employees |
| Title | Drug and Substance Abuse |
| Code | 351 |
| Status | Active |
| Legal | 1. P.L. 100-690 2. 35 P.S. 780-101 3. 24 P.S. 527 4. P.L. 101-226 5115 5. 35 P.S. 780-101 et seq |
| Adopted | June 15, 2006 |
| Last Revised | October 15, 2019 |

Purpose

The Board recognizes that the misuse of drugs is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by drug use by employees, especially as the use relates to an employee's safety, efficiency and productivity.

The primary purpose and justification for any district action will be for the protection of the health, safety and welfare of students, staff and school property.[1]

Definitions

Drugs - shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.[2]

Conviction - a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statute.[1]

Criminal Drug Statute - a federal or nonfederal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

Drug-free Workplace - the site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.

Authority

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 no later than five (5) days after such conviction.

An employee convicted of delivery of or possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the district.[3]

Delegation of Responsibility

A statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the employee's workplace shall be provided by the Superintendent and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination, and referral for prosecution.[4]

Grantors of funds shall be notified within ten (10) days after the district receives notice from an employee or receives actual notice of a conviction.

The district shall be responsible for taking action within thirty (30) days of receiving notice, with respect to any convicted employee.

The district shall take appropriate personnel action against such an 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.

In establishing a drug-free awareness program, the Superintendent shall inform employees about:

1. Dangers of drug abuse in the workplace.
2. District's policy of maintaining a drug-free workplace.
3. Availability of drug counseling, drug rehabilitation, and employee assistance programs.
4. Penalties that may be imposed 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 implementation of this policy.[5][1][4]

Drug and Substance Abuse Policy Updates.docx (13 KB)

**ATTACHMENTS TO
DRUG AND
SUBSTANCE ABUSE**

Drug and Substance Abuse

Definition

For purposes of this policy, **medical marijuana** shall mean marijuana certified for medical use by a medical marijuana-certified physician for serious medical condition(s) as defined by the MMA.

Delegation of Responsibility

The Board recognizes that the use of medical marijuana may be helpful to treat serious medical conditions, as defined by the Medical Marijuana Act ("MMA"), 35 Pa. C.S. § 10231.101, *et seq.*

The Board also recognizes that marijuana remains an illicit substance according to Federal law. The Commonwealth's legalization of marijuana for medical purposes does not supersede the enforcement of Federal drug laws, including those that prohibit the presence and use of drugs on public school property, including the Every Student Succeeds Act, 20 U.S.C. § 71118. Possession of marijuana remains a criminal offense under State and Federal law.

Employees who have been issued a prescription for medical marijuana use are subject to the following provisions, as imposed by the MMA:

Employees are not permitted to use or possess medical marijuana at the School.

Employees are not permitted to report to work under the influence of medical marijuana.

Employees who have been prescribed medical marijuana shall inform the Superintendent or school principal accordingly.



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Employees |
| Title | Physical Examination |
| Code | 314 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 24 P.S. 14182. 28 PA Code 23.433. 42 U.S.C. 121124. 28 PA Code 23.445. 24 P.S. 14196. 28 PA Code 23.457. Pol. 1048. 28 PA Code 27.719. 28 PA Code 27.7210. Pol. 33411. Pol. 33512. 42 U.S.C. 2000ff et seq <p>24 P.S. 1416</p> <p>42 U.S.C. 12101 et seq</p> <p>U.S. Equal Employment Opportunity Commission – Guidance on COVID-19, ADA, Rehabilitation Act and Other Equal Employment Opportunity Laws</p> <p>U.S. Equal Employment Opportunity Commission – Questions and Answers on Religious Discrimination in the Workplace</p> |
| Adopted | June 15, 2006 |
| Last Revised | January 14, 2021 |

Purpose

In order to certify the fitness of administrative, professional and support employees to discharge efficiently the duties they will be performing and to protect the health of students and staff, the Board shall require physical examinations of all district employees prior to beginning employment and may require health monitoring to prevent the transmission of communicable diseases in the school setting.

Definitions

A **physical examination**, for purposes of this policy, shall mean a general examination by a licensed physician, certified registered nurse practitioner or a licensed physician assistant.

Health monitoring, for purposes of this policy, shall mean screening or monitoring an employee for specific symptoms that may indicate the presence of a communicable disease, in accordance with guidance from state and local health officials.

Authority

After receiving an offer of employment but prior to beginning employment, all candidates shall undergo physical examinations, as required by law and as the Board may require, the expense for which shall be paid by the applicant.[1][2][3]

The Board requires that all employees undergo a tuberculosis examination provided by the district upon initial employment, in accordance with regulations of the PA Department of Health.[1][4]

The Board may require an employee to undergo a physical examination at the Board's request.[1]

An employee who presents a signed statement that a physical examination is contrary to the employee's religious beliefs shall be examined only when the Secretary of Health determines that facts exist indicating that certain conditions would present a substantial menace to the health of others in contact with the employee if the employee is not examined for those conditions.[5][6]

Guidelines

Health Monitoring and Communicable Diseases

The district may require employees to participate in health monitoring by designated staff to check for signs and symptoms of communicable diseases in accordance with guidance issued by state and local health officials and the Board-approved health and safety plan. An employee may request an alternative method of monitoring as a religious accommodation, and designated district staff shall assess and respond to such request in accordance with applicable law, regulations and Board policy. A request for an accommodation that would unreasonably impair workplace safety or cause undue hardship will not be granted.[7]

An employee with a health condition that may render a monitoring method ineffective should notify designated staff so that alternative or supplemental methods may be considered.[7]

Employees exhibiting symptoms that indicate health concerns shall be referred to the school nurse or designated staff for further assessment, and may be excluded from school facilities in accordance with regulations of the PA Department of Health or guidance from state or local health officials for specified diseases and infections conditions. Employees may return to school facilities when the criteria for readmission following a communicable disease have been met, in accordance with law, regulations or guidance from state or local health officials.[8][9][10][11]

Delegation of Responsibility

The results of all required physical examinations shall be made known to the Superintendent on a confidential basis and discussed with the employee.

Medical records and other health information of an employee shall be maintained confidentially and kept in a file separate from the employee's personnel file.[3][12]



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Employees |
| Title | Tobacco and Vaping Products |
| Code | 323 |
| Status | Active |
| Legal | 1. 18 Pa. C.S.A. 6305 2. 18 Pa. C.S.A. 6306.1 3. Pol. 317 4. Pol. 351 5. 20 U.S.C. 7973 6. Pol. 818 7. 24 P.S. 1303-A 8. 22 PA Code 10.2 9. 22 PA Code 10.22 10. 24 P.S. 1302.1-A 20 U.S.C. 7971 et seq |
| Adopted | September 21, 2017 |
| Last Revised | January 14, 2021 |

Purpose

The Board recognizes that tobacco and vaping products, including the product marketed as Juul and other electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers and the school environment. The purpose of this policy is to regulate use of tobacco and vaping products, including Juuls and other electronic cigarettes, by district employees and contracted personnel.

Definition

State law defines the term **tobacco product** to broadly encompass not only tobacco but also vaping products including Juuls and other electronic cigarettes (e-cigarettes). **Tobacco products**, for purposes of this policy and in accordance with state law, shall be defined to include the following:[1][2]

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.
2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.
3. Any product containing, made or derived from either:
 - a. Tobacco, whether in its natural or synthetic form; or

b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.

4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term **tobacco product** does not include the following:[1][2]

1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled.

2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. *Federal law requires the district to maintain a drug-free workplace, at which marijuana of any kind is prohibited.* [3][4]

Authority

The Board prohibits use of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by district employees and contracted personnel at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; or on property owned, leased or controlled by the school district, except as expressly permitted in designated areas which must be located at least fifty (50) feet from school buildings, stadiums or bleachers.[2][5][6]

The Board also prohibits use of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by district employees at any time while responsible for the supervision of students during school-sponsored activities that are held off school property.[2]

This policy does not prohibit possession of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by district employees and contracted personnel of legal age.

The Board deems it to be a violation of this policy for any district employee or contracted personnel to furnish a tobacco or vaping product, including the product marketed as Juul or any other e-cigarette, to a student.[1]

Delegation of Responsibility

The Superintendent or designee shall notify employees and contracted personnel about the Board's tobacco and vaping products policy by publishing information in handbooks, newsletters, posters, and other efficient methods such as posted notices, signs and on the district website.[2]

Reporting

Office for Safe Schools Report –

The Superintendent shall annually, by July 31, report incidents of prohibited possession, use or sale of tobacco and vaping products, including Juuls or other e-cigarettes, on school property to the Office for Safe Schools on the required form.[2]

Law Enforcement Incident Report –

The Superintendent or designee may report incidents involving the sale of tobacco and vaping products, including Juuls or other e-cigarettes, 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 school police, School Resource Officer (SRO) or 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.[1][2][3][7][8][9][10]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 300 Employees |
| Title | Responsibility for Student Welfare |
| Code | 340 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. Pol. 705 3. Pol. 805 |
| Adopted | January 14, 2021 |

Authority

The Board adopts this policy to ensure appropriate oversight of and responsibility for student welfare by administrative, professional and support employees.[1]

District employees are responsible for the safety of students in their charge within school buildings and on district property.

Each employee is responsible for supervision, control and protection of students, commensurate with assigned duties and directives.

Each employee is responsible to ensure that students are supervised by a teacher or other staff member at all times while engaged in district activities.

An employee should not voluntarily assume responsibility for duties the employee cannot reasonably perform. Voluntary assumption carries the same responsibilities as assigned duties.

Teachers and designated staff shall provide proper instruction in and enforcement of safety rules and procedures included in the Board-approved health and safety plan and assigned curriculum.[2][3]

Each employee has the responsibility to report immediately to the building principal or designated staff an accident, safety hazard, unsafe or dangerous condition, or to immediately address observed violations of district safety rules.[2]

Employees may not send students on any personal errands.

Employees may not transport students in a personal vehicle, except when specifically authorized by the building principal or designee.

Employees shall not require a student to perform services that may be detrimental to the student's health.

Delegation of Responsibility

Building principals shall monitor employees' adherence to this policy to ensure the maintenance of standards that protect student welfare.

Building principals shall annually develop and implement a plan of supervision for the following:

1. Student arrivals and departures, including buses.
2. Halls, restrooms and playgrounds.
3. Cafeteria.
4. Before and after school.
5. Field trips.
6. School activities.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Creating a Position |
| Code | 401 |
| Status | Active |
| Legal | 1. 24 P.S. 1106 2. 24 P.S. 1107 3. 22 PA Code 4.4 |
| Adopted | June 15, 2006 |

Purpose

Teaching positions and positions for other professional employees shall be established by the Board in order to provide educational programs and supporting services consistent with the needs of the schools and the resources of the community.

Authority

The need for creating teaching positions and other professional positions shall be determined by the Board, based on the recommendation of the Superintendent. The Board reserves for itself the final determination of the number and type of professional positions deemed necessary for effective operation of the schools.[1]
[2][3]

Guidelines

Recommendations for a new or additional professional position shall include:

1. Job description clearly describing the duties for which the position was created.
2. A title that conforms with the appropriate certificate if certification is required.
3. Supporting data and other rationale relevant to the recommendation.

In the exercise of its authority to create new positions, the Board shall give primary consideration to:

1. Number of students enrolled.
2. Special needs of students.
3. Operational needs of the district.
4. Financial resources of the district.

Delegation of Responsibility

The Superintendent shall be responsible for recommending new or additional professional positions.

The Board may, through the Superintendent, consider the advice of administrative staff in creating a new position or increasing the number of employees in existing positions.



Book Blackhawk S D Policy Manual

Section 400 Professional Employees

Title Employment of Professional Employees

Code 404

Status Active

Legal

1. 22 PA Code 4.4
2. 24 P.S. 508
3. 24 P.S. 1106
4. 24 P.S. 1142
5. 24 P.S. 1146
6. 24 P.S. 1111
7. 24 P.S. 1204.1
8. 24 P.S. 111
9. 24 P.S. 1201
10. 20 U.S.C. 6319
11. Pol. 104
12. 24 P.S. 1109
13. 42 U.S.C. 653a
14. 24 P.S. 1107
15. 24 P.S. 1142-1152
16. Pol. 428
17. 24 P.S. 111.1
18. 23 Pa. C.S.A. 6344
19. 22 PA Code 49.1 et seq
20. 24 P.S. 2070.2
21. 20 U.S.C. 7801
22. 22 PA Code 403.2
23. 22 PA Code 403.4
24. 42 U.S.C. 12112
25. 22 PA Code 403.5
- 24 P.S. 108
- 24 P.S. 1109.2
- 22 PA Code 8.1 et seq
- 22 PA Code 14.105
- 18 Pa. C.S.A. 9125
- 23 Pa. C.S.A. 6301 et seq
- 42 U.S.C. 12101 et seq

Adopted

June 15, 2006

Last Revised

February 17, 2022

Purpose

The Board places substantial responsibility for the educational program and effective operation of the schools with the professional staff employed by the district.[1]

Authority

The Board, by a majority vote of all members, shall approve the employment; set the compensation; and establish the term of employment for each professional staff member employed by the district.[1][2][3][4][5][14][15][16]

No teacher shall be employed who is related to any member of the Board, as defined in statute, unless such teacher receives the affirmative vote of a majority of all members of the Board other than the member related to the applicant, who shall not vote. **Relative** shall mean a father, mother, brother, sister, husband, wife, son, daughter, stepson, stepdaughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, uncle, or aunt.[6]

Guidelines

Approval shall normally be given to the candidates for employment recommended by the Superintendent.

When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.

The district shall use the Standard Application For Teaching Positions but may establish and implement other application requirements.[7]

Pre-Employment Requirements

The district shall conduct an employment history review in compliance with state law prior to issuing an offer of employment to a candidate. Failure to accurately report required information shall subject the candidate to discipline up to, and including, denial of employment or termination if already hired, and may subject the candidate to civil and criminal penalties. The district may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment and may report the information as permitted by law.[17]

No candidate shall be employed until such candidate 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.[8][18]

Each candidate shall report, on the designated form, arrests and convictions that occur subsequent to initially submitting the form. Failure to accurately report such arrests and convictions may subject the individual to denial of employment, termination if already hired, and/or criminal prosecution.[8]

Any employee's misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the Board.

Utilization of professional employees prior to employment approval by the Board is authorized when necessary to maintain continuity in the educational program. Retroactive employment shall be recommended to the Board at the next regular meeting.

No candidate for professional employment shall receive recommendation for such employment without evidence of his/her certification.[9][19][12][20]

The district shall submit a New Hire Report for each employee required to be reported by law.[13]

All teachers working in a program supported with Title I funds who were hired after January 8, 2002, shall be highly qualified, as defined by federal law and regulations.[10][21][22][23]

Delegation of Responsibility

The Superintendent or designee subject to approval by the Board of School Directors shall develop procedures for the recruitment, screening and recommendation of candidates for employment as professionals, in accordance with Board policy and state and federal law and regulations. (Refer to administrative guidelines for such procedures.)[11]

The Board of School Directors shall approve the procedures for the recruitment, screening and recommendation of applicants for employment.

The application/screening/interviewing process shall be conducted as follows:

1. To be considered for an interview, the application of an applicant for a professional position shall be reviewed by administrators in conjunction with the Board of School Directors' Committee Chairs, in the following four (4) areas: academics, recommendations, nonacademic background (i.e. experience working with children outside of school: cocurricular activities), and work experience.
2. From the pool of applicants who qualify for an interview, a list of applicants shall be developed that includes those who might best meet the needs of the particular position to be filled. Screening interviews of these applicants shall be conducted by administrators in conjunction with the Board of School Directors' Committee Chairs. If necessary, an additional round of screening interviews may be scheduled.
3. All recommendations for employment must be approved by the Board of School Directors.

Candidates shall be recommended on the basis of references, as well as demonstration lessons or other appropriate activities.

The Superintendent or designee shall seek candidates of good moral character who possess the following attributes:[12]

1. Successful educational training and experience.
2. Scholarship and intellectual prowess, including such measures as collegiate grade point average.
3. Appreciation of children.
4. Emotional and mental maturity.

The Superintendent or designee shall, in the conduct of recruiting activities, seek candidates from this state and surrounding states who have graduated from a variety of public and private institutions of higher education.

The Superintendent or designee may apply necessary screening procedures to determine the candidate's ability to perform the tasks of the job for which the candidate is being considered.[24]

The Superintendent or designee shall seek recommendations from former employers and others to assess the candidate's qualifications.

Recommendations and references shall be retained confidentially and for official use only.

Each professional staff member employed by the district shall be responsible for maintaining a valid teaching certificate.[9][12][19]

The principal of a school providing Title I programs to students shall annually attest that professional staff teaching in such programs are highly qualified, in accordance with federal and state law and regulations. The written certification shall be maintained in the district office and the school office and shall be available to the public, upon request.[10][21][23][25]



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Employment of Substitute Professional Employees |
| Code | 405 |
| Status | Active |
| Legal | 1. 24 P.S. 1101 2. 24 P.S. 1106 3. 24 P.S. 1148 4. 24 P.S. 111 9. 42 U.S.C. 653a 10. 24 P.S. 111.1 11. 23 Pa. C.S.A. 6344 24 P.S. 108 24 P.S. 1109 24 P.S. 1201 24 P.S. 2070.2 22 PA Code 8.1 et seq 22 PA Code 49.1 et seq 23 Pa. C.S.A. 6301 et seq Pol. 000 Pol. 104 |
| Adopted | June 15, 2006 |
| Last Revised | March 19, 2015 |

Purpose

Qualified and competent substitute teachers and other professional staff shall be employed in order to provide continuity in the educational program of the schools.

Authority

The Board shall approve annually the names of potential substitute professional employees and the positions in which they may substitute.[1][2][3]

Additional names may be added to the list of substitutes by the Board during the school year.

Guidelines

Utilization of substitutes prior to approval by the Board is authorized when their use is required to maintain continuity in the educational program and the candidate has satisfied legal pre-employment requirements.

Retroactive approval shall be recommended to the Board at the next regular meeting.

Pre-Employment Requirements

The district shall conduct an employment history review in compliance with state law prior to issuing an offer of substitute employment to a candidate. The employment history review shall remain valid as long as the substitute continues to be employed by the district or remains on the approved substitute list. Failure to accurately report required information shall subject the candidate to discipline up to, and including, denial of employment or termination if already hired, and may subject the candidate to civil and criminal penalties. The district may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment and may report the information as permitted by law.[10]

No candidate shall be employed until such candidate 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.[4][11]

Each candidate shall report, on the designated form, arrests and convictions as specified on the form. Candidates shall likewise report arrests and/or conviction that occur subsequent to initially submitting for form. Failure to accurately report such arrests and convictions may subject the individual to denial of employment, termination if already hired and/or criminal prosecution.[4]

The district shall submit a New Hire Report for each employee required to be reported by law.[9]

Compensation

Substitutes shall be paid on a per diem basis at a rate set annually or periodically by the Board.[3]

Substitute professional employees shall be eligible for fringe benefits and shall be compensated in accordance with the applicable collective bargaining agreement.

Delegation of Responsibility

The Superintendent or designee shall develop and implement procedures to recruit, screen, assign and evaluate candidates for substitute employment.

The Superintendent or designee shall recommend retention on the Board's approved substitute list only for those substitutes who have satisfactorily performed their duties.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Employment of Summer School Staff |
| Code | 406 |
| Status | Active |
| Legal | 1. 24 P.S. 508 2. 24 P.S. 1146 3. 24 P.S. 1901 4. 24 P.S. 111 5. 23 Pa. C.S.A. 6301 et seq 6. 22 PA Code 8.1 et seq |
| Adopted | June 15, 2006 |

Purpose

The Board directs that summer school employees shall be qualified and competent to fulfill such assignments.

Authority

The Board, by majority vote of all members, shall approve the employment; set the compensation; and establish the period of employment for each person employed in the district summer school program, when the program is authorized by the Board.[1][2][3]

Guidelines

Such approval shall normally be given to those candidates recommended by the responsible administrator and approved by the Superintendent.

Primary consideration shall be given to candidates for summer school employment who are district staff members.

No candidate shall be employed until such candidate 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.[4][5][6]

Any employee's misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the Board.

Delegation of Responsibility

The Superintendent or designee shall develop procedures for the recruitment, screening and recommendation of candidates for summer school employment.

Only those candidates who are best qualified to perform the duties of the position shall be recommended.

Vacancies for summer school employment shall be made known to district personnel so that they may apply for such positions.

Recommendations from former employers and others shall be sought to assess the candidate's qualifications. Recommendations and references shall be retained confidentially and for official use only.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Student Teachers/Interns |
| Code | 407 |
| Status | Active |
| Legal | 1. 28 PA Code 23.43 2. 24 P.S. 1418 4. Pol. 907 5. Pol. 414 |
| Adopted | June 15, 2006 |

Purpose

The Board encourages cooperation with colleges and universities within the state in the training of student teachers and interns.

Authority

The Board establishes that district schools shall accept student teachers and interns from accredited institutions.

Delegation of Responsibility

The Superintendent or designee shall be responsible to assign student teachers and interns to the schools.

Recommendations for selection of cooperating teachers shall be made by the building principal, with the agreement of the college or university supervisor.

The Superintendent or designee shall ensure distribution of student teachers throughout the district so that no single group of students or teachers will be subject to excessive student teacher classroom hours.

Guidelines

Student teachers and interns shall comply with the health examination requirements of the state and Board policy applicable to professional personnel.[1][2][5]

While serving in district schools, student teachers shall be responsible for their conduct to the supervising teacher and building principal.

Observers

Student teachers, interns and faculty of other educational institutions shall be offered the opportunity to visit district schools and observe classes. Such observers must be treated as any other visitor and shall be under the direct supervision of the principal.[4]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Employment Contract |
| Code | 408 |
| Status | Active |
| Legal | 1. 24 P.S. 1106 2. 24 P.S. 1121 4. 24 P.S. 1146 5. Pol. 413 |
| Adopted | June 15, 2006 |

Purpose

Professional employees and temporary professional employees must have an employment contract that is in conformance with the School Code.

Authority

The Board has the authority under law to prescribe employment conditions for the personnel of the school district.[1]

It shall be the policy of this school district that all professional and temporary professional employees execute a contract upon employment, which shall automatically renew itself each year unless one of the parties gives written notice sixty (60) days prior to its expiration that it will not be renewed.[2]

Nontenured employees, upon reaching the status of tenure, shall be required to execute a new contract.[5]

Guidelines

The contract shall specify those matters contained in statute for professional and temporary professional employees. For part-time professional employees, the contract or Board resolution shall be in accordance with established policy and procedures.[2][4]

The terms of a collective bargaining agreement may supersede the specifics of an individual employee contract.

Willful misrepresentation of facts material to employment and determination of salary level shall be considered cause for dismissal of the employee.



| | |
|---------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Assignment and Transfer |
| Code | 409 |
| Status | Active |
| Legal | 1. 23 Pa. C.S.A. 6301 et seq |
| Adopted | June 15, 2006 |

Purpose

The assignment and transfer within the district of professional employees shall be in accordance with the instructional and operational needs of the district.

Authority

The Board shall approve the initial assignment of professional personnel at the time of employment and when such assignments involve a transfer from one building to another or involve a move to a position requiring a certificate other than that required for the employee's present position.

Delegation of Responsibility

The Superintendent or designee shall provide a system of assignment or reassignment that includes voluntary transfers.

The Superintendent shall, in considering any assignment or transfer, base a decision on:

1. Impact of proposed assignment on the educational program.
2. Employee's background, experience and preparation for the position.
3. Employee's success in former positions.
4. Recommendations of the employee's administrative supervisors.
5. Administrative and operational efficiency advanced by the proposed assignment.

Guidelines

Current district employees whose transfer from one position to another position within the school district results in a change in job classification must submit to the district a valid Act 151 clearance statement.[1]

Vacancies shall be publicized to all appropriate employees.

Before new employees are sought, requests for transfer to vacant positions will be considered.

Professional employees shall be informed of their assignments no later than August 1 preceding the school year in which such assignment shall be effective.

This policy shall not prevent reassignment of a professional staff member during the school year for good cause.

Negotiated collective bargaining agreements may supersede the provisions of this policy when they prescribe conditions enumerated in or affected by this policy.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Abolishing a Position |
| Code | 410 |
| Status | Active |
| Legal | 1. 24 P.S. 524 2. 24 P.S. 1106 3. 22 PA Code 4.4 4. 24 P.S. 1124 5. Pol. 411 |
| Adopted | June 15, 2006 |

Purpose

The Board is responsible for providing the professional staff necessary for implementation of the educational programs and proper operation of the schools, and to do so efficiently and economically.

Authority

The Board recognizes its responsibility to maintain professional staff positions consistent with the instructional and operational needs of the district.[1][2][3]

In the exercise of its authority to reduce staff or abolish positions, the Board shall give primary consideration to the effect upon the educational program and shall ascertain that elimination of a program is approved by the Department of Education.[4]

Guidelines

Abolishment of positions affecting professional employees may be brought about because of:[4]

1. Substantial decline in student enrollment.
2. Curtailment or alteration of a program due to a substantiated decline in class or course enrollments.
3. Changes in the district's organization for instruction or educational activities.
4. Consolidation of schools.

Reduction in staff as a result of the abolishment of positions shall be in accordance with law and Board policy.[4][5]

Delegation of Responsibility

The Superintendent shall recommend annually to the Board the number of professional positions needed for the district to function efficiently, including recommending the abolishment of unnecessary positions.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Suspensions and Furloughs |
| Code | 411 |
| Status | Active |
| Legal | 1. 24 P.S. 524 2. 24 P.S. 1124 3. 24 P.S. 1125.1 4. 24 P.S. 1123 7. 2 Pa. C.S.A. 551 et seq 8. Pol. 412 9. Pol. 413 |
| Adopted | June 15, 2006 |

Purpose

Maintenance of professional staff appropriate to effectively continue the district's educational program is a Board responsibility. The purpose of this policy is to establish the manner in which the necessary reductions of that staff shall be accomplished.

Authority

Consistent with law and the collective bargaining agreement, the Board has the authority and responsibility to determine when suspensions and furloughs shall be made.[1][2][3]

Delegation of Responsibility

The Superintendent or designee shall develop administrative procedures for reduction of staff in accordance with this policy and applicable law.[3]

The efficiency and effectiveness of district organization and staffing patterns shall be under continuing review, and recommendations for abolishing positions and reallocating duties shall be presented for Board consideration when the Superintendent considers such actions to be in the best interests of the district.

Guidelines

Data necessary for the computation of each professional staff member's rating shall comply with state requirements, and his/her seniority status shall be recorded and maintained.[4][8][9]

Professional employees shall be suspended for causes consistent with law in inverse order of seniority within the district.[2][3]

Tenured professional employees have the right to a Local Agency Law hearing, and the decision to suspend shall be considered an adjudication for the purposes of that hearing.[3][7]

Temporary professional employees are entitled to a Local Agency Law hearing at the request of the employee prior to suspension or furlough.[Z]

Reinstatements from a list of suspended professional employees shall be made on the basis of their seniority within the district.[3]

To be considered available for reinstatement, a suspended professional employee must annually report in writing to the Board his/her current address and intent to accept the same or a similar position when offered.[3]

If the employee fails to appear for reinstatement, s/he may be dropped from the list of suspended employees.

A collective bargaining agreement may provide suspension procedures that differ from this policy. In the event that such a condition exists, procedures must be adapted to the provisions of the collective bargaining agreement for bargaining unit personnel.[Z]



| | |
|---------|--------------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Evaluation of Professional Employees |
| Code | 412 |
| Status | Active |
| Legal | 1, 24 P.S. 1123 |
| Adopted | June 15, 2006 |

Purpose

Evaluation is a continuing process in which the professional employee and supervisor cooperatively identify strengths and weaknesses in the individual's effectiveness as a professional educator.

The objectives of evaluation are to assess and improve performance, encourage professional growth, promote positive behavior, and facilitate attainment of district goals and objectives in order to benefit the district's students.

There shall be a plan for regular, periodic evaluation of all professional employees. Such employees shall refer to the Teacher Performance Appraisal Plan for guidelines and procedures.

Authority

The evaluation plan for professional employees shall be in accordance with the state plan for such purposes or in accordance with a plan approved by the Board.[1]

The Board directs that the district shall utilize the state approved evaluation forms or an evaluation form equivalent to the state approved forms and approved by the Board.

Guidelines

The objectives of the district evaluation plan for professional employees are:

1. To identify, improve and reinforce the skills, attitudes and abilities that enable an employee to be effective in achieving district goals.
2. To identify and suggest ways to improve on weaknesses that prevent an employee from achieving district goals.

The evaluation plan shall:

1. Be in accordance with terms of the collective bargaining agreement.
2. Be uniform throughout the district.
3. Include timely conferences with the employee and evaluator to review and sign each evaluation.
4. Group professional employees into position classes based upon duties, responsibilities, and qualifications (i.e., teachers, educational specialists, etc.); the evaluation process shall be similar for all classes of employees.

5. Provide a procedure for assessing duties and responsibilities other than primary functions.
6. Provide a procedure for identifying and commending effective performance and counseling and assisting employees on a professional basis.
7. Provide for evaluation of all professional employees annually.

Delegation of Responsibility

The Superintendent or designee shall prepare procedures for the conduct of employee evaluations which include:

1. Evaluations may be conducted by persons designated by the Superintendent.[1]
2. Establishment of procedures to be used in evaluation.
3. Specification of the form used for evaluations.
4. Method of making and retaining records which ensures that entries are based on observable and verifiable facts and all materials will be held confidential.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Evaluation of Temporary Professional Employees |
| Code | 413 |
| Status | Active |
| Legal | 1. 24 P.S. 1108 2. 24 P.S. 1123 3. Pol. 412 |
| Adopted | June 15, 2006 |

Purpose

There shall be a plan for the evaluation of temporary professional employees that recognizes their conditions of employment and the requirements of law.

Authority

The Board directs that the evaluation plan for temporary professional employees shall be consistent with the evaluation plan for professional employees, where possible. Such employees shall refer to the Teacher Performance Appraisal Plan for guidelines and procedures.[1][2][3]

Guidelines

Each temporary professional employee shall be observed and notified of individual progress and status at least twice each year during the first three (3) years of employment.[1]

Each temporary professional employee shall be observed in the performance of assigned duties by an appropriate supervisor at least two (2) times annually.

A written, anecdotal evaluation record of the employee's performance during observations and the employee's total performance as a district employee shall be maintained.

A timely conference shall be held between the employee and the evaluating supervisor, during which the employee's weaknesses and strengths are discussed as part of the evaluation.

Delegation of Responsibility

The Superintendent or designee shall develop procedures for the evaluation of temporary professional staff members.

Administrators responsible for supervising temporary professional employees shall make every effort to assist such staff members in improving deficiencies disclosed by observation and evaluation and may conduct additional observations and evaluations of employees who are marginally competent.

The Superintendent shall certify the evaluations of all temporary professional employees during the last four (4) months of the initial three (3) years of employment, as required by law.[1]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Physical Examination |
| Code | 414 |
| Status | Active |
| Legal | 1. 28 PA Code 23.43 2. 42 U.S.C. 12101 et seq 3. 24 P.S. 1418 4. 28 PA Code 23.44 5. 24 P.S. 1419 |
| Adopted | June 15, 2006 |

Purpose

In order to certify the fitness of employees to discharge efficiently the duties they will be performing and to protect the health of students and staff from transmission of communicable diseases, physical examinations of all professional employees will be required prior to beginning employment.

Definition

A **physical examination** shall mean a general examination conducted by a licensed physician.

Authority

After receiving an offer of employment but prior to beginning employment, all candidates shall undergo a medical examination, as required by law.[1][2][3]

The Board requires that all employees undergo a tuberculosis examination upon initial employment, in accordance with regulations of the Pennsylvania Department of Health.[3][4]

The Board may require an employee to undergo a physical examination at the Board's request.[3]

The Board shall accept an affidavit in lieu of an examination where circumstances warrant such action.[4][5]

Delegation of Responsibility

The results of all required medical examinations shall be made known to the Superintendent on a confidential basis and discussed with the employee.

Medical records shall be kept in a file separate from the employee's personnel file.[2]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | HIV Infection |
| Code | 414.1 |
| Status | Active |
| Legal | 1. 24 P.S. 510 3. 42 U.S.C. 12101 et seq 4. 29 U.S.C. 2601 et seq 5. 35 P.S. 7607 6. 35 P.S. 7601 et seq |
| Adopted | June 15, 2006 |

Purpose

The Board is committed to providing a safe, healthy environment for its students and employees. The purpose of this policy shall be to safeguard the health and well-being of students and employees while protecting the rights of the individual.

This policy is based on current evidence that the HIV virus is not normally transmissible by infected individuals within the school setting, except as noted in this policy.

Definitions

HIV infection - Refers to the disease caused by the HIV or human immunodeficiency virus.

AIDS - Acquired Immune Deficiency Syndrome.

CDCP - United States Public Health Service Centers for Disease Control and Prevention.

Infected employee - Refers to employees diagnosed as having the HIV virus, including those who are asymptomatic.

Authority

This policy shall apply to all employees in all programs conducted by the school district.[1]

The Board directs that the established district policies and procedures that relate to illnesses among employees shall also apply to infected employees.

The Board shall not require routine screening tests for HIV infection in the school setting, nor will such tests be a condition for employment.[6]

Delegation of Responsibility

The Superintendent or designee shall be responsible for handling and releasing information concerning infected employees.

All district employees shall maintain a respectful working climate and shall not participate in physical or verbal harassment of any individual or group, including infected employees.

All employees shall be required to consistently follow infection control/universal precautions in all settings and at all times. Employees shall notify the school nurse of all incidents of exposure to bodily fluids.

Building administrators shall notify district employees, students and parents/ guardians about current Board policies concerning HIV infection and shall provide reasonable opportunities to discuss the policy and related concerns.

Guidelines

Infected employees whose employment is interrupted or terminated shall be entitled to available medical leave and medical disability benefits. Such employees shall be informed by the appropriate administrator of benefits, leave, and alternatives available to them through state and federal laws, district policies, the collective bargaining agreement, and the retirement system.[3][4]

Confidentiality

District employees with knowledge of an infected employee's condition shall not disclose that information without prior written consent of the employee, consistent with the requirements of the Pennsylvania Confidentiality of HIV-Related Information Act.[5]

Infection Control

Universal precautions shall be followed for exposure to bodily fluids. Employees shall treat all body fluids as hazardous and follow universal precautions.

The school district shall maintain reasonably accessible equipment and supplies necessary for infection control.

Staff Development

All district employees shall participate in a planned HIV education program.

Designated district employees shall receive additional, specialized training appropriate to their positions and responsibilities.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Nontenured Staff Members |
| Code | 416 |
| Status | Active |
| Legal | 1. 24 P.S. 1101 |
| Adopted | June 15, 2006 |

Authority

It is the policy of the Board that certain staff members shall be employed with the recognition that the function to be performed does not fall under control of the tenure law. Such employment shall be deemed discretionary actions by the Board, without intent to have such functions considered as professional employee actions governed by tenure.

Nontenured professional staff shall include any position in which provision for tenure is not made by law.[1]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Conduct/Disciplinary Procedures |
| Code | 417 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. 24 P.S. 1122 3. 24 P.S. 1126 4. 24 P.S. 1127 5. 2 Pa. C.S.A. 551 et seq 7. 24 P.S. 1151 8. Pol. 451 |
| Adopted | June 15, 2006 |

Purpose

All professional employees are expected to conduct themselves in a manner consistent with appropriate and orderly behavior. Effective operation of district programs requires the cooperation of all employees working together under a system of policies and rules applied fairly and consistently. The orderly conduct of the district's functions requires compliance with these policies and rules, and consistent penalties and disciplinary procedures for violations.

Authority

The Board directs that procedures be established whereby professional employees are informed of the disciplinary actions that are considered appropriate and may be applied for violation of district policies, rules and procedures.[1]

When dismissal charges are filed against a professional employee pursuant to law, the Board shall hold a hearing in accordance with the procedures established in the School Code.[2][3][4]

Guidelines

All professional employees shall comply with district policies, rules and regulations; attempt to maintain order; perform assigned job functions; and carry out directives issued by supervisors.

In the event it is necessary to demote or dismiss a professional employee, a hearing shall be provided as required by statute.[4][5]

When engaged in assigned duties, no employee shall participate in activities that include but are not limited to the following:

1. Physical or verbal abuse, or threat of harm to anyone.
2. Causing intentional damage to district property, facilities and equipment.

3. Forceful or unauthorized entry to or occupation of district facilities, buildings and grounds.
4. Use, possession, distribution, or sale of alcohol, drugs or other illegal substances.[8]
5. Use of profane or abusive language.
6. Failure to comply with directives of district officials, security officers, or law enforcement officers.
7. Carrying onto or possessing a weapon on school grounds without authorization from the appropriate school administrator.
8. Violation of district policies, rules and regulations.
9. Violations of federal, state, or applicable municipal law or regulation.
10. Conduct that may obstruct, disrupt, or interfere with teaching, research, service, administrative or disciplinary functions of the district, or any activity sponsored or approved by the Board.

Delegation of Responsibility

The Superintendent or designee shall prepare and promulgate disciplinary rules for violations of district policies, rules and procedures that provide progressive penalties, including but not limited to verbal warning, written warning, reprimand, suspension, demotion, dismissal or pursuit of civil and criminal sanctions.[2][2]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Penalties for Tardiness |
| Code | 418 |
| Status | Active |
| Adopted | June 15, 2006 |

Purpose

School programs cannot commence, and students cannot be taught at prescribed times without the punctual and reliable attendance of the professional staff. Therefore, a prerequisite for efficient performance of professional duties is the punctual commencement and proper completion of assigned and extracurricular duties.

Authority

Timely attendance by district employees is a matter of concern to the Board. That concern is expressed through the Board's direction to the Superintendent and district staff as to how tardiness and attendance will be treated.

The Board reserves the right to assess an employee's salary for failure to perform contracted services or for violations of Board policy.

Delegation of Responsibility

It shall be the responsibility of the Superintendent to assess penalties when a professional employee fails to meet attendance requirements.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Outside Activities |
| Code | 419 |
| Status | Active |
| Adopted | June 15, 2006 |

Purpose

The Board recognizes that members of the professional staff do enjoy private lives and may associate with others outside of school for economic, religious, cultural or personal reasons. However, the Board and its supervisory staff have a responsibility to evaluate staff members in terms of their effectiveness in discharging assigned duties and responsibilities.

Authority

Therefore, when nonschool activities impact upon a staff member's effectiveness within the school system, the Board reserves the right to evaluate the effect of such activities upon the individual's completion of responsibilities to the students and to the district's programs.

The Board does not endorse, support, nor assume liability for any district staff member who conducts nonschool, outside activities in which district students or employees may participate.

Delegation of Responsibility

The Superintendent or designee shall disseminate guidelines so that staff members may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the district.

Guidelines

The following guidelines are provided for the direction of staff members:

1. Do not utilize school material for personal gain. Copyrights to materials or equipment developed, processed, or tested by district employees in the performance of district activities in fulfillment of the terms of their employment reside with and may be claimed by the district.
2. Do not use school property or school time to solicit or accept customers for private enterprises.
3. Do not use school time for outside activities when there is no valid reason to be excused from assigned duties.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Freedom of Speech in Noninstructional Settings |
| Code | 420 |
| Status | Active |
| Legal | 1. Pol. 417 |
| Adopted | June 15, 2006 |

Purpose

The Board acknowledges the right of its professional employees as citizens in a democratic society to speak out on issues of public concern. When those issues are related to the school system and its programs, however, the employee's freedom of expression must be balanced against the interests of this district.

Authority

The Board adopts this policy to clarify situations in which the employee's expression could conflict with the district's interests.

Guidelines

In situations in which an employee is not engaged in the performance of professional duties, s/he shall:

1. State clearly that his/her comments represent personal views and not those of the school district.
2. Refrain from comments that would interfere with the maintenance of discipline by school officials.
3. Refrain from making public statements known to be false or made without regard for truth or accuracy.
4. Refrain from making threats against co-workers, supervisors or district officials.

Violations of this policy may constitute cause for disciplinary action.[1]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Political Activities |
| Code | 421 |
| Status | Active |
| Legal | 1. Pol. 707 2. Pol. 417 |
| Adopted | June 15, 2006 |

Purpose

The Board recognizes and encourages the right of its employees, as citizens, to engage in political activity. However, district property and school time, paid for by the citizens, may not be used for political purposes when performing assigned duties.

Authority

The Board adopts the following guidelines for those staff members who intend to engage in political activities.

Guidelines

No professional employees shall engage in political activities during assigned hours on property under the jurisdiction of the Board, unless permission has been granted for that purpose through the Use of Facilities Policy.[1]

Collection of campaign funds and/or solicitation for campaign workers is prohibited on school property during working hours.

The use of students or staff for writing, addressing or distributing partisan political materials is prohibited.

District employees who hold elective or appointive office are not entitled to time off from their school duties for reasons incident to such offices, except as such time may qualify under the leave policies of the Board or the collective bargaining agreement.

The following situations are exempt from the provisions of this policy:

1. Discussion and study of politics and political issues when appropriate to classroom studies, such as history, current events, and political science.
2. Conduct of student elections and related campaigning.
3. Conduct of employee representative elections.

Violation of this policy shall constitute cause for disciplinary action, at the Board's discretion.[2]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Gifts |
| Code | 422 |
| Status | Active |
| Adopted | June 15, 2006 |

Purpose

The Board considers the acceptance of gifts by professional staff members an undesirable practice.

Authority

It is the policy of the Board that staff members not accept gifts of significant value.

Delegation of Responsibility

The Superintendent may approve acts of generosity to individual staff members in unusual situations but shall report such instances to the Board on a timely basis.



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Tobacco |
| Code | 423 |
| Status | Active |
| Legal | 1. 35 P.S. 1223.5 2. 20 U.S.C. 7183 3. 24 P.S. 1302.1-A 4. 24 P.S. 1303-A 5. 22 PA Code 10.2 6. 22 PA Code 10.22 7. 18 Pa. C.S.A. 6305 8. Pol. 805.1 20 U.S.C. 7181 et seq |
| Last Revised | September 21, 2017 |

Purpose

The Board recognizes that tobacco presents a health and safety hazard that can have serious consequences for the user and the nonuser and the safety of the schools.

Definition

For purposes of this policy, **tobacco** includes a lighted or unlighted cigarette, cigar, pipe or other smoking product or material and smokeless tobacco in any form.[1]

Authority

The Board prohibits tobacco use by administrative, professional and support employees in a school building and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.[1]
[2]

The Board prohibits tobacco use by district employees at school-sponsored activities that are held off school property.[1]

The district shall annually notify employees about the Board's tobacco policy by distributing it through handbooks, newsletters, posted notices, and other efficient methods.[1]

Guidelines

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.[3][4][5][6][7][8]

In accordance with state law, the Superintendent shall annually, by July 31, report incidents of possession, use or sale of tobacco on school property to the Office for Safe Schools on the required form.[4][8]

PSBA Revision 4/13 © 2015 PSBA



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Personnel Files |
| Code | 424 |
| Status | Active |
| Legal | 1. 42 U.S.C. 12101 et seq 2. 20 U.S.C. 6311 4. 20 U.S.C. 7801 5. Pol. 404 6. 43 P.S. 1321 et seq |
| Adopted | June 15, 2006 |

Purpose

Orderly operation of the school district requires maintaining a file for the retention of all records relative to an individual's duties and responsibilities as a district employee.

Authority

The Board requires that sufficient records be maintained to ensure an employee's qualifications for the job held, compliance with federal and state requirements and local benefit programs, conformance with district policies and rules, and evidence of completed evaluations.

Delegation of Responsibility

The Board delegates the establishment and maintenance of official personnel records to the Superintendent or designee, who shall prepare guidelines defining the material to be incorporated into personnel files.

Guidelines

A central file shall be maintained; supplemental records may be maintained only for ease in data gathering.

Medical records shall be kept in a file separate from the employee's personnel file.[1]

Only information that pertains to the professional role of the employee and is submitted by duly authorized administrative personnel and the Board may be entered in the official personnel file.

Personnel records shall be available to the Board but only as required in the performance of its designated functions as a Board and as approved by a majority vote of the Board.

Employee Access

Professional employees shall have access to their own file, except that information relative to confidential employment references/recommendations shall not be available for review by the employee.[6]

Personnel wishing to review their own records shall:

1. Request access in writing.
2. Review the record in the presence of the administrator or designee responsible to maintain personnel records.
3. Make no alterations to the record, nor remove any material.
4. Sign a log attached to the file indicating the date and person reviewing.

Appeals

Personnel who choose to appeal material in their records shall make a written request to the administrator delegated to maintain the records and shall specify:

1. Name and date.
2. Material to be appealed.
3. Reason for appeal.

The responsible administrator shall refer the appeal to the administrator responsible for supervising the employee and permit the addition of employee comments.

Title I Schools

In accordance with federal law, the district shall release to parents/guardians, upon request, information regarding the professional qualifications and academic degrees of any teacher providing instruction to their child at a school receiving Title I funds. The district shall annually notify parents/guardians at the beginning of the school year about their right to request such information.[2][5]

The district shall notify parents/guardians of students attending Title I schools when their child has been assigned to or taught for four (4) or more consecutive weeks by a teacher who is not highly qualified, as defined by federal law.[2][4]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Dress and Grooming |
| Code | 425 |
| Status | Active |
| Legal | 1. 24 P.S. 510 |
| Adopted | June 15, 2006 |

Purpose

Professional employees set an example for their students to follow in dress and grooming and should present an image of dignity and encourage respect for authority. These factors act in a positive manner towards the maintenance of school and classroom discipline.

Authority

The Board has the authority to specify reasonable dress and grooming guidelines for staff, within law, that will prevent an adverse impact on the educational program.[1]

Guidelines

When assigned to district duties professional staff members shall be physically clean, neat, well-groomed, and dressed in a manner reflecting professional assignment.

Delegation of Responsibility

If an employee feels that an exception to this policy would enable him/her to carry out assigned duties more effectively, a request should be made to the principal.



Blackhawk
School District

| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Salary Determination |
| Code | 428 |
| Status | Active |
| Legal | 1. 24 P.S. 1142 2. 24 P.S. 1142.1 3. 24 P.S. 1144 4. 24 P.S. 1149 5. 24 P.S. 1150 6. 24 P.S. 1151 |
| Adopted | June 15, 2006 |

Purpose

A salary schedule for professional employees of the district shall be established.

Authority

The salary schedule approved by the Board shall provide for determination of beginning salaries for new and inexperienced employees, beginning salaries for experienced employees who are new to the district, and salary adjustments that result from earning advanced degrees while employed by the district or required under law.[1][2][3][4][5][6]

Salary schedules shall be in accordance with those specified in the collective bargaining agreement and as approved by the Board.

Delegation of Responsibility

The Superintendent may credit past experience of an applicant for determination of salary.[4]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Job Related Expenses |
| Code | 431 |
| Status | Active |
| Legal | 1. 24 P.S. 517 |
| Adopted | June 15, 2006 |

Authority

Payment of the actual and necessary expenses, including travel expenses, that any district employee incurs in the course of performing services for the district will be made in accordance with Board policy.

Delegation of Responsibility

The validity of payments for job related expenses shall be determined by the Superintendent or designee.

Guidelines

The use of a personal vehicle shall be considered a legitimate job expense if travel is among the employee's assigned schools, but not between home and school, and is authorized in advance by the principal or supervisor.

Use of a personal vehicle for approved purposes is reimbursable to the employee at the current IRS rate per mile approved by the Board.

Attendance at Programs

Actual and necessary expenses incident to attendance at functions outside the district shall be reimbursed to the employee if approval has been obtained in advance from the Superintendent or designee.[1]

Attendance at district approved events outside the district shall be without loss of regular pay, unless otherwise stipulated prior to attendance.

The Superintendent or designee shall prepare procedures for reimbursement of travel expenses which shall include:

1. In all instances of travel and job related expense reimbursement, full itemization with receipts attached shall be required.
2. Under normal conditions, employees traveling on official business shall provide themselves with sufficient funds for ordinary expenses.
3. Travel shall be by the most direct and economical route.
4. For official travel by other than automobile, the district shall arrange the advance purchase of transportation tickets.
5. Advances against anticipated travel expenses shall be approved by the Superintendent or designee.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Working Periods |
| Code | 432 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. 24 P.S. 1504 3. Pol. 804 |
| Adopted | June 15, 2006 |

Purpose

Work schedules of the professional staff shall be clearly specified to ensure regular and consistent operation of the school district.

Authority

The Board has the authority and responsibility to determine the hours during which educational programs and services shall be available to students and the community, consistent with applicable provisions of the collective bargaining agreement.[1][2][3]

Delegation of Responsibility

The Superintendent or designee shall develop administrative procedures to ensure adherence to work schedules by professional employees.

Guidelines

Instructional personnel shall have a duty-free lunch period of not less than thirty (30) minutes.[2]

The length of the working day for professional employees shall be determined in accordance with the terms of the collective bargaining agreement.

During the times students are in attendance, professional staff may be assigned extra or alternative duties, distributed equitably when possible, at the discretion of the building principal.

All professional staff members are expected to attend each faculty meeting unless specifically excused by the responsible administrator.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Professional Development |
| Code | 433 |
| Status | Active |
| Legal | 1. 24 P.S. 517 2. 24 P.S. 1205.1 3. 24 P.S. 1205.2 4. 24 P.S. 1144 5. 22 PA Code 4.13 6. 22 PA Code 49.16 7. 22 PA Code 49.17 |
| Adopted | June 15, 2006 |

Purpose

Continuing professional study and inservice training are prerequisites for professional development, enhanced ability to complete responsibilities, and maintaining certification.

Authority

The Board encourages all professional employees to further their professional and personal advancement through graduate courses, inservice training, and professional development activities.[1]

In order to continue employment in the district, professional employees are required to meet all obligations necessary to maintain active certification.[2][3]

Guidelines

Graduate/Special Courses

Only courses of study that are preapproved shall be eligible for reimbursement by the district or movement on the salary schedule by an employee.

Reimbursement for credits for approved graduate study or special courses shall be made in accordance with terms of the collective bargaining agreement.

Approved graduate study or special courses/programs may be of sufficient advantage to the district to warrant an increase in an employee's annual salary, upon satisfactory completion. Such increase will be in accordance with terms of the collective bargaining agreement.[4]

Induction Plan

The district shall comply with Department of Education regulations in developing and maintaining an induction plan for first-year teachers and teachers new to the district.[5][6]

Professional Education Plan

The Board shall appoint to the professional education committee parents/guardians and representatives of the community and local businesses. Representatives of administrators, teachers and educational specialists on the professional education committee shall be selected by their respective members.[2][5][7]

The Board shall approve a professional education plan that is designed to meet the educational needs of the district and its employees; specifies approved courses, programs, activities and learning experiences, including those designed to improve teachers' knowledge in subject areas covered by academic standards; and identifies approved providers. The Board shall approve the plan prior to submission for approval by the Department of Education.[2]

The Board shall ensure an annual review of the district's professional education plan by the professional education committee to determine if the plan continues to meet the needs of the district, the Strategic Plan, and the employees, students and community. The professional education committee may recommend amendments to the plan, subject to approval by the Board and the Department of Education.[2]

The Board may approve, on a case-by-case basis, specific professional education activities not stated within the district's professional education plan. Board approval is not required for credits or hours required for administrator certification, earned through activities conducted by providers approved by the Department of Education or the Department itself, or related to the area of assignment or certification.[3]

If the district assumes all costs of credits or hours, the Board may disapprove any course, program, activity or learning experience that is inconsistent with the goals of the professional education plan.[3][5][6][7]



| | |
|---------|--------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Sick Leave |
| Code | 434 |
| Status | Active |
| Legal | 1. 24 P.S. 1154 2. Pol. 417 |
| Adopted | June 15, 2006 |

Purpose

The sick leave policy for professional employees shall ensure that employees will receive no less than the minimum sick leave provided under law.

Authority

The Board shall provide up to ten (10) days annually for sick leave, which shall be cumulative.[1]

The Board reserves the right to require any employee claiming sick leave pay to submit sufficient proof, including a physician's certification, of the employee's illness or disability. [1]

The Board shall consider the application of any eligible employee for an extension of sick leave, pursuant to law where applicable, when the employee's own accumulated sick leave is exhausted.[1]

Delegation of Responsibility

The Superintendent shall report to the Board the names of those employees absent for noncompensable cause or whose claim for sick leave pay cannot be justified.

Guidelines

Misuse of sick leave shall be considered a serious infraction subject to disciplinary action.[2]

A sick leave shall commence when the employee, or agent if the employee is sufficiently disabled, reports the absence. A sick leave day, once commenced, may be reinstated as a working day only with the approval of the Superintendent or designee.

Whatever the claims of disability, no day of absence shall be considered a sick leave day on which the employee has engaged in or prepared for other gainful employment, or has engaged in any activity that would raise doubts regarding the validity of the sick leave request.[1]

Proof of Disability

Any employee absent on sick leave may be required to submit a physician's written statement certifying his/her disability.[1]

Professional employees absent from duty for illness shall be permitted five (5) consecutive school days of absence per year without verification from a physician. Any additional absence in excess of four (4)

consecutive days shall require a physician's excuse.

A physician's statement may not be presumed to conclusively establish the employee's disability.

Records

The district's personnel records shall show the attendance of each employee; and the days absent shall be recorded, with the reason for such absence noted. [1]

A record shall be made of the unused sick leave days accumulated by each employee, which shall be made available to the employee in accordance with law.

The Board shall pay a specified amount for each unused sick leave day, up to a designated number of days, upon the retirement of a professional employee, as provided in the collective bargaining agreement.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Family and Medical Leaves |
| Code | 435 |
| Status | Active |
| Legal | 1, 29 U.S.C. 2601 et seq |
| Adopted | June 15, 2006 |

Purpose

The purpose of this policy is to address specific leave of absence issues and to ensure the district's compliance with the Family Medical Leave Act, hereinafter referred to as FMLA.[1]

Delegation of Responsibility

The Superintendent or designee shall develop administrative guidelines regulating leaves and ensuring the district's compliance with law. Although implementing the guidelines is the responsibility of the Superintendent, they must adhere to the basic principles of the law.

Guidelines

Required notices shall be posted by the district.

Guides advising employees of their rights and responsibilities shall be developed and posted. The guides shall be given to employees upon request; whenever an employee requests an FMLA leave; and whenever the district designates a leave as an FMLA leave.

All requests for leave, both FMLA leave and non-FMLA leave, shall be made in writing on a district form. The form shall request sufficient information to determine whether the leave qualifies as an FMLA leave.

If the employee requesting an FMLA leave qualifies for and is entitled to any paid leave under a collective bargaining agreement, district policy or statutory mandate, the employee may utilize such leave during the FMLA leave, at his/her discretion.

Medical certification forms shall be required whenever allowed or authorized by provisions of the FMLA.

Employees shall be required to provide a fitness-for-duty certificate upon returning from an FMLA leave when the leave was taken because of the employee's own serious health condition, except where such a requirement would be in violation of a collective bargaining agreement or where the employee has taken a paid leave concurrent with the FMLA leave and school district policy and practice has not required a fitness-for-duty certificate to be provided.

Seniority shall accrue for all purposes during FMLA leaves, and credit shall be given during FMLA leaves for accruals for other leaves.

For purposes of determining whether an eligible employee under the FMLA has exhausted the twelve (12) weeks of leave in any twelve-month period, the district shall utilize a rolling twelve-month period measured backwards from the date leave is used, to avoid stacking of back-to-back leave entitlements.

An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member (spouse, child, parent) with a serious health condition, or if the employee has a serious health condition when:

1. The employee fails to establish, through medical certification, that there is a medical need for such a leave (as distinguished from voluntary treatments and procedures).
2. The employee has failed to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule.

Eligibility for an FMLA leave shall be based entirely on the eligibility criteria established by the FMLA. This policy shall not be construed to expand eligibility for an FMLA leave beyond what is required by law.

Instructional employees may be required to continue FMLA leave to the beginning of a grading period or term if conditions of leave are those specified in the FMLA.[1]



| | |
|---------|-----------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Personal Necessity Leave |
| Code | 436 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. 24 P.S. 1154 |
| Adopted | June 15, 2006 |

Purpose

This policy shall provide for a professional employee's absence for personal necessity when not otherwise covered by policy.

Authority

The Board has the authority to specify reasonable conditions under which personal necessity leave may be granted, the type of situations in which such leave will be permitted, and the total number of days that may be used in any school year for such leave.[1][2]

Guidelines

Personal Leave

Personal leave days with pay shall be granted to professional employees in accordance with provisions of the collective bargaining agreement.

Bereavement Leave

Professional employees shall be entitled to bereavement leave in accordance with an applicable collective bargaining agreement.[2]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Sabbatical Leave |
| Code | 438 |
| Status | Active |
| Legal | 1. 24 P.S. 1166 2. 24 P.S. 1171 3. 24 P.S. 1167 4. 24 P.S. 1168 5. 24 P.S. 1170 6. 24 P.S. 1169 |
| Adopted | June 15, 2006 |

Purpose

This policy shall establish the district's parameters for granting sabbatical leaves for restoration of health for eligible employees.

Authority

The Board shall grant sabbatical leaves to professional employees only for the purpose of restoration of health.[1]

The Board reserves the right to specify the conditions under which sabbatical leaves for restoration of health may be taken, consistent with law.[2]

Guidelines

Eligibility

To be eligible for sabbatical leave, an employee shall have completed ten (10) years of satisfactory service in the public schools of the Commonwealth; at least five (5) consecutive years of such service shall be in this school district [1]

A sabbatical leave may be taken for a half or full school term or for two (2) half school terms during a period of two (2) years, at the employee's option. After a leave of absence has been granted, one (1) leave of absence for restoration of health shall be allowed after each seven (7) years of service.[1]

The total number of professional employees on sabbatical leave at any one time shall not exceed ten percent (10%) of the number of eligible employees.[3]

Application

Requests for sabbatical leave shall be submitted on the approved district form and forwarded with medical documentation to the Superintendent or designee as soon as possible.

The Board shall review each application for sabbatical leave and shall approve those meeting the requirements of adopted policy.

Documentation

Applicants for sabbatical leave shall submit with the application form an official supporting medical statement and recommendation from his/her physician.

At both the approximate midpoint of the leave and at least thirty (30) days prior to the conclusion of the leave, a physician's statement shall be submitted to the Superintendent or designee, indicating the extent to which the purpose of the leave has been achieved and evaluating the health status of the employee relative to his/her ability to return to employment.[2]

The Board reserves the right to require at its own expense additional examinations and reports by physicians of its choice to determine the validity of the leave request.

Commitment of Employee

Acceptance of a sabbatical leave incurs a commitment by the employee to return to active duty in this district immediately following the sabbatical leave for one (1) full school year, unless physically or mentally unable to do so.[4]

The Board reserves the right to require at its own expense additional examinations and reports by physicians of its choice to determine the employee's ability to return to work.

Commitment of Employer

At the expiration of the sabbatical leave, the employee shall, unless agreed otherwise, be reinstated in the same position held at the time of the granting of the leave.[4]

Time on sabbatical leave shall be counted as time on the job for purposes of seniority, where applicable in the district, and for retirement fund purposes but for no other purpose.[5]

Compensation

During the period of sabbatical leave, an employee shall be compensated at least one-half the salary to which s/he would have been entitled had the employee not taken leave.[6]

A sabbatical leave granted for restoration of health shall also serve as a leave of absence without pay from all other school activities.[1]

Compensable employment may not be engaged in while the employee is on sabbatical leave.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Compensated Professional Leaves |
| Code | 438.1 |
| Status | Active |
| Legal | 1. 24 P.S. 1166.1 2. 24 P.S. 522.2 3. 24 P.S. 1171 4. 24 P.S. 1166 5. 24 P.S. 1168 6. 24 P.S. 1170 7. 24 P.S. 522.1 8. 24 P.S. 1169 |
| Adopted | June 15, 2006 |

Purpose

This policy shall establish the district's parameters for granting professional development and classroom occupational exchange leaves for eligible professional employees.

Definitions

Professional development leave - shall be defined as a leave of absence granted for the purpose of improving professional competency or obtaining a professional certificate or commission. Such leave shall be directly related to an employee's professional responsibilities, as determined by the Board, and be restricted to activities required by state regulation or law, or completed to improve professional competency.[1]

Classroom occupational exchange leave - shall be defined as a leave of absence granted for the purpose of acquiring practical work experience in business, industry or government.[2]

Authority

The Board shall have sole authority to adopt and enforce policy establishing the conditions for approval of a professional development leave. All requests for such leave shall be subject to review by the Board. The Board may approve or reject a proposed plan for professional development leave.[1][3]

The Board may grant a leave to eligible employees for classroom occupational exchange leave for the specified purpose.[2]

Guidelines

PROFESSIONAL DEVELOPMENT LEAVE

Eligibility

To be eligible for professional development leave, an employee shall have completed ten (10) years of satisfactory service in the public schools of the Commonwealth; at least five (5) consecutive years of such

service shall be in this school district.[4]

A leave for professional development may be taken for a half or full school term or for two (2) half school terms during a period of two (2) years, at the employee's option. After a leave of absence has been granted, one (1) leave of absence for restoration of health shall be allowed after each seven (7) years of service.[4]

Application

Professional development leaves shall be granted only to employees participating in an academic program for the purpose of retaining a professional certificate or commission, further preparation and improvement in an area(s) of certification, additional certification, attaining other appropriate and identifiable educational positions within the school district, or as the Board may require, and upon the recommendation of the Superintendent.[1]

Requests for professional development leave shall be submitted on the district form and forwarded with a detailed plan to the Superintendent.

All required application materials shall be submitted by April 1 for the following school year and by October 1 for the following semester.

Documentation

Applicants for professional development leave shall submit with the application form a detailed plan describing the professional development activities to be undertaken and a statement specifying the benefits of the leave to the employee and the school district. The plan shall provide sufficient information to permit the Board to adequately evaluate the request.[1]

The Board may at any time require additional information from the employee in order to assist the Board in evaluating the request and the leave's benefits to and impact on the employee and the school district.

The minimum requirements for leave for a half school term shall consist of any one or combination of the following:

1. Nine (9) graduate credits.
2. Twelve (12) undergraduate credits.
3. One hundred eighty (180) hours of professional development activities.

The minimum requirements for leave for a full school term shall consist of any one or combination of the following:

1. Eighteen (18) graduate credits.
2. Twenty-four (24) undergraduate credits.
3. Three hundred sixty (360) hours of professional development activities.

Applicants who propose to take **graduate or undergraduate credits** shall submit notification of acceptance and enrollment from an accredited institution of higher learning for study in courses approved by the Superintendent. The employee shall successfully complete the approved courses and receive passing grades. Upon return from professional development leave, the employee shall submit to the Superintendent within the first month an official transcript of all courses completed. Failure to receive passing grades or to submit required transcripts on time shall result in forfeiture of monies paid by the district.

Applicants who propose to undertake **professional development activities** shall submit to the Board a detailed plan listing the specific activities. Upon return from professional development leave, the employee shall submit to the Superintendent within the first month a formal report describing the educational activities pursued and their benefits and relevancy. Failure to submit required reports on time shall result in forfeiture of monies paid by the district.

Commitment of Employee

Acceptance of professional development leave incurs a commitment by the employee to return to active duty in this district immediately following the leave for one (1) full school year, unless prevented by illness or physical disability. Employees shall submit required reports on time or forfeit all compensation and benefits.[1][5]

Commitment of Employer

At the expiration of the professional development leave, the employee shall, unless agreed otherwise, be reinstated in the same position held at the time of the granting of the leave.[5]

Time on professional development leave shall be counted as time on the job for purposes of seniority, where applicable in the district, and for retirement fund purposes but for no other purpose.[6][7]

Compensation

During the period of professional development leave, an employee shall be compensated at least one-half the salary to which s/he would have been entitled had the employee not taken leave.[8]

A leave of absence granted for professional development shall also serve as a leave of absence without pay from all other school activities.

CLASSROOM OCCUPATIONAL EXCHANGE LEAVE

Application

Requests for classroom occupational exchange leave shall be submitted on the approved district form and forwarded with appropriate documentation to the Superintendent.

All required application materials shall be submitted by April 1 for the following school year.

Documentation

Applicants for classroom occupational exchange leave shall submit with the application form a statement from the employer agreeing to the terms and conditions of the leave, as specified in Board policy.

Upon return from such leave, the employee shall submit to the Board a final report detailing the work experience and its benefits.

Commitment of Employee

Acceptance of classroom occupational exchange leave incurs a commitment by the employee to return to active duty in this district immediately following the leave for one (1) full school year, unless prevented by illness or physical disability.[5]

Commitment of Employer

At the expiration of the classroom occupational exchange leave, the employee shall, unless agreed otherwise, be reinstated in the same position held at the time of the granting of the leave.[5]

Time on classroom occupational exchange leave shall be counted as time on the job for purposes of seniority, where applicable in the district, and for retirement fund purposes but for no other purpose.[2]

Compensation

The business, industry or government to whom the employee is assigned during the leave shall fully compensate the school district for all salary, wages, pension and retirement contributions, and other benefits as if the employee were in full-time active service.[2]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Uncompensated Leave |
| Code | 439 |
| Status | Active |
| Legal | 1. 24 P.S. 1154 |
| Adopted | June 15, 2006 |

Purpose

The Board recognizes that in certain situations an employee may request extended leave for personal reasons, and the district could benefit from the return of the employee. This policy establishes guidelines for granting uncompensated leaves of absence.

Authority

The Board reserves the right to specify the conditions under which uncompensated leave may be taken.[1]

Guidelines

Uncompensated leave shall be granted in accordance with provisions of the collective bargaining agreement.

Application

Requests for uncompensated leave shall be made to the Superintendent in advance of the requested beginning date.

Special consideration will be given to emergencies.

All applications are subject to final approval by the Board.

Period of Leave

An uncompensated leave may be granted for a period of one (1) semester or one (1) school year.

Extensions shall be considered upon proper application.

Commitment of Employee

The employee granted an uncompensated leave of absence shall inform the Board of his/her intentions prior to the scheduled return date.

Commitment of Employer

At the expiration of uncompensated leave, the employee shall be offered the same position previously held or a like position to that previously held.

Time on uncompensated leave shall not count as time on the job.



| | |
|---------|------------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Responsibility for Student Welfare |
| Code | 440 |
| Status | Active |
| Adopted | June 15, 2006 |

Purpose

This policy establishes guidelines for ensuring adequate consideration of student welfare.

Delegation of Responsibility

The Superintendent or designee shall prepare and promulgate guidelines to ensure the maintenance of standards to protect student welfare.

Guidelines

Teachers and other professional employees are responsible for the safety of students in their charge within the building and on school property. Each staff member must be in the classroom or at an assigned station or ensure that another teacher is temporarily in charge.

Each staff member must maintain a standard of care and concern for supervision, control and protection of students commensurate with assigned duties and responsibilities.

A staff member should not voluntarily assume responsibility for duties s/he cannot reasonably perform. Such voluntary assumption carries the same responsibilities as assigned duties.

A teacher must provide proper instruction in the safety matters presented in assigned curriculum guides.

Each staff member has the responsibility to report immediately to the principal an accident or a safety hazard.

A staff member may not send students on any personal errands.

A staff member may not transport students in a personal vehicle except where specifically permitted.

Employees shall not require a student to perform work or services that may be detrimental to the student's health.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Jury Duty |
| Code | 442 |
| Status | Active |
| Legal | 1. 42 Pa. C.S.A. 4563 |
| Adopted | June 15, 2006 |

Authority

Professional employees regularly employed shall be protected against loss of pay for time served on jury duty.[1]

Guidelines

Should an employee be called for jury duty, s/he shall notify the Superintendent.

Employees called for jury duty shall normally be permitted to serve and will not be penalized in any way. They shall receive normal pay for the period of jury duty, but any compensation received from jury duty in excess of actual expenses shall be credited against such pay.

Time spent on jury duty will not be charged against personal leave and will count as time on the job.

Employees must submit to their supervisor a record from the court of the number of days served.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Unlawful Harassment |
| Code | 448 |
| Status | Active |
| Legal | 1. 42 U.S.C. 2000e et seq 2. 20 U.S.C. 1681 5. Pol. 103 6. Pol. 317 9. 29 CFR 1606.8 10. 29 CFR 1604.11 11. Pol. 417 12. Pol. 517 |
| Adopted | June 15, 2006 |

Purpose

The Board strives to provide a safe, positive working climate for its employees. Therefore, it shall be the policy of the district to maintain an employment environment in which harassment in any form is not tolerated.

Authority

The Board prohibits all forms of unlawful harassment of employees and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages employees and third parties who have been harassed to promptly report such incidents to the designated administrators.[1][2]

The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of harassment.

Definitions

For purposes of this policy, **harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation or religion when such conduct:[9]

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to perform job functions or creates an intimidating, threatening or abusive work environment.
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance.

3. Otherwise adversely affects an individual's employment opportunities.

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:
[10]

1. Acceptance of such conduct is made, explicitly or implicitly, a term or condition of an individual's continued employment.
2. Submission to or rejection of such conduct is the basis for employment decisions affecting the individual.
3. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that may constitute **sexual harassment** include but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with an employee's ability to work or creates an intimidating, hostile or offensive working environment.

Delegation of Responsibility

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent as the district's Compliance Officer.[5]

The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.

The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.

Each staff member shall be responsible to maintain a working environment free from all forms of unlawful harassment.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the employee or third party of the right to file a complaint and the complaint procedure.
2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

Guidelines

Complaint Procedure – Employee/Third Party

Step 1 – Reporting

An employee or third party 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 building principal.

If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.

The complainant is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

Step 2 – Investigation

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

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

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

Step 3 – Investigative Report

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

The findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

Disciplinary actions shall be consistent with Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.

If it is concluded that an employee has knowingly made a false complaint under this policy, such employee shall be subject to disciplinary action, including termination.[6][11][12]

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer 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 building principal who conducted the initial investigation.

**ATTACHMENTS TO
UNLAWFUL
HARASSMENT**

REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT

Complainant: _____
Home Address: _____
Home Phone: _____
School Building: _____
Date of Alleged Incident(s): _____

Alleged harassment was based on: (circle those that apply)

- | | | |
|----------|--------------------|-----------------|
| Race | Color | National Origin |
| Gender | Age | Disability |
| Religion | Sexual Orientation | |

Name of person you believe violated the district's unlawful harassment policy:

If the alleged harassment was directed against another person, identify the other person:

Describe the incident as clearly as possible, including what force, if any, was used; verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved. Attach additional pages if necessary:

When and where incident occurred: _____

List any witnesses who were present: _____

This complaint is based on my honest belief that _____ has harassed me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 400 Professional Employees |
| Title | Drug and Substance Abuse |
| Code | 451 |
| Status | Active |
| Legal | 1. P.L. 100-690 3. 24 P.S. 527 4. P.L. 101-226 5115 5. 35 P.S. 780-101 et seq |
| Adopted | June 15, 2006 |
| Last Revised | October 15, 2019 |

Purpose

The Board recognizes that the misuse of drugs is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by drug use by employees, especially as the use relates to an employee's safety, efficiency and productivity.

The primary purpose and justification for any district action will be for the protection of the health, safety and welfare of students, staff and school property.[1]

Definitions

Drugs - shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.[5]

Conviction - a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statute.[1]

Criminal Drug Statute - a federal or nonfederal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

Drug-free Workplace - the site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.

Authority

The Board requires that each professional employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

An employee convicted of delivery of or possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the district.[3]

Delegation of Responsibility

A statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the employee's workplace shall be provided by the Superintendent and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination, and referral for prosecution.[4]

Grantors of funds shall be notified within ten (10) days after receiving notice from an employee or receiving actual notice of a conviction.

The district shall be responsible for taking action within thirty (30) days of receiving notice, with respect to any convicted employee.

The district shall take appropriate personnel action against such an 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.

In establishing a drug-free awareness program, the Superintendent shall inform employees about:

1. Dangers of drug abuse in the workplace.
2. District's policy of maintaining a drug-free workplace.
3. Availability of drug counseling, drug rehabilitation, and employee assistance programs.
4. Penalties that may be imposed 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 implementation of this policy.

Drug and Substance Abuse Policy Updates.docx (13 KB)

**ATTACHMENTS TO
DRUG AND
SUBSTANCE ABUSE**

Drug and Substance Abuse

Definition

For purposes of this policy, **medical marijuana** shall mean marijuana certified for medical use by a medical marijuana-certified physician for serious medical condition(s) as defined by the MMA.

Delegation of Responsibility

The Board recognizes that the use of medical marijuana may be helpful to treat serious medical conditions, as defined by the Medical Marijuana Act ("MMA"), 35 Pa. C.S. § 10231.101, *et seq.*

The Board also recognizes that marijuana remains an illicit substance according to Federal law. The Commonwealth's legalization of marijuana for medical purposes does not supersede the enforcement of Federal drug laws, including those that prohibit the presence and use of drugs on public school property, including the Every Student Succeeds Act, 20 U.S.C. § 71118. Possession of marijuana remains a criminal offense under State and Federal law.

Employees who have been issued a prescription for medical marijuana use are subject to the following provisions, as imposed by the MMA:

Employees are not permitted to use or possess medical marijuana at the School.

Employees are not permitted to report to work under the influence of medical marijuana.

Employees who have been prescribed medical marijuana shall inform the Superintendent or school principal accordingly.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Creating a Position |
| Code | 501 |
| Status | Active |
| Legal | 1. 24 P.S. 406 |
| Adopted | June 15, 2006 |

Purpose

Positions for classified employees shall be established by the Board in order to provide educational programs and supporting services consistent with the needs of the schools and the resources of the community.

Authority

The need for creating classified positions shall be determined by the Board, based on the recommendation of the Superintendent. The Board reserves for itself the final determination of the number and type of classified positions deemed necessary for effective operation of the schools.[1]

Guidelines

Recommendations for a new or additional classified position shall include:

1. Job description clearly outlining the duties for which the position was created.
2. Initial salary for a new position.
3. Supporting data and other rationale relevant to the recommendation.

In the exercise of its authority to create new positions, the Board shall give primary consideration to:

1. Number of students enrolled.
2. Special needs of students.
3. Financial resources of the district.
4. Operational needs of the district.

Delegation of Responsibility

The Superintendent shall normally be responsible for recommending new or additional classified positions.

The Board may, through the Superintendent, seek the advice of administrative staff in creating a new position or increasing the number of employees in existing positions.



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Employment of Classified Employees |
| Code | 504 |
| Status | Active |
| Legal | 1. 24 P.S. 406 3. 24 P.S. 111 6. 20 U.S.C. 6319 7. Pol. 104 13. 42 U.S.C. 653a 14. 24 P.S. 111.1 15. 23 Pa. C.S.A. 6344 16. 22 PA Code 403.2 17. 22 PA Code 403.5 18. 42 U.S.C. 12112 19. 20 U.S.C. 7801 20. 22 PA Code 403.4 24 P.S. 108 22 PA Code 8.1 et seq 22 PA Code 14.105 18 Pa. C.S.A. 9125 23 Pa. C.S.A. 6301 et seq 42 U.S.C. 12101 et seq Pol. 000 Pol. 113 Pol. 528 |
| Adopted | June 15, 2006 |
| Last Revised | March 19, 2015 |

Purpose

The Board recognizes the role that qualified and competent classified employees contribute to the effective operation of the programs of the district.

Authority

The Board shall approve the employment, set the compensation, and establish the term of employment for each classified staff member employed by the district.[1]

Guidelines

Approval shall normally be given to the candidates for employment recommended by the Superintendent.

No person shall be employed who is related to any member of the Board, as defined in statute, unless such person receives the affirmative vote of a majority of all members of the Board other than the member related to the applicant, who shall not vote.

An employee's misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the Board.

Utilization of classified employees prior to employment approval by the Board is authorized when necessary to maintain continuity of services in the district. Retroactive employment shall be recommended to the Board at the next regular meeting.

The district shall submit a New Hire Report for each employee required to be reported by law.[13]

Pre-Employment Requirements

The district shall conduct an employment history review in compliance with state law prior to issuing an offer of employment to a candidate. Failure to accurately report required information shall subject the candidate to discipline up to, and including, denial of employment or termination if already hired, and may subject the candidate to civil and criminal penalties. The district may use the information for the purpose of evaluation an applicants fitness to be hired or for continued employment and may report the information as permitted by law.[14]

No candidate shall be employed until such candidate 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.[3][15]

Each candidate shall report, on the designated form, arrests and convictions as specified on the form. Candidates shall likewise report arrests and convictions that occur subsequent to initially submitting the form. Failure to accurately report such arrests and convictions may subject the individual to denial of employment, termination if already hired, and/or criminal prosecution.[3]

Title I Paraprofessionals

All paraprofessionals providing instructional support in a program supported by Title I funds who were hired after January 8, 2002, shall have a secondary school diploma or a recognized equivalent and one (1) of the following:[6][16][17]

1. Completed at least two (2) years of study at an institution of higher learning.
2. Obtained an Associate's or higher degree.
3. Met a rigorous standard of quality through a formal assessment.

Title I paraprofessionals who solely coordinate parental involvement activities or act as translators are exempt from the above qualifications.

Delegation of Responsibility

The Superintendent or designee shall develop procedures for the recruitment, screening, and recommendation of candidates for classified employment in accordance with Board policy and state and federal law and regulations.[7]

The Superintendent or designee shall seek candidates of good moral character who possess the following attributes:

1. Successful training and experience.
2. Appreciation of children.

3. Skills required to complete essential job functions.

4. Emotional and mental maturity.

The administration may administer screening tests that bear upon the candidate's ability to perform the asks of the job for which the candidate is being considered.[18]

The administration shall seek recommendations from former employers and others to assess the candidate's qualifications. Recommendations and references shall be retained confidentially and for official use only.

The principal of a school providing Title I programs to students shall annually attest that paraprofessionals providing instructional support in such programs meet the qualifications required by federal law and regulations. The written certification shall be maintained in the district office and the school office and shall be available to the public, upon request.[6][17][19][20]



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Employment of Substitute and Short-Term Employees |
| Code | 505 |
| Status | Active |
| Legal | 1. 24 P.S. 406 2. 24 P.S. 111 6. 42 U.S.C. 653a 7. 24 P.S. 111.1 8. 23 Pa. C.S.A. 6344 24 P.S. 108 22 PA Code 8.1 et seq 23 Pa. C.S.A. 6301 et seq Pol. 000 Pol. 104 |
| Adopted | June 15, 2006 |
| Last Revised | March 19, 2015 |

Purpose

Qualified and competent substitute and short-term employees shall be employed in order to provide continuity in the operation of the district.

Authority

The Board shall approve annually the names of potential substitute classified personnel and the positions in which they may substitute. Additional names may be added to the list of substitutes by the Board during the school year.[1]

The Board shall approve the employment, set the compensation, and establish the period and terms of employment for each short-term classified employee.[1]

Guidelines

Approval shall normally be given to those candidates for employment recommended by the Superintendent.

Any employee's misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the Board.

Utilization of substitute or short-term employees prior to approval by the Board is authorized when necessary to maintain continuity of services in the district and the candidate has satisfied legal pre-employment requirements. Retroactive employment shall be recommended to the Board at the next meeting.

Pre-Employment Requirements

The district shall conduct an employment history review in compliance with state law prior to issuing an offer of substitute employment to a candidate. The employment history review shall remain valid as long as the substitute continues to be employed by the district or remains on the approved substitute list. Failure to accurately report required information shall subject the candidate to discipline up to, and including, denial of employment or termination if already hired, and may subject the candidate to civil and criminal penalties. The district may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment and may report the information as permitted by law.[2]

Each candidate shall report on the designated form, arrests and convictions as specified on the form. Candidates shall likewise report arrests and/or convictions that occur subsequent to initially submitting the form. Failure to accurately report such arrests and convictions may subject the individual to denial of employment, termination if already hired, and/or criminal prosecution.[2]

No candidate shall be employed until such candidate has complied with the mandatory background check requirements for criminal history and child abuse and the district has evaluated the results of the screening process.[2][8]

The district shall submit a New Hire Report for each employee required to be reported by law.[6]

Compensation

Substitutes for classified employees will be paid at a rate set annually by the Board for the various classes of employees.

Delegation of Responsibility

The Superintendent or designee shall develop and implement procedures to recruit, screen, recommend, assign and evaluate candidates for substitute and short-term classified employment.

The administration may seek recommendations from former employers and others to assess the candidate's qualifications. Recommendations and references shall be retained confidentially and for official use only.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Employment Contract |
| Code | 508 |
| Status | Active |
| Legal | 1. 24 P.S. 510 |
| Adopted | June 15, 2006 |

Purpose

For the mutual benefit and protection of each regularly employed classified staff member and the district, a contract or Board resolution shall state the specifics of employment.

Authority

The Board has the authority under law to prescribe employment conditions for the personnel of the school district.[1]

Guidelines

Willful misrepresentation of facts material to the employment and determination of salary level shall be considered cause for dismissal of the employee.

An employment contract or resolution may specify:

1. Salary at which the person is employed.
2. Intervals at which salary will be paid.
3. Conditions and length of the probationary period.
4. Provision for termination of contract on notice duly given.
5. Other matters necessary for a full and complete understanding of the contract or resolution.

The terms of a collective bargaining agreement may supersede the specifics of an individual employee contract.

Should an employee terminate without giving the contractually specified notice, s/he shall be paid only for the days worked.

The Board shall be notified promptly of any misunderstanding arising from application of a given contract or any error in salary paid to the employee.



| | |
|---------|------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Assignment and Transfer |
| Code | 509 |
| Status | Active |
| Legal | 1. 23 Pa. C.S.A. 6301 et seq |
| Adopted | June 15, 2006 |

Purpose

The successful functioning of the district depends in large measure on the proper placement of qualified and competent personnel. Assignment and transfer of classified employees shall be in accordance with the operational needs of the district.

Authority

The Board shall approve the initial assignment of classified personnel at the time of employment and when such assignments involve a transfer from the jurisdiction of one supervisor to another or from one job classification to another.

Delegation of Responsibility

The Superintendent or designee shall provide a system of assignment or reassignment that includes voluntary transfers and promotions.

The Superintendent or designee shall, in considering any transfer, base a decision on:

1. Employee's skills, experience and qualifications.
2. Employee's success in former positions.
3. Employee's length of service in the district and in the position presently held.
4. Recommendations of the employee's supervisors.
5. Operational efficiency advanced by the proposed assignment.

Guidelines

Current district employees whose transfer from one position to another position within the school district results in a change in job classification must submit to the district a valid Act 151 clearance statement.[1]

Vacancies shall be publicized to all appropriate classified employees.

Before new employees are sought, requests for transfer to vacant positions will be considered.

Employees shall be informed of their assignments at the earliest date possible preceding the school year in which such assignment shall be effective.

This policy shall not prevent reassignment of an employee during the school year for good cause.

Negotiated collective bargaining agreements may supersede the provisions of this policy when they prescribe conditions enumerated in or affected by this policy.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Suspensions and Furloughs |
| Code | 511 |
| Status | Active |
| Legal | 1. 24 P.S. 406 2. 2 Pa. C.S.A. 551 et seq |
| Adopted | June 15, 2006 |

Purpose

Maintenance of classified staff appropriate to effectively operate district programs is a Board responsibility. The purpose of this policy is to establish the manner in which the necessary reductions of that staff shall be accomplished.[1]

Authority

Consistent with law and collective bargaining agreements, the Board has the authority and responsibility to determine how suspensions and furloughs shall be made.

Delegation of Responsibility

The Superintendent shall develop administrative procedures that provide for:

1. Determination of seniority.
2. Pooling of job related skills that may affect suspensions or reinstatements.
3. System of recall if a furlough list is maintained, specifying the manner in which recalls will be made and the time period furloughed personnel will be retained on the furlough list.

Guidelines

Abolishment of classified positions may be brought about by many factors, such as:

1. Decline in student enrollment.
2. Utilization of new methods and technology.
3. Changes in district's organizational pattern.
4. Changes in district's economic resources and tax base.
5. Need for operating economies.

Classified employees may be entitled to a hearing under the Local Agency Law, at the employee's request, prior to suspension or layoff.[2]

A collective bargaining agreement may provide suspension procedures that differ from this policy. In the event that such a condition exists, procedures must be adapted to the provisions of the collective bargaining agreement for bargaining unit personnel.[2]



| | |
|---------|------------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Evaluation of Classified Employees |
| Code | 512 |
| Status | Active |
| Adopted | June 15, 2006 |

Purpose

Evaluation is a continuing process in which the employee and supervisor cooperatively identify strengths and weaknesses in the individual's job performance.

The objectives of evaluation are to assess and improve performance, encourage personal growth, promote positive behavior and facilitate attainment of district goals and objectives.

There shall be a plan for regular, periodic evaluation of all classified personnel employed by the district. Such employees shall refer to the Service Employees Appraisal Plan for guidelines and procedures.

Authority

The evaluation plan for classified employees shall be approved by the Board.

Guidelines

The objectives of the district evaluation plan for classified personnel are:

1. To identify, improve, and reinforce the skills, attitudes and abilities that enable an employee to be effective.
2. To identify and improve upon weaknesses that prevent an employee from effectively carrying out assigned duties.

The evaluation plan shall:

1. Be in accordance with an applicable collective bargaining agreement.
2. Include timely conferences with the employee and evaluator to review and sign each evaluation.
3. Group classified employees into position classes based upon similarities of duties, responsibilities, and qualifications; the evaluation process shall be similar for all classes of employees.
4. Ensure that appropriate evaluation of performance takes place during probationary periods of employment.
5. Provide a procedure for identifying and commending effective performance, counseling and assisting employees where improvement is necessary, and dismissing an ineffective employee when counseling and assistance fail to produce effective performance.

Delegation of Responsibility

The Superintendent or designee shall prepare procedures for the conduct of employee evaluations which shall include:

1. Conduct of evaluations for probationary employees and regular employees.

2. Establishment of reasonable performance standards to permit the employee to meet performance objectives determined by the employee's supervisor or department head.
3. Method of making and retaining personnel records which ensures that entries are based on observable and verifiable facts, all materials will be held confidential, and the employee has an opportunity to review evaluations and append a written statement.
4. Provisions for improving unsatisfactory performance by offering resource aid, recommending how improvement can be effected, and scheduling follow-up conferences to assess change.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Physical Examination |
| Code | 514 |
| Status | Active |
| Legal | 1. 24 P.S. 1418 2. 28 PA Code 23.43 3. 42 U.S.C. 12101 et seq 4. 28 PA Code 23.44 5. 24 P.S. 1419 |
| Adopted | June 15, 2006 |

Purpose

In order to certify the fitness of employees to discharge efficiently the duties they will be performing and to protect the health of students and staff from transmission of communicable diseases, physical examinations of all classified employees will be required prior to beginning employment.[1]

Definition

A **physical examination** shall mean a general examination conducted by a licensed physician.

Authority

After receiving an offer of employment but prior to beginning employment, all candidates shall undergo a medical examination, as required by law.[2][3][1]

The Board requires that all employees undergo a tuberculosis examination upon initial employment, in accordance with regulations of the Pennsylvania Department of Health.[4]

The Board may require an employee to undergo a physical examination at the Board's request.[1]

The Board shall accept an affidavit in lieu of an examination where circumstances warrant such action.[4][5]

Delegation of Responsibility

The results of all required medical examinations shall be made known to the Superintendent on a confidential basis and discussed with the employee.

Medical records shall be kept in a file separate from the employee's personnel file.[3]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | HIV Infection |
| Code | 514.1 |
| Status | Active |
| Legal | 1. 24 P.S. 510 3. 42 U.S.C. 12101 et seq 4. 29 U.S.C. 2601 et seq 5. 35 P.S. 7607 6. 35 P.S. 7601 et seq |
| Adopted | June 15, 2006 |

Purpose

The Board is committed to providing a safe, healthy environment for its students and employees. The purpose of this policy shall be to safeguard the health and well-being of students and employees while protecting the rights of the individual.

This policy is based on current evidence that the HIV virus is not normally transmissible by infected individuals within the school setting, except as noted in this policy.

Definitions

HIV infection - Refers to the disease caused by the HIV or human immunodeficiency virus.

AIDS - Acquired Immune Deficiency Syndrome.

CDCP - United States Public Health Service Centers for Disease Control and Prevention.

Infected employee - Refers to employees diagnosed as having the HIV virus, including those who are asymptomatic.

Authority

This policy shall apply to all employees in all programs conducted by the school district.[1]

The Board directs that the established district policies and procedures that relate to illnesses among employees shall also apply to infected employees.

The Board shall not require routine screening tests for HIV infection in the school setting, nor will such tests be a condition for employment.[6]

Delegation of Responsibility

The Superintendent or designee shall be responsible for handling and releasing information concerning infected employees.

All district employees shall maintain a respectful working climate and shall not participate in physical or verbal harassment of any individual or group, including infected employees.

All employees shall be required to consistently follow infection control/universal precautions in all settings and at all times. Employees shall notify the school nurse of all incidents of exposure to bodily fluids.

Building administrators shall notify district employees, students and parents/guardians about current Board policies concerning HIV infection and shall provide reasonable opportunities to discuss the policy and related concerns.

Guidelines

Infected employees whose employment is interrupted or terminated shall be entitled to available medical leave and medical disability benefits. Such employees shall be informed by the appropriate administrator of benefits, leave, and alternatives available to them through state and federal laws, district policies, the collective bargaining agreement, and the retirement system.[3][4]

Confidentiality

District employees with knowledge of an infected employee's condition shall not disclose that information without prior written consent of the employee, consistent with the requirements of the Pennsylvania Confidentiality of HIV-Related Information Act.[5]

Infection Control

Universal precautions shall be followed for exposure to bodily fluids. Employees shall treat all body fluids as hazardous and follow universal precautions.

The school district shall maintain reasonably accessible equipment and supplies necessary for infection control.

Staff Development

All district employees shall participate in a planned HIV education program.

Designated district employees shall receive additional, specialized training appropriate to their positions and responsibilities.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Conduct/Disciplinary Procedures |
| Code | 517 |
| Status | Active |
| Legal | 1. 2 Pa. C.S.A. 551 et seq 2. Pol. 551 |
| Adopted | June 15, 2006 |

Purpose

All classified employees are expected to conduct themselves in a manner consistent with appropriate and orderly behavior. Effective operation of district programs requires the cooperation of all employees working together under a system of policies and rules applied fairly and consistently. The orderly conduct of the district's functions requires compliance with these policies and rules, and consistent penalties and disciplinary procedures for violations.

Authority

The Board directs that procedures be established whereby classified employees are informed of the disciplinary actions that are considered appropriate and may be applied for violation of district policies, rules and procedures.

Guidelines

All classified employees shall comply with district policies, rules and regulations; attempt to maintain order; perform assigned job functions; and carry out directives issued by supervisors.

In the event it is necessary to demote or dismiss, a hearing shall be provided as required by statute.[1]

When engaged in assigned duties, no employee shall participate in activities that include but are not limited to the following:

1. Physical or verbal abuse, or threat of harm, to anyone.
2. Causing intentional damage to district property, facilities and equipment.
3. Forceful or unauthorized entry to or occupation of district facilities, buildings and grounds.
4. Use, possession, distribution, or sale of alcohol, drugs or other illegal substances.[2]
5. Use of profane or abusive language.
6. Failure to comply with directives of district officials, security officers, or law enforcement officers.
7. Carrying onto or possessing a weapon on school grounds without authorization from the appropriate school administrator.

8. Violation of district policies, rules and regulations.

9. Violations of federal, state, or applicable municipal law or regulation.

10. Conduct that may obstruct, disrupt, or interfere with teaching, research, service, administrative or disciplinary functions of the district, or any activity sponsored or approved by the Board.

Delegation of Responsibility

The Superintendent or designee shall prepare and promulgate disciplinary rules for violations of district policies, rules and procedures that provide progressive penalties, including but not limited to verbal warning, written warning, reprimand, suspension, demotion, dismissal, and/or pursuit of civil and criminal sanctions.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Penalties for Tardiness |
| Code | 518 |
| Status | Active |
| Adopted | June 15, 2006 |

Purpose

Punctual and reliable attendance by classified employees is essential to the proper operation of district programs.

Authority

Timely attendance by district employees is a matter of concern to the Board. That concern is expressed through the Board's direction to the Superintendent and district staff as to how tardiness and attendance will be treated.

The Board reserves the right to assess an employee's salary for failure to perform assigned duties or provide services.

Delegation of Responsibility

It shall be the responsibility of the Superintendent to assess penalties when a classified employee fails to meet attendance requirements.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Outside Activities |
| Code | 519 |
| Status | Active |
| Adopted | June 15, 2006 |

Purpose

The Board recognizes that classified employees do enjoy private lives and may associate with others outside of school for political, economic, religious, cultural or personal reasons. However, the Board and its supervisory staff have a responsibility to evaluate employees in terms of their effectiveness in discharging assigned duties and responsibilities.

Authority

Therefore, when nonschool activities impact upon a staff member's effectiveness within the school system, the Board reserves the right to evaluate the effect of such activities upon the individual's completion of responsibilities to the district.

Delegation of Responsibility

The Superintendent or designee shall disseminate guidelines so that classified employees may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the district.

Guidelines

The following guidelines are provided for the direction of classified employees:

1. Do not use school property or school time to solicit or accept customers for private enterprises.
2. Do not use job time for outside activities when there is no valid reason to be excused from assigned duties.
3. Do not engage in political activities during assigned hours of employment.



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Tobacco |
| Code | 523 |
| Status | Active |
| Legal | 1. 35 P.S. 1223.5 2. 20 U.S.C. 7183 3. 24 P.S. 1302.1-A 4. 24 P.S. 1303-A 5. 22 PA Code 10.2 6. 22 PA Code 10.22 7. 18 Pa. C.S.A. 6305 8. Pol. 805.1 20 U.S.C. 7181 et seq |
| Last Revised | September 21, 2017 |

Purpose

The Board recognizes that tobacco presents a health and safety hazard that can have serious consequences for the user and the nonuser and the safety of the schools.

Definition

For purposes of this policy, **tobacco** includes a lighted or unlighted cigarette, cigar, pipe or other smoking product or material and smokeless tobacco in any form.[1]

Authority

The Board prohibits tobacco use by administrative, professional and support employees in a school building and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.[1]
[2]

The Board prohibits tobacco use by district employees at school-sponsored activities that are held off school property.[1]

The district shall annually notify employees about the Board's tobacco policy by distributing it through handbooks, newsletters, posted notices, and other efficient methods.[1]

Guidelines

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.[3][4][5][6][7][8]

In accordance with state law, the Superintendent shall annually, by July 31, report incidents of possession, use or sale of tobacco on school property to the Office for Safe Schools on the required form.[4][8]

SBA Revision 4/13 © 2015 PSBA



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Tobacco Use |
| Code | 523 |
| Status | Active |
| Legal | 1. 18 Pa. C.S.A. 6306.1 2. 20 U.S.C. 7181 et seq 3. 35 P.S. 1223.5 4. 24 P.S. 1303-A |
| Adopted | June 15, 2006 |

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.

Definition

For purposes of this policy, **tobacco use** shall mean all use of tobacco, including cigars, cigarettes, pipes and smokeless tobacco.[1]

Authority

The Board prohibits tobacco use by classified employees in a school building and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.[2][3]

The Board prohibits tobacco use by classified employees at school-sponsored activities that are held off school property.

Guidelines

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.

Incidents of possession, use and sale of tobacco by any person on school property shall be reported to the Office of Safe Schools on the required form at least once each year.[4]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Personnel Files |
| Code | 524 |
| Status | Active |
| Legal | 1. 42 U.S.C. 12101 et seq 2. 20 U.S.C. 6311 3. Pol. 504 4. 43 P.S. 1321 et seq |
| Adopted | June 15, 2006 |

Purpose

Orderly operation of the school district requires maintaining a file for the retention of all records relative to an individual's duties and responsibilities as a district employee.

Authority

The Board requires that sufficient records be maintained to ensure an employee's qualifications for the job held, compliance with federal and state requirements and local benefit programs, conformance with district policies and rules, and evidence of completed evaluations.

Delegation of Responsibility

The Board delegates the establishment and maintenance of official personnel records to the Superintendent or designee, who shall prepare guidelines defining the material to be incorporated into personnel files.

Guidelines

A central file shall be maintained; supplemental records may be maintained only for ease in data gathering.

Medical records shall be kept in a file separate from the employee's personnel file.[1]

Only information that pertains to the professional role of the employee and is submitted by duly authorized administrative personnel and the Board may be entered in the official personnel file.

Personnel records shall be available to the Board but only as required in the performance of its designated functions as a Board and as approved by a majority vote of the Board.

Employee Access

Classified employees shall have access to their own file, except that information relative to confidential employment references/recommendations shall not be available for review by the employee.[4]

Personnel wishing to review their own records shall:

1. Request access in writing.

2. Review the record in the presence of the administrator or designee responsible to maintain personnel records.
3. Make no alterations to the record, nor remove any material.
4. Sign a log attached to the file indicating the date and person reviewing.

Appeals

Personnel who choose to appeal material in their records shall make a written request to the administrator delegated to maintain the records and shall specify:

1. Name and date.
2. Material to be appealed.
3. Reason for appeal.

The responsible administrator shall refer the appeal to the administrator responsible for supervising the employee and permit the addition of employee comments.

Title I Schools

In accordance with federal law, the district shall release to parents/guardians, upon request, the qualifications of any paraprofessionals who provide instructional support to their child at a school receiving Title I funds. The district shall annually notify parents/guardians at the beginning of the school year about their right to request such information.[2][3]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Dress and Grooming |
| Code | 525 |
| Status | Active |
| Legal | 1. 24 P.S. 510 |
| Adopted | June 15, 2006 |

Purpose

Employees set an example in dress and grooming for students and the community at large. Compliance with reasonable standards for dress and grooming has a positive effect upon the district's operation and programs.

Authority

The Board has the authority to specify reasonable dress and grooming guidelines for staff, within law, that will prevent an adverse impact on the educational program and district operations.[1]

Guidelines

When assigned to district duties, classified employees shall be physically clean, neat, well-groomed, and dressed in a manner consistent with the needs of the job to be performed.

Employees shall be groomed so that hair style does not cause a health or safety hazard.

Delegation of Responsibility

If an employee feels that an exception to this policy would enable him/her to carry out assigned duties more effectively, a request should be made to the department head.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Salary Determination |
| Code | 528 |
| Status | Active |
| Legal | 1. 24 P.S. 406 |
| Adopted | June 15, 2006 |

Purpose

An approved wage and salary schedule for classified employees shall be established. Employees shall be placed on the schedule in accordance with established procedures.

Authority

The salary schedule for classified employees of the district shall be approved by the Board.[1]

Salary schedules shall be in accordance with applicable collective bargaining agreements and as approved by the Board.

Delegation of Responsibility

The Superintendent is authorized to credit past experience of an applicant for determination of salary.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Overtime |
| Code | 530 |
| Status | Active |
| Legal | 1. 29 U.S.C. 201 et seq |
| Adopted | June 15, 2006 |

Authority

In order to ensure consistent treatment of all affected employees and compliance with applicable federal law regarding payment of overtime, the Board adopts this policy.

Guidelines

In accordance with the Fair Labor Standards Act and this policy or applicable collective bargaining agreement, overtime shall be paid for work in excess of the established workday or workweek for each grade of classified employees.[1]

No overtime shall be scheduled or worked without prior approval of the immediate supervisor or building principal.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Job Related Expenses |
| Code | 531 |
| Status | Active |
| Legal | 1. 24 P.S. 517 |
| Adopted | June 15, 2006 |

Authority

Payment of the actual and necessary expenses, including traveling expenses, that any district employee incurs in the course of performing services for the district shall be made in accordance with Board policy.

Delegation of Responsibility

The validity of payments for job related expenses shall be determined by the Superintendent or designee.

Guidelines

The use of a personal vehicle shall be considered a legitimate job expense if travel is among the employee's assigned schools, but not between home and school, and is authorized in advance by the immediate supervisor or principal.

Use of a personal vehicle for approved purposes is reimbursable to the employee at the current IRS rate per mile.

Use of a personal vehicle requires the employee to maintain liability insurance coverage.

Attendance at Programs

Actual and necessary expenses incident to attendance at functions outside the district shall be reimbursed to the employee if approval has been obtained in advance from the Superintendent or Board.[1]

The Superintendent or designee shall prepare procedures for reimbursement of travel expenses which shall include:

1. Under normal conditions, employees traveling on official business shall provide themselves with sufficient funds for ordinary expenses.
2. Travel shall be by the most direct and economical route.
3. In all instances of reimbursement, full itemization of expenditures shall be required, with receipts attached.

For official travel by other than automobile, the district shall arrange the advance purchase of transportation tickets.

Advances against anticipated travel expenses shall be approved by the Superintendent or designee.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Working Periods |
| Code | 532 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. 24 P.S. 1504 3. Pol. 804 |
| Adopted | June 15, 2006 |

Purpose

The periods of work required of the classified staff shall be clearly specified to ensure regular and consistent operation of the district.

Authority

The Board has the authority and responsibility for determining the hours of school district operation and hours of work for employees, consistent with provisions of an applicable collective bargaining agreement. [1] [2] [3]

Delegation of Responsibility

The Superintendent or designee shall develop administrative procedures to ensure adherence to work schedules by classified employees, which shall apply uniformly throughout the schools.

Guidelines

Work schedules of the various classes of employees shall be developed in accordance with the terms of the applicable collective bargaining agreement.



| | |
|---------|-------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Sick Leave |
| Code | 534 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. Pol. 517 |
| Adopted | June 15, 2006 |

Purpose

A sick leave policy to ensure employees receive paid days for such absences shall be established and implemented for eligible classified employees.

Authority

The Board shall annually provide full-time, regularly employed classified staff sick leave days, which shall be cumulative.

The Board reserves the right to require any employee claiming sick leave pay to submit sufficient proof, including a physician's certification, of the employee's illness or disability.[1]

The Board shall consider the application of any eligible employee for an extension of sick leave when the employee's accumulated sick leave is exhausted.

Guidelines

Misuse of sick leave shall be considered a serious infraction subject to disciplinary action.[2]

Classified employees shall be entitled to sick leave in accordance with an applicable collective bargaining agreement.

A sick leave absence shall commence when the employee, or agent if the employee is sufficiently disabled, reports the absence. A sick leave day, once commenced, may be reinstated as a working day only with the approval of the Superintendent or designee.

Whatever the claims of disability, no day of absence shall be considered a sick leave day on which the employee has engaged in or prepared for other gainful employment, or has engaged in any activity that would raise doubts regarding the validity of the sick leave request.

Proof of Disability

A classified employee absent on sick leave may be required to submit a physician's written statement certifying his/her disability.

A physician's statement may not be presumed to conclusively establish the employee's disability.

Records

The district's personnel records shall show the attendance of each employee; and the days absent for sick leave purposes shall be recorded, with the reason for such absence noted.

A record shall be made of the unused sick leave days accumulated by each employee, which shall be reported to the employee.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Family and Medical Leaves |
| Code | 535 |
| Status | Active |
| Legal | 1. 29 U.S.C. 2601 et seq |
| Adopted | June 15, 2006 |
| Revised | December 15, 2022 |

Purpose

The purpose of this policy is to address specific leave of absence issues and to ensure the district's compliance with the Family Medical Leave Act, hereinafter referred to as FMLA.[1]

Delegation of Responsibility

The Superintendent or designee shall develop administrative guidelines regulating leaves and ensuring the district's compliance with law. Although implementing the guidelines is the responsibility of the Superintendent, they must adhere to the basic principles of law.

Guidelines

Required notices shall be posted by the district.

Guides advising employees of their rights and responsibilities shall be developed and posted. The guides shall be given to employees upon request; whenever an employee requests an FMLA leave; and whenever the district designates a leave as an FMLA leave.

All requests for leave, both FMLA leave and non-FMLA leave, shall be made in writing on a district form. The form shall request sufficient information to determine whether the leave qualifies as an FMLA leave.

If the employee requesting an FMLA leave qualifies for and is entitled to any paid leave under a collective bargaining agreement, district policy or statutory mandate, the employee may utilize such leave during the FMLA leave, at his/her discretion. Absent express contractual language to the contrary, any employee requesting FMLA leave must take it concurrently with paid leave.

Medical certification forms shall be required whenever allowed or authorized by provision of the FMLA.

Employees shall be required to provide a fitness-for-duty certificate upon returning from an FMLA leave when the leave was taken because of the employee's own serious health condition, except where such a requirement would be in violation of a collective bargaining agreement or where the employee has taken a paid leave concurrent with the FMLA leave and school district policy and practice has not required a fitness-for-duty certificate to be provided.

Seniority shall accrue for all purposes during FMLA leaves, and credit shall be given during FMLA leaves for accruals for other leaves.

For purposes of determining whether an eligible employee under the FMLA has exhausted the twelve (12) weeks of leave in any twelve-month period, the district shall utilize a rolling twelve-month period measured backwards from the date leave is used, to avoid stacking of back-to-back leave entitlements.

An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member (spouse, child, parent) with a serious health condition, or if the employee has a serious health condition when:

1. The employee fails to establish, through medical certification, that there is a medical need for such a leave (as distinguished from voluntary treatments and procedures).
2. The employee has failed to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule.

Eligibility for an FMLA leave shall be based entirely on the eligibility criteria established by the FMLA. This policy shall not be construed to expand eligibility for an FMLA leave beyond what is required by the law.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Personal Necessity Leave |
| Code | 536 |
| Status | Active |
| Legal | 1. 24 P.S. 510 |
| Adopted | June 15, 2006 |

Purpose

This policy shall provide for a classified employee's absence for personal necessity when not otherwise covered by policy.

Authority

The Board has the authority and responsibility to establish reasonable conditions under which personal necessity leave may be granted, the type of situations in which such leave will be permitted, and the total number of days that may be used in any school year for such leave.[1]

Guidelines

Personal Leave

Personal leave days with pay shall be granted to classified employees in accordance with provisions of the applicable collective bargaining agreement.

Bereavement Leave

Classified employees shall be entitled to bereavement leave in accordance with an applicable collective bargaining agreement.

When a classified employee is absent from duty because of the death of a near relative, there shall be no deduction in salary for absence on the day of the funeral. The Board may extend the period of absence, at its discretion. **Near relative** shall be defined as first cousin, grandfather, grandmother, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, brother-in-law and sister-in-law.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Vacation |
| Code | 537 |
| Status | Active |
| Legal | 1. 24 P.S. 510 |
| Adopted | June 15, 2006 |

Purpose

Classified employees shall be provided paid vacation days in accordance with Board policy.

Authority

The Board has the authority and responsibility to establish reasonable guidelines that specify the conditions under which vacation may be taken.[1]

Guidelines

Vacation days with pay shall be granted by the Board in accordance with the terms of an applicable collective bargaining agreement.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Uncompensated Leave |
| Code | 539 |
| Status | Active |
| Legal | 1. 24 P.S. 510 |
| Adopted | June 15, 2006 |

Purpose

The Board recognizes that in certain situations a classified employee may request extended leave for personal reasons, and the district could benefit from the return of the employee. This policy establishes guidelines for granting uncompensated leaves of absence.

Authority

The Board has the authority and responsibility to establish the conditions under which uncompensated leave may be taken.[1]

Guidelines

Uncompensated leave shall be granted in accordance with terms of an applicable collective bargaining agreement.

Application

Requests for uncompensated leave shall be made to the Superintendent.

Special consideration will be given to emergencies.

All applications are subject to final approval by the Board.

Period of Leave

An uncompensated leave may be granted for a period of one (1) semester or one (1) school year.

Extensions shall be considered upon proper application.

Commitment of Employee

The employee granted an uncompensated leave shall inform the Board of his/her intentions prior to the scheduled return date.

Commitment of Employer

At the expiration of uncompensated leave, the employee shall be offered the same position previously held or a like position to that previously held.

Time on uncompensated leave shall not count as time on the job.



| | |
|---------|----------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Benefits for Part-Time Personnel |
| Code | 541 |
| Status | Active |
| Legal | 1. 24 Pa. C.S.A. 8301 |
| Adopted | June 15, 2006 |

Purpose

Benefits for regularly employed part-time personnel shall be determined in accordance with Board policy or resolution or the terms of an applicable collective bargaining agreement.

Guidelines

Whenever regularly employed, part-time classified personnel are entitled to fringe benefits normally provided for full-time classified employees, such benefits will be established at the time of employment, and the manner of proration determined at that time.

Part-time personnel shall be included in the School Employees' Retirement System, upon reaching either 500 hours or 80 days of employment, in accordance with law.^[1]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Jury Duty |
| Code | 542 |
| Status | Active |
| Legal | 1. 42 Pa. C.S.A. 4563 |
| Adopted | June 15, 2006 |

Authority

Classified employees regularly employed shall be protected against loss of pay for time served on jury duty.
[1]

Guidelines

Should an employee be called for jury duty, s/he shall notify his/her immediate supervisor.

Employees called for jury duty shall normally be permitted to serve and will not be penalized in any way. They shall receive normal pay for the period of jury duty, but any compensation received from jury duty in excess of actual expenses shall be credited against such pay.

The time spent on jury duty will not be charged against personal leave and will count as time on the job.

Employees must submit to their supervisor a record from the court of the number of days served.

While on jury duty, the employee shall report his/her schedule daily for the following day to the immediate supervisor. Employees are required to report to work when excused for a half (1/2) day or more. Failure to do so shall result in loss of pay for such period.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Paid Holidays |
| Code | 543 |
| Status | Active |
| Legal | 1. 24 P.S. 1502 |
| Adopted | June 15, 2006 |

Purpose

Paid holidays for regularly employed classified employees shall be determined in accordance with Board policy.

Guidelines

Holidays are established for all classified personnel in accordance with an applicable collective bargaining agreement.[1]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Workers' Compensation Transitional Return-to-Work Program |
| Code | 547 |
| Status | Active |
| Legal | 77 P.S. 1 et seq 29 U.S.C. 2601 et seq 42 U.S.C. 12101 et seq 29 CFR Part 825 45 CFR Part 160 45 CFR Part 164 |
| Adopted | May 28, 2015 |

Purpose

The purpose of a workers' compensation transitional return-to-work program is the safe, timely return of injured district employees to transitional or regular employment.

Authority

In an effort to control workers' compensation costs, the Board adopts this policy to ensure that employees who have been injured at work and are covered by workers' compensation return to work as soon as possible, in accordance with Board policy and administrative regulations.

This policy shall apply only to an employee who meets all of the following conditions:

1. Has submitted a claim for workers' compensation benefits pursuant to the Workers' Compensation Act.
2. Is capable of productive work that is necessary or useful to the operations of the district as determined by the Superintendent.
3. Cannot currently return to his/her pre-injury job for the district with or without reasonable accommodations as a result to his/her pre-injury job in the future.
4. Is expected to be able to return to his/her pre-injury job in the future.

An employee shall not be eligible for continuation in the transitional return-to-work program if one (1) of the following determinations is made:

1. Employee cannot perform the assigned lighter duty work.
2. Employee is currently unable to return to his/her pre-injury occupation with or without reasonable accommodations.

The work that shall be offered to an eligible employee shall be productive work that will advance the interests of the district.

Delegation of Responsibility

The Superintendent or designee shall establish a transitional return-to-work program and develop administrative regulations to implement the Board policy.

The Superintendent or designee shall ensure that all district staff responsible for the transitional return-to-work program shall receive periodic training from legal counsel with expertise in the Family Medical Leave Act, Americans With Disabilities Act, workers' compensation and labor relations. The training shall include information on the interaction of the transitional return-to-work program and applicable laws, contracts and collective bargaining agreements.

The Superintendent or designee shall determine if a lighter duty job will be offered to an eligible employee.

When the interactive process is going to be engaged in, the Superintendent or designee shall engage the solicitor or special labor counsel.

Guidelines

The transitional return-to-work program and Board policy shall be implemented in a manner that does not conflict with applicable laws, contracts or collective bargaining agreements.

Nothing in this policy shall be construed as requiring that a lighter duty job be provided to an eligible employee or that the essential functions of any job be eliminated. Lighter duty jobs are intended as a transitional opportunity to assist an injured employee to return to his/her pre-injury occupation with or without reasonable accommodations.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Unlawful Harassment |
| Code | 548 |
| Status | Active |
| Legal | 1. 42 U.S.C. 2000e et seq 2. 20 U.S.C. 1681 5. Pol. 103 6. Pol. 317 7. 29 CFR 1606.8 8. 29 CFR 1604.11 9. Pol. 417 10. Pol. 517 |
| Adopted | June 15, 2006 |

Purpose

The Board strives to provide a safe, positive working climate for its employees. Therefore, it shall be the policy of the district to maintain an employment environment in which harassment in any form is not tolerated.

Authority

The Board prohibits all forms of unlawful harassment of employees and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The Board encourages employees and third parties who have been harassed to promptly report such incidents to the designated administrators.[1][2]

The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated.

Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of harassment.

Definitions

For purposes of this policy, **harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ ethnicity, gender, age, disability, sexual orientation or religion when such conduct:[7]

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to perform job functions or creates an intimidating, threatening or abusive work environment.
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance.

3. Otherwise adversely affects an individual's employment opportunities.

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:
8]

1. Acceptance of such conduct is made, explicitly or implicitly, a term or condition of an individual's continued employment.
2. Submission to or rejection of such conduct is the basis for employment decisions affecting the individual.
3. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that may constitute **sexual harassment** include but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with an employee's ability to work or creates an intimidating, hostile or offensive working environment.

Delegation of Responsibility

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent as the district's Compliance Officer.[5]

The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.

The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.

Each staff member shall be responsible to maintain a working environment free from all forms of unlawful harassment.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the employee or third party of the right to file a complaint and the complaint procedure.
2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

Guidelines

Complaint Procedure - Employee/Third Party

Step 1 - Reporting

An employee or third party 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 building principal.

If the building principal is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer.

The complainant is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

Step 2 - Investigation

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

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

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

Step 3 – Investigative Report

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

The findings of the investigation shall be provided to the complainant, the accused, and the Compliance Officer.

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

Disciplinary actions shall be consistent with Board policies and district procedures, applicable collective bargaining agreements, and state and federal laws.

If it is concluded that an employee has knowingly made a false complaint under this policy, such employee shall be subject to disciplinary action, including termination.[6][9][10]

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer 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 building principal who conducted the initial investigation.

**ATTACHMENTS TO
UNLAWFUL
HARASSMENT**

REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT

Complainant: _____
Home Address: _____
Home Phone: _____
School Building: _____
Date of Alleged Incident(s): _____

Alleged harassment was based on: (circle those that apply)

- | | | |
|----------|--------------------|-----------------|
| Race | Color | National Origin |
| Gender | Age | Disability |
| Religion | Sexual Orientation | |

Name of person you believe violated the district's unlawful harassment policy:

If the alleged harassment was directed against another person, identify the other person:

Describe the incident as clearly as possible, including what force, if any, was used; verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved. Attach additional pages if necessary: _____

When and where incident occurred: _____

List any witnesses who were present: _____

This complaint is based on my honest belief that _____ has harassed me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 500 Classified Employees |
| Title | Drug and Substance Abuse |
| Code | 551 |
| Status | Active |
| Legal | 1. P.L. 100-690 3. 24 P.S. 527 4. P.L. 101-226 5115 5. 35 P.S. 780-101 et seq |
| Adopted | June 15, 2006 |
| Last Revised | October 15, 2019 |

Purpose

The Board recognizes that the misuse of drugs is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by drug use by employees, especially as the use relates to an employee's safety, efficiency and productivity.

The primary purpose and justification for any district action will be for the protection of the health, safety and welfare of students, staff and school property.[1]

Definitions

Drugs - shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.[5]

Conviction - a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statute.[1]

Criminal Drug Statute - a federal or nonfederal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

Drug-free Workplace - the site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.

Authority

The Board requires that each classified 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 no later than five (5) days after such conviction.

An employee convicted of delivery of or possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the district.[3]

Delegation of Responsibility

A statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the employee's workplace shall be provided by the Superintendent and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination, and referral for prosecution.[4]

Grantors of funds shall be notified within ten (10) days after receiving notice from an employee or receiving actual notice of a conviction.

The district shall be responsible for taking action within thirty (30) days of receiving notice, with respect to any convicted employee.

The district shall take appropriate personnel action against such an employee, up to and including termination and may 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.

In establishing a drug-free awareness program, the Superintendent shall inform employees about:

1. Dangers of drug abuse in the workplace.
2. District's policy of maintaining a drug-free workplace.
3. Availability of drug counseling, drug rehabilitation, and employee assistance programs.
4. Penalties that may be imposed 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 implementation of this policy.

Drug and Substance Abuse Policy Updates.docx (13 KB)

**ATTACHMENTS TO
DRUG AND
SUBSTANCE ABUSE**

Drug and Substance Abuse

Definition

For purposes of this policy, **medical marijuana** shall mean marijuana certified for medical use by a medical marijuana-certified physician for serious medical condition(s) as defined by the MMA.

Delegation of Responsibility

The Board recognizes that the use of medical marijuana may be helpful to treat serious medical conditions, as defined by the Medical Marijuana Act ("MMA"), 35 Pa. C.S. § 10231.101, *et seq.*

The Board also recognizes that marijuana remains an illicit substance according to Federal law. The Commonwealth's legalization of marijuana for medical purposes does not supersede the enforcement of Federal drug laws, including those that prohibit the presence and use of drugs on public school property, including the Every Student Succeeds Act, 20 U.S.C. § 71118. Possession of marijuana remains a criminal offense under State and Federal law.

Employees who have been issued a prescription for medical marijuana use are subject to the following provisions, as imposed by the MMA:

Employees are not permitted to use or possess medical marijuana at the School.

Employees are not permitted to report to work under the influence of medical marijuana.

Employees who have been prescribed medical marijuana shall inform the Superintendent or school principal accordingly.



Blackhawk
School District

| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Fiscal Objectives |
| Code | 601 |
| Status | Active |
| Legal | 1. 24 P.S. 439 2. 24 P.S. 601 3. 24 P.S. 602 4. 24 P.S. 609 5. 24 P.S. 610 6. 24 P.S. 631 7. 24 P.S. 634 8. 24 P.S. 664 9. 24 P.S. 687 10. 24 P.S. 690 11. 24 P.S. 751 12. 24 P.S. 807.1 13. 24 P.S. 1155 |
| Adopted | September 21, 2006 |

Purpose

The Board, with recommendations and guidance from the administration, recognizes its responsibility to district taxpayers to ensure that public monies expended by the school district are utilized for delivery of the educational program in a manner that mandates full value to the taxpayers, and that adequate procedures and records are established to ensure that end.

Authority

The Board has the authority and responsibility to prepare and adopt the budget, approve bids, levy taxes, and approve each expenditure of the district. [1][2][3][4][5][6][7][8][9][10][11][12][13]

Delegation of Responsibility

To meet the goals of this policy, the Board directs the Superintendent and Business Manager to establish sound accounting procedures based upon recommendations of the district auditor and state and federal government, institute effective business practices, and recommend appropriate equipment and technology when necessary.

The Superintendent or designee shall review monthly the financial operations, report to the Board on effectiveness and recommended improvements, and prepare administrative procedures for sound district and school fiscal operations.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Budget Planning |
| Code | 602 |
| Status | Active |
| Legal | 1. 24 P.S. 433 2. 24 P.S. 601 3. 24 P.S. 664 4. 24 P.S. 687 |
| Adopted | September 21, 2006 |

Authority

The budget shall be designed to reflect the Board's goals and objectives concerning the education of district students. Therefore, the budget shall be organized and planned to ensure adequate understanding of the financial needs associated with program support and development. The financial requirements of district programs shall be reviewed on a continual basis.[1][2][3][4]

Delegation of Responsibility

To meet the objectives of this policy, the Board directs the Superintendent to:

1. Include an estimated annual cost for implementation of the district's educational program.
2. Prepare a strategic plan for annual maintenance and replacement of facilities.
3. Prepare a plan for current and future technology needs.
4. Maintain an inventory and replacement schedule of all district equipment.
5. Establish a projected budget of expenditures and income for the current year and ensuing year.
6. Prepare an annual estimate of anticipated school enrollments.
7. Maintain a plan of anticipated revenues based on changes in state and federal legislation.
8. Report to the Board any serious financial implications arising from the budget plan.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Budget Preparation |
| Code | 603 |
| Status | Active |
| Legal | 1. 24 P.S. 687 |
| Adopted | September 21, 2006 |

Purpose

The Board considers preparation of an annual budget to be one of its most important responsibilities because the budget is the financial reflection of the district's educational plan. The budget shall be designed to carry out that plan in a thorough and efficient manner, to maintain the facilities, and to honor district obligations.[1]

Authority

The Board recognizes its obligation to the taxpayers to approve only those expenses reasonably required to provide an educational program suitable to the needs and goals of this district and its students.

The budget should be studied by each Board member during its preparation; but once adopted it deserves the support of all members of the Board.

Delegation of Responsibility

In order to ensure adequate time for preparation and review of the proposed budget, the Board requests that the Superintendent presents to the Board and/or Board Finance Committee all available information associated with the budget at least ninety (90) days prior to the end of the fiscal year.

In preparing the budget, the responsible administrator shall set general priorities for expenditures for:

1. Staff for maintenance of current programs.
2. Technology, equipment and supplies for maintenance of current programs.
3. Maintenance of existing facilities and equipment.
4. New staff necessary for improvement or expansion of current programs.
5. New technology, equipment and supplies necessary for improvement or expansion of current programs.

When presented for Board review, the proposed budget shall contain the estimated revenue and expenditure in each financial category for the ensuing year, and an estimate of revenue and expenditure in each financial category for the previous school year, student population for the coming school year, the amount of surplus anticipated at the end of the current school year, and an explanation of each item of expense proposed, upon request.

The budget shall evolve from the needs of the individual buildings and programs as expressed by building principals and administrators, and shall be compatible with district goals and strategic plans.



| | |
|---------|----------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Budget Adoption |
| Code | 604 |
| Status | Active |
| Legal | 1. 24 P.S. 687 2. 24 P.S. 508 |
| Adopted | September 21, 2006 |

Purpose

It is the philosophy of the Board that the annual budget proposal represents the position of the Board, and all reasonable means shall be employed to present and explain the proposed budget to all district residents and taxpayers.

Delegation of Responsibility

Each Board member and each district administrator shall be thoroughly familiar with, and understand the need for, each proposed expenditure so that they can answer any question directed to them.

The Board shall designate members and/or administrators to meet with interested community groups to explain the budget and prepare news releases for community media presentation.

Authority

At least thirty (30) days prior to adoption of the final budget, the Board shall prepare and present a proposed budget, which shall be set forth in detail using the forms required by the Department of Education.
[1]

The proposed budget shall be available for public review at the district administration offices at least twenty (20) days prior to adoption of the budget. Final action shall not be taken on the proposed budget until after ten (10) days' public notice.[1]

The Board shall adopt the budget and the necessary appropriation measures required to put it into effect by a majority vote of all members of the Board.[2][1]



Blackhawk
School District

| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Tax Levy |
| Code | 605 |
| Status | Active |
| Legal | 1. 24 P.S. 602 2. 24 P.S. 603 3. 24 P.S. 672 4. 24 P.S. 679 5. 24 P.S. 680 6. 24 P.S. 673 7. 24 P.S. 674 8. 24 P.S. 676 |
| Adopted | September 21, 2006 |

Authority

The Board shall annually determine and establish local real estate, per capita and/or other taxes authorized by the School Code and Act 511 and shall provide the means to levy and collect such taxes.[1][2][3][4][5]

The tax shall be levied as a real estate tax, per capita tax, earned income tax, public utility realty tax, Act 511 per capita tax, real estate transfer tax, amusement tax, occupational privilege tax, and mechanical device tax.[2][3][6][4][5][7][8]

In establishing tax levies, the Board shall review the assessment and valuation practices of local tax assessment agencies, the county assessment office, and the State Tax Equalization Board.

Appeals arising from taxation practices shall be determined by Board action.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Tax Collection |
| Code | 606 |
| Status | Active |
| Legal | 1. Pol. 605 2. 53 P.S. 6901 3. 24 P.S. 684 |
| Adopted | September 21, 2006 |

Authority

Real estate and per capita taxes provided for in the School Code shall be collected by the elected tax collector, who shall be properly bonded during the term of office.[1]

All other taxes shall be collected by the elected and properly bonded tax collector.[2]

Delegation of Responsibility

All taxes shall be collected and remitted to the district Treasurer with a report detailing the sources of tax revenues.

The Board Secretary shall be responsible to ascertain that a tax collector is properly bonded and shall submit information on estimated collection required to set proper bond.[3]

All monies received from the tax collectors shall be deposited on the day of receipt or as soon as possible, and all receipts shall be supported by documentary evidence.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Tuition Income |
| Code | 607 |
| Status | Active |
| Legal | 1. 24 P.S. 1316 2. Pol. 202 3. 24 P.S. 2561 |
| Adopted | September 21, 2006 |

Authority

When the district receives students who are residents of another school district, it shall assess tuition charges in accordance with the School Code. Tuition shall be assessed for those students whose attendance has been approved by the Board, in accordance with policy.[1][2]

Delegation of Responsibility

It shall be the responsibility of the Business Manager to invoice tuition for approved students.

Guidelines

Tuition rates shall be determined annually.[3]

Tuition billings will be made monthly in advance of the billing period.

When payment is more than thirty (30) days overdue, services will be terminated.

When a student attends more than two (2) weeks, the sender will be charged for a full month of tuition.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Bank Accounts |
| Code | 608 |
| Status | Active |
| Legal | 1. 24 P.S. 508 2. 24 P.S. 621 3. 24 P.S. 440 4. 24 P.S. 624 5. 24 P.S. 622 |
| Adopted | September 21, 2006 |

Authority

The Board, by a majority vote of the full Board, shall designate one or more banks or bank and trust companies as depositories for the safeguarding of school funds.[1][2]

Each depository shall be required to report monthly to the Business Manager or Board on the status of funds, in the manner required by law.[3][4]

Each designated depository shall furnish proper security for deposits in the amount designated by the Board and in accordance with law.[5]

Guidelines

Each designated depository shall be advised not to cash checks payable to the school district but to deposit said checks to the district accounts.

The Business Manager shall periodically obtain and provide to the Board quotations for specified banking services prior to designating its depositories.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Investment of District Funds |
| Code | 609 |
| Status | Active |
| Legal | 1. 24 P.S. 440.1 2. 24 P.S. 621 3. 24 P.S. 622 4. 24 P.S. 623 5. 65 Pa. C.S.A. 1101 et seq 6. 53 Pa. C.S.A. 8001 et seq 7. 53 Pa. C.S.A. 8224 |
| Adopted | September 21, 2006 |

Purpose

It shall be the policy of the Board to optimize its return through investment of cash balances in such a way as to minimize non-invested balances and to maximize return on investments.

The primary objectives of investment activities, in priority order, shall be:

Legality - All investments shall be made in accordance with applicable laws of Pennsylvania.

Safety - Safety of principal shall be of highest priority. Preservation of capital in the portfolio of investments shall be ensured through the mitigation of credit risk and interest rate risk.

Liquidity - Investments shall remain sufficiently liquid to meet all operating requirements that are reasonably anticipated. A fiscal year operations anticipated cash flow shall be developed so that investments can be made as early as possible, with maturities concurrent with anticipated cash demands.

Yield - Investments shall be made with the objective of attaining a market-average rate of return throughout the budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs.

Authority

All investments of the school district made by an officer and/or employee of the district shall be made in accordance with this policy and a Board-approved investment program.[1][2][3][4]

Definitions

Short-term - any period twelve (12) months or less.

Long-term - any period exceeding forty-eight (48) months' duration.

Mid-range - any period between short-term and long-term.

Credit risk - the risk of loss of principal due to the failure of the security issue or backer of the issue.

Interest rate risk - the risk that the market value of securities will fall due to changes in general interest rates.

Investment program - the specifically enumerated and Board-approved investment strategy.

Delegation of Responsibility

The Board shall delegate to a designated individual the responsibility to manage the district's investment program, in accordance with written, Board-approved procedures for operation of the investment program.
[1]

An annual review of the investment program shall be prepared by the designated individual, based upon the anticipated cash flow of all district funds, i.e. general, capital reserve, bond, etc. The investment program shall be submitted to the Board no later than sixty (60) days after adoption of the annual budget.

The designated individual responsible for investments shall report monthly to the Board the following:[1]

1. Amount of funds invested.
2. Interest earned and received to date.
3. Types and amounts of each investment and the interest rate on each.
4. Names of the institutions where investments are placed.
5. Current market value of the funds invested.
6. Other information required by the Board.

The Board directs the Superintendent to have developed written procedures that will ensure compliance with this policy. Such procedures shall include a disclosure form for designated individuals involved in the investment process and/or required written statements for advisors and bidders.

Guidelines

Investments permitted by this policy are those defined in Section 440.1 of the School Code, as amended, which are collateralized in accordance with applicable laws.[1]

All securities shall be purchased in the name of the school district, and custody of the securities shall be specified within the district's investment program.

All investment advisors or bidders shall verify in writing that they have received a copy of this policy. Such written statement shall indicate that they have read and understand this policy and all applicable statutes related to school district investments, along with their intent to comply fully with these requirements.[1]

The district shall require all investment advisors/bidders to submit annually any or all of the following, as appropriate:

1. Audited financial statements.
2. Proof of National Association of Securities Dealers (NASD) certification.
3. Proof of state registration.

Disclosure

Designated officers and employees involved in the district's investment process shall disclose any personal business activity that could conflict with the proper execution and management of the investment program or could impair their ability to make impartial decisions.[5]

Audit

The Board directs that all investment records be subject to annual audit by the district's independent auditors.

The audit shall include but not be limited to independent verification of amounts and records of all transactions, as deemed necessary by the independent auditors.

It shall be the responsibility of the investment advisor and/or bidder to maintain necessary documents to permit independent audit of the district's investments.

Bond Proceeds

Bond proceeds shall be invested in accordance with the Local Government Unit Debt Act and applicable federal and state laws, subject to approval by the solicitor and/or bond counsel and the School Board.[6][Z]

Investment transactions arising from bond proceeds shall be reported monthly to the Board, in accordance with this policy.



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Purchases Subject to Bid/Quotation |
| Code | 610 |
| Status | Active |
| Legal | 1. 24 P.S. 751 2. 24 P.S. 807.1 3. 24 P.S. 120 4. 62 Pa. C.S.A. 4602 5. 62 Pa. C.S.A. 4603 6. 62 Pa. C.S.A. 4604 7. 73 P.S. 1602 62 Pa. C.S.A. 4601 et seq |
| Adopted | September 21, 2006 |
| Last Revised | February 17, 2022 |

Authority

It is the policy of the Board to obtain competitive bids and price quotations for products and services where such bids or quotations are required by law or may result in monetary savings to the school district.[1][2]

Guidelines

The amounts contained in this policy regarding competitive bid and price quotation requirements are subject to adjustments based on the Consumer Price Index.[1][2][3]

Supplies

The Board shall, after due public notice advertising for competitive bids, purchase furniture, equipment school supplies and appliances costing \$19,400 or more, unless exempt by law or available under a cooperative purchasing program. The Board shall advertise once a week for three (3) weeks in not less than two (2) newspapers of general circulation.[1][2]

Furniture, equipment, school supplies and appliances to be purchased by the district costing more than \$3,000 but less than \$19,400 may be obtained on written or telephonic quotations, unless exempt by law. If it is not possible to obtain three (3) quotations, a memo must be kept on file showing that fewer than three (3) qualified vendors exist in the market area. The written price quotations, written records of telephonic price quotations and memoranda shall be kept on file for a period of three (3) years.[2]

Contracts

The Board shall, after due public notice advertising for competitive bids, contract for construction, reconstruction, repairs, maintenance or work on any school or property having a cost or value of more than \$19,400, unless exempt by law.[1]

All contracts for construction, reconstruction, repairs, maintenance work or work on any school building or property, have a cost or value of more than \$3,000 but not more than \$19,400 may be obtained on written or telephonic quotations, unless exempt by law. If it is not possible to obtain three (3) quotations, a memo must be kept on file showing that fewer than three (3) qualified vendors exist in the market area. The written price quotations, written records of telephonic price quotations and memoranda shall be kept for a period of three (3) years.[1][2]

The Board may authorize district employees to perform construction, reconstruction, repairs or work having a cost or value of less than \$10,300.[1]

Electronic Bidding

The Board may receive bids electronically for competitive contracts, except for construction and design services, in compliance with applicable laws and Board policy.[4][5]

The district shall electronically maintain the confidentiality of the bid until bid opening.[5]

Competitive Electronic Bids

The Board may adopt a resolution approving the use of competitive electronic bidding for contract for supplies, but not for construction or design services.[4][6]

An invitation for bids shall be issued and shall include:[6]

1. Procurement description.
2. All contractual terms, when practical.
3. Conditions applicable to procurement, including a notice that bids will be received in an electronic manner.

Public notice and advertisement of the invitation for bids shall be given in the manner required for non-electronic bidding.

Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids.

At the conclusion of the electronic bidding process, the record of the bid prices received and the name of each bidder shall be open to public inspection.

After the bidding period has expired, the district shall grant in writing withdrawal of a bid when the bidder requests relief and presents credible evidence of a clerical mistake due to reasons permitted by law, within the time period established by the district.[7]

The contract shall be awarded within sixty (60) days of electronic bid by written notice to the lowest responsible bidder, or all bids may be rejected. Extensions of the award date may be made by written, mutual consent of both parties.

Bid specifications shall be prepared by the Director of Business Services.

Bid specifications shall provide for alternates wherever possible.

The Director of Business Services shall combine like items of supply and material whenever it is feasible and permissible under law and shall not split purchases to avoid requirements for bidding.

Bids shall be opened publicly before one (1) witness at a previously designated time and place.

Contracts shall be awarded to the lowest responsible bidder upon resolution of the Board, unless the Board chooses to reject all bids.

The Board recognizes that emergencies may occur when imminent danger exists to persons or property or continuance of existing school classes is threatened, and time for bidding cannot be provided because of the need for immediate action. Bidding decisions in the event of such emergencies shall be made in accordance with existing legal requirements.

Price Quotations

Unless exempt by law, at least three (3) written or telephonic price quotations shall be requested by the Board for:[1][2]

1. All goods and services over \$3,000.
2. Furniture, equipment, school supplies and appliances costing a base amount of more than \$3,000 but less than \$19,400.[2]
3. All contracts for construction, reconstruction, repairs, maintenance or work on any school building or property, having a total cost or value of more than \$3,000 but less than \$19,400.[1]

If it is not possible to obtain three (3) quotations, a memorandum must be kept on file showing that fewer than three (3) qualified vendors exist in the market area. The written price quotations, written records of telephonic price quotations and memoranda shall be kept on file for three (3) year.

Work Performed by District Maintenance Personnel

The Board may authorize district maintenance personnel to perform construction, reconstruction, repairs or work having a total cost or value of less than \$10,500.[1]

Delegation of Responsibility

The Board may grant the Board Secretary or Business Manager the authority to purchase supplies and award contracts in the amount and manner designated by applicable law.[1][2]

Bid specifications shall be prepared by the Business Manager.

Bid specifications shall provide for alternates wherever possible.

The Board Secretary or designee is authorized to advertise for bids, in accordance with statutory procedures, without prior approval of the Board; but the Board shall be informed of such action at the next meeting. Records shall be kept in sufficient detail to show that a reasonable number of qualified vendors were invited to bid.

Bids shall be opened publicly by the Business Manager before one (1) or more witnesses upon resolution of the Board, unless the Board chooses to reject all bids.

Whenever a contractor shall submit a bid for the performance of work and the contractor later claims a mistake, error or omission in preparing said bid, the contractor shall, before the bids are open, make known the fact and in such case the bid shall be returned unopened.[2]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Purchases Budgeted |
| Code | 611 |
| Status | Active |
| Legal | 1. 24 P.S. 751 2. 24 P.S. 807.1 3. 24 P.S. 609 |
| Adopted | September 21, 2006 |

Authority

It is the policy of the Board that when funds are available all purchases contemplated within the current budget and not subject to bid shall be made in a manner that ensures the best interests of the district.[1]
[2]

Delegation of Responsibility

All purchases that are within budgetary limits, and were originally contained within the budget, may be made upon authorization of the Business Manager.

All purchase order requests must be referred to the Business Manager, who shall check whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the district.[3][1][2]

Guidelines

In the interests of economy, fairness and efficiency in its business dealings, the Board requires that:

1. Items commonly used in the various schools and buildings be standardized whenever possible.
2. Opportunity to do business with the district shall be provided to as many responsible suppliers as possible. Lists of potential suppliers for various types of supplies, equipment and services will be developed and maintained.
3. No purchase request will be honored unless made on a district requisition form that has the necessary approval.

Upon placement of a purchase order, the Business Manager shall encumber the expenditure against a specific budget line item to guard against creation of liabilities in excess of appropriations.

The Board recognizes its position as a major purchaser in the community. While it is the Board's intent to purchase quality materials and supplies at the lowest possible cost through open competition, if all other considerations are equal the Board prefers to purchase within the district from established local merchants.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Purchases Not Budgeted |
| Code | 612 |
| Status | Active |
| Legal | 1. 24 P.S. 609 2. 24 P.S. 666 3. 24 P.S. 687 |
| Adopted | September 21, 2006 |

Purpose

The laws of the state and the interests of the community require fiscal responsibility by the Board in the operation of the school district. Appropriate fiscal controls shall be adopted to ensure that public funds are not disbursed in amounts in excess of the appropriations provided to the district.

Authority

When funds are not available for a proposed appropriation, a legal transfer from one class of expenditure to another may be made by the Board in the last nine (9) months of the fiscal year if it is apparent that the necessary surplus funds do exist in another appropriation, the procedures specified in the School Code are followed, and it can be demonstrated that the proposed expenditure would be educationally warranted in the current fiscal year.[1][2][3]

Guidelines

In the event of emergency, which exists whenever the time required for the Board to act in accordance with regular procedures would endanger life or property or threaten continuance of existing school classes, a purchase order may be authorized by the Board Secretary or Superintendent.

When budgeted funds are allocated on a building basis, the total amount budgeted may not be exceeded without prior approval.

Any expenditures in excess of appropriation made in conformance with this policy shall be reported to the Board at the next meeting, with a recommendation of funds to be transferred to cover said purchase.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Cooperative Purchasing |
| Code | 613 |
| Status | Active |
| Legal | 1. 24 P.S. 751 3. 24 P.S. 807.1 4. 53 Pa. C.S.A. 2301 et seq |
| Adopted | September 21, 2006 |

Authority

The Board recognizes the advantages of centralized purchasing. Therefore, the Board encourages the administration to seek the benefits and savings that may accrue through joint agreements with other political subdivisions for the purchase of supplies, equipment or services.[1][4]

Delegation of Responsibility

The Board authorizes the Business Manager to negotiate appropriate cooperative purchase agreements with other political subdivisions, in accordance with law and Board policy.

Guidelines

Cooperative purchases require an agreement approved by the Board and the participating contracting body(s), which may specify:[4]

1. Categories of equipment or supplies to be purchased.
 2. Manner of advertising for bids and awarding contracts.[3]
 3. Method of payment by each participating party.
 4. Other matters deemed necessary to carry out the purposes of the agreement.
- All such agreements must conform to relevant provisions of the School Code.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Payroll Authorization |
| Code | 614 |
| Status | Active |
| Legal | 1. 24 P.S. 406 2. 24 P.S. 1106 3. 24 P.S. 1107 4. Pol. 308 5. Pol. 408 6. Pol. 508 7. Pol. 530 |
| Adopted | September 21, 2006 |

Authority

Employment of all permanent, temporary and part-time district personnel must be approved by the Board. The Board shall authorize payment of salaries to employees. Actions by the Board to employ staff on a contractual basis may include the name of the individual, position title, salary, period of employment, position classification, method of payment, and budget category to which the wages are to be charged.[1][2][3][4][5][6]

Actions by the Board to employ temporary or part-time personnel may include the name of the individual, position title, rate of pay, position classification, the maximum number of hours or days an employee may work, school or vocation assignment, and budget category to which wages are to be charged.

The minutes of Board meetings shall record all actions with regard to resignation, retirement, death or discharge of all employees, or nonretention of a temporary professional employee. Each action shall include the name of the employee, date upon which salary or wages will terminate, and position formerly held.

Guidelines

Daily sign-in and sign-out procedures adequate to meet wage and hour requirements and Board policy are required of all employees.

Salary or wages may be withheld for unapproved time off, in accordance with established procedures, by the Superintendent.

Overtime can be scheduled and paid only when authorized in advance by the immediate supervisor or building principal.[7]



| | |
|---------|-----------------------------|
| Jook | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Payroll Deductions |
| Code | 615 |
| Status | Active |
| Legal | 1. 24 P.S. 513 |
| Adopted | September 21, 2006 |

Purpose

The Board may, at its discretion, act on behalf of individual employees to deduct a certain amount from the employee's paycheck and to remit an equal amount to an agent designated by the employee. It is the intent of this policy to designate those purposes not otherwise mandated by law for which the Board is willing to act on behalf of the employee.

Authority

No deduction may be made from the wages of an employee except for federal or state income tax, PA unemployment, county tax, municipal or school taxes, social security, School Employees' Retirement Fund, and language in collective bargaining agreements, without proper authorization by the employee.[1]

The Board shall permit deductions from an employee's paycheck upon proper authorization on the appropriate district form.[1]



Book Blackhawk S D Policy Manual

Section 600 Finances

Title Payment of Bills

Code 616

Status Active

Legal

1. 24 P.S. 439
2. 24 P.S. 607
3. 24 P.S. 1155
4. 24 P.S. 427
5. 24 P.S. 687
6. Pol. 612
7. 24 P.S. 433
8. 24 P.S. 428
9. 65 P.S. 302
10. 72 P.S. 7204 (12)

Adopted September 21, 2006

Purpose

It is the Board's intent to direct prompt payment of bills but at the same time to ensure that due care has been taken in the review of district bills.

Authority

Each bill or obligation of this district must be fully itemized, verified and approved by the Board before a check can be drawn for its payment, except that the Board Secretary is permitted to draw payment orders for:[1][2][3]

1. The prompt payment of items that will accrue to the district's advantage.[4][1]
2. Progress payments to contractors specified in a contract approved by the Board.
3. Orders to cover approved payrolls and agency account deposits.
4. Utility bills in months the Board does not meet.

Delegation of Responsibility

It shall be the responsibility of the Business Manager or designee upon receipt of an invoice to verify that the purchase invoice is in order, goods were received in acceptable condition or services were satisfactorily rendered, funds are available to cover the payment, the Board had budgeted for the item, and invoice is for the amount contracted.

Should the invoice vary from the acknowledged purchase order, the Business Manager or designee shall document on the invoice the reason for such variance.

Should funds not be available in the account to which a proposed purchase will be charged, the Business Manager or designee shall determine the overage and request the Board make a legal transfer to cover it. [2][5][6]

All claims for payment shall be submitted to the Board and recorded in the minutes of the Board meeting.

The list of bills shall include for each:

1. Check number.
2. Check date.
3. Vendor.
4. Amount of remittance.

Upon approval of an order, the Treasurer shall prepare a check for payment and cancel the commitment placed against the appropriate account. [1]

All checks approved by the Board shall be signed by the President, Board Secretary, and Treasurer. [4][7][1]

The Vice-President may sign for the President. [8]

Guidelines

Signatures of the President, Vice-President, Treasurer and Board Secretary may be engraved on a signature plate or stamp. [9]

No check shall be made out to cash.

Sales Tax

The district is exempt from sales tax on the purchase of tangible, personal property or services that are sold or used by the district. The district shall control use of its sales tax exemption number issued by the Department of Revenue, in compliance with established regulations. The exemption number shall be used only when buying property or services for district use. [10]

The district shall obtain a sales tax license number for school organizations who purchase items to be resold. [10]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Petty Cash |
| Code | 617 |
| Status | Active |
| Legal | 1. Pol. 811 |
| Adopted | September 21, 2006 |

Purpose

Petty cash funds may be used for designated purposes but shall be subject to adequate controls and safeguards.

Authority

The Board authorizes the establishment of petty cash funds under the control of designated employees in district buildings.

Delegation of Responsibility

Each responsible employee shall ensure that petty cash funds are spent only for designated purposes.[1]

The person responsible for each petty cash fund shall prepare a total of the disbursement slips annually.

Guidelines

Each request for funds shall be made in writing and signed by the requester, with any confirming receipts attached.

Receipts are required for all expenditures.

The petty cash box shall be secured by the responsible employee.

All petty cash funds shall be closed out for audit at the end of the school year.

Funds are not to be used to circumvent the regular purchasing procedure.

Petty cash funds may not be used to accommodate the cashing of personal checks.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Student Activity Funds |
| Code | 618 |
| Status | Active |
| Legal | 1. 24 P.S. 511 2. Pol. 811 3. 24 P.S. 440.1 4. 24 P.S. 623 5. 24 P.S. 807.1 6. Pol. 619 |
| Adopted | September 21, 2006 |

Purpose

The purpose of this policy shall be to establish proper financial supervision and controls for the administration of student activity funds under the district's responsibility.

Definition

For purposes of this policy, **student activity funds** shall include the funds of Board-approved student groups. Student activity funds shall be raised by students and expended for purposes related to the activity, with student participation in the decision-making process regarding these areas.

Authority

Student activity funds are not part of district funds but must be approved by the Board. The Board shall adopt reasonable rules and regulations regarding the management, supervision, control, or prohibition of student activities, including raising and disbursing funds for all such purposes.[1]

Delegation of Responsibility

The Superintendent or designee is responsible for developing and implementing administrative procedures governing student activity funds.

A custodian of funds shall be responsible to maintain an accounting system and controls similar to those of the district's fund. This shall include the use of a double entry accounting system, purchase requisitions, purchase orders, payment vouchers and invoices. The custodian of funds shall be bonded.[2]

All expenditures, regardless of the purpose, shall be reviewed and approved by the building principal and student officials to ensure appropriate use of student activity funds. Withdrawal of funds shall be made by check and signed by the building principal and his/her appointed assistant.

Guidelines

Each student activity covered by this policy must be recognized and budgeted by the student organization before funds can be collected or disbursed in the name of the group.

All student activities shall be on a self-sustaining basis, except for situations approved by the Board.

Funds of any student body organization may be deposited or invested in banks whose accounts are insured by FDIC or investment certificates or withdrawable shares in state-chartered savings and loan associations doing business in-state and insured by FDIC or FSLIC.[3][4]

All monies in the student activity fund shall be deposited into one (1) checking account and one (1) savings account under the supervision of the Business Manager.

No school-sponsored student organization is permitted to establish an account separate from the student activities fund. The student activities fund shall not maintain a petty cash fund.

Funds collected shall be turned in to the custodian of the fund before the end of each school day, and they shall be safeguarded until deposited as soon as possible.

Records shall be maintained of the receipt and disbursement of all funds in designated accounts, according to the bylaws of the activity involved.[1]

Disbursements from such funds shall be made only by check upon the request of the authorized advisor and the approval of the fund custodian.

Disbursements shall be supported by invoices or verified documentation.

Disbursements shall be governed by the following guidelines:

1. Written approval for all student activity fund disbursements shall be required.
2. Two (2) signatures shall be required for the issuance of a payment check.
3. Disbursements shall be made by check, prepared by the building principal to the payee.
4. Disbursements shall be supported by a purchase order and/or a request for purchase order or cash.
5. Disbursements shall be supported by an invoice bearing the following:
 - a. Signatures.
 - b. The receipt of merchandise.
 - c. Accuracy of prices.
 - d. Extension in totals.
 - e. Approval for payment.

No student body shall be obligated to pay for an expenditure ordered by a teacher, student, or other individual who has not first received a written purchase order from the individual designated to initiate such orders of payment.

All purchases of materials or supplies by any organization, club, society or group, or by any school or class shall be made by the purchaser in accordance with the requirements of law.[1][5]

All funds shall be of an exchange nature, and large balances should not be permitted to accumulate. Money should not be raised or collected unless there is a definite purpose for doing so.

All funds accumulated in the name of a specific activity must be closed out annually, and any residual funds shall revert to the same group for the following school year.[1]

A report of student activity funds shall be maintained and indicate opening balances, receipts by source, expenditures by type and closing balances. Such report shall be submitted to the Board quarterly.[1]

The student activity fund shall be audited annually during the district's established audit.[6]

Graduating Classes

All graduating classes or disbanding organizations shall use or make commitment for distribution of funds to a proper school-related purpose prior to graduation or dissolution, or as soon as reasonably possible thereafter but in no case longer than one (1) year thereafter.

Monies left unused or uncommitted for one (1) year or more after graduation shall be transferred to the student body activity account for any appropriate school-related purpose.



| | |
|---------|------------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Athletic Fund Account |
| Code | 618.1 |
| Status | Active |
| Legal | 1. 24 P.S. 511 2. 24 P.S. 807.1 |
| Adopted | September 21, 2006 |

Authority

The Board directs that control of athletic expenditures shall be administered according to sound accounting practices.

Guidelines

Accounting practices for the athletic fund account shall include a method that:

1. Accounts for cash received and disbursed.
2. Reconciles tickets used.

3. Itemizes cash expenditures and deposits from each athletic event charging admission. The appropriate form or report shall be signed by the ticket sellers and the Athletic Director.

The sale of tickets shall be controlled by accounting for tickets by number and relating that number sold to the cash received. Additionally, receipts and disbursements and the writing of checks shall be properly recorded in the athletic office.

All expenditures from the athletic fund account shall be supported by documentary evidence of the disbursement and have a signature on all checks.

Items to be purchased for athletics shall be subject to bidding and purchasing procedures as specified in the School Code. Board policy shall require the custodian of funds to solicit and document quotes or bids for all purchases of materials and supplies over \$10,000 and to purchase those items from the lowest responsible bidder.[1][2]

Monies expended for athletic salaries and wages shall be from the general fund.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | District Audit |
| Code | 619 |
| Status | Active |
| Legal | 1. 24 P.S. 408 4. 24 P.S. 2401 5. Pol. 801 6. Pol. 324 9. Pol. 216 10. 65 P.S. 66.1 11. 65 Pa. C.S.A. 701 et seq 12. Pol. 424 13. Pol. 524 |
| Adopted | September 21, 2006 |

Purpose

The Board recognizes the importance of the public's right to have access to the public records of the district, including public financial records. The public has the right under law to inspect and procure copies of the annual audit conducted by the district's accountants and the audit conducted by the Auditor General's office. [1][10][11][4]

Authority

The Board shall employ an independent, certified public accountant to conduct an annual district audit in conformance with prescribed and legal standards. The completed audit shall be presented to the Board for its examination and approval.[4]

The Board recognizes its obligation as an elected body to represent the best interests of all its constituents. Therefore, the Board shall make the results of both the district's independent auditing report and the Auditor General's audit available to the public at the business office of the district.

The Board believes that the two (2) available audits provide adequate safeguards for the public interest. Therefore, special audits by special interest groups are not permitted.

The Board recognizes that certain information shall not be made available to the public, such as:[5]

1. Personnel records.[6][12][13]
2. Student records.[9]
3. Labor relations negotiations records.
4. Property acquisition negotiation information.

5. Records regarding actions of a criminal justice nature.

6. Other records not considered public records.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Fund Balance |
| Code | 620 |
| Status | Active |
| Legal | 24 P.S. 218 24 P.S. 688 |
| Adopted | March 15, 2012 |

Purpose

The Board recognizes that the maintenance of a fund balance is essential to the preservation of the financial integrity of the school district and is fiscally advantageous for both the district and the taxpayer. This policy establishes goals and provides guidance concerning the desired level of year-end fund balance to be maintained by the district.

Definitions

Fund balance is a measurement of available financial resources. Fund balance is the difference between total assets and total liabilities in each fund.

GASB Statement 54 distinguishes fund balance between amounts that are considered nonspendable, such as fund balance associated with inventories, and other amounts that are classified based on the relative strength of the constraints that control the purposes for which specific amounts can be spent. Beginning with the most binding constraints, fund balance amounts shall be reported in the following classifications:

Restricted - amounts limited by external parties, or legislation (e.g., debt covenants and grants).

Committed - amounts limited by Board policy or Board action (e.g., future anticipated costs). Action must be taken by the Board to commit fund balance for the designated purpose prior to the end of the fiscal year.

Assigned - amounts that are intended for a particular purpose. Generally balances in special revenue funds or capital project funds will be designated as assigned.

Unassigned - amounts available for consumption or not restricted in any manner.

Authority

An official Board resolution shall be required to establish, modify or rescind a commitment of fund balance.

Guidelines

The school district will strive to maintain an unassigned general fund balance of not less than five percent (5%) and not more than eight percent (8%) of the budgeted expenditures for that fiscal year.

The total fund balance, consisting of several portions including restricted, committed, assigned and unassigned, may exceed eight percent (8%).

If the unassigned portion of the fund balance falls below the threshold of five percent (5%) of budgeted expenditures, the Board will pursue options for increasing revenues and decreasing expenditures, or a combination of both until five percent (5%) is attained. If the unassigned portion of the fund balance exceeds eight percent (8%) of budgeted expenditures, the Board may utilize a portion of the fund balance by appropriating excess funds for expenditures. The goal shall be to use any excess fund balance for nonrecurring expenditures; not for normal operating costs.

Use of Fund Balance

The restricted fund balance shall be reduced to the extent that the underlying reason for the restriction has been eliminated.

If the district experiences an excess of expenditures over revenues for a given fiscal year, the fund balance shall be consumed in the following order:

1. Restricted fund balance to the extent that expenditures related to the restriction contributed to the excess of expenditures over revenues.
2. Committed fund balance to the extent that expenditures related to the commitment contributed to the excess of expenditures over revenues. If a plan for periodic use of committed fund balance is reviewed and approved by the Board, the committed fund balance will not be reduced by more than the amount designated in the plan.
3. Assigned fund balance to the extent that expenditures related to the assignment contributed to the excess of expenditures and revenues.
4. Unassigned fund balance for any remaining excess of expenditures over revenues.

Delegation of Responsibility

The Board of School Directors or its designee may assign fund balance for items deemed appropriate at any time prior to the issuance of the audited financial statements for a given year.

The Superintendent or designee shall be responsible for the enforcement of this policy.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Local Taxpayer Bill of Rights |
| Code | 621 |
| Status | Active |
| Legal | 1. 53 Pa. C.S.A. 8401 et seq 2. 53 Pa. C.S.A. 8422 3. 53 Pa. C.S.A. 8423 4. 53 Pa. C.S.A. 8437 5. 53 Pa. C.S.A. 8430 |
| Adopted | September 21, 2006 |

Purpose

As a local taxing authority, the Board recognizes the school district's responsibility to comply with the requirements of the Tax Reform Act of 1998.[1]

Definition

Eligible taxes shall be defined as all non-real estate taxes, including per capita; occupation, occupation assessment and occupation privilege; income and net profits; business gross receipts; privilege; amusements or admissions; and any other tax authorized by the Local Tax Enabling Law.[2]

Authority

The Board shall adopt a Local Taxpayer Bill of Rights that includes the following components:[3]

1. Taxpayer rights and the district's obligation during an audit or administrative review of the taxpayer's books or records.
2. Administrative and judicial procedures for a taxpayer to appeal or seek review of a tax decision.
3. Procedures for filing and processing refund claims and taxpayer complaints.
4. Enforcement procedures.

The Board shall ensure that taxpayers are notified about the district's Local Taxpayer Bill of Rights any time they are contacted regarding assessment, audit, determination, review and collection of any tax other than property taxes.[3]

Delegation of Responsibility

It shall be the responsibility of the Superintendent, Business Manager, and/or other designated school district employee to develop procedures to implement this policy and shall include:

1. Preparation and dissemination of the required notice of availability of the Local Taxpayer Bill of Rights.
2. Preparation of a Local Taxpayer Bill of Rights.

3. Preparation of a procedure for the district to request information from a taxpayer.
4. Establishment of an administrative appeals process.
5. Development of the form, content, process and deadlines for taxpayers to file a tax appeal petition.
6. Formulation of rules of practice and procedure for hearings.

The district shall respond to taxpayer requests for Local Taxpayer Bill of Rights by making copies available at the district offices or mailing at district expense.[3]

Guidelines

Information obtained by the school district as a result of an audit, return, report, investigation, hearing or verification shall be confidential. If a violation of confidentiality is committed by an officer or employee of the Board, s/he shall be subject to fines and dismissal from office or discharge from employment.[4]

Appeals Process

The district establishes an administrative review or appeal process that meets the requirements of applicable law to make determinations on petitions from taxpayers relating to assessment, determination or refund of an eligible tax.[5]



| | |
|--------------|----------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | GASB Statement 34 |
| Code | 622 |
| Status | Active |
| Legal | 1. 24 P.S. 613 2. 24 P.S. 218 |
| Adopted | September 21, 2006 |
| Last Revised | March 21, 2013 |

Purpose

The Board recognizes the need to implement the required accounting and financial reporting standards stipulated by the Pennsylvania Department of Education.[1]

The primary objectives of implementing the GASB Statement 34 are to assure compliance with state requirements, and properly account for both the financial and economic resources of the district.

Authority

Participation of the school district in any such activity shall be in accordance with Board policy.[2]

Delegation of Responsibility

The responsibility to coordinate the compilation and preparation of all information necessary to implement this policy is delegated to the Business Manager.

The designated individual shall be responsible for implementing the necessary procedures to establish and maintain a fixed asset inventory, including depreciation schedules. Depreciation shall be computed on a straight-line basis over the useful lives of the assets, using an averaging convention.

Normal maintenance and repairs shall be charged to expense as incurred; major renewals and betterments that materially extend the life or increase the value of the asset shall be capitalized. A schedule of accumulated depreciation shall be consistent from year to year. The basis for depreciation, including groups of assets and useful lives, shall be in writing and submitted for review to the Finance Committee.

The Business Manager shall prepare the required Management Discussion and Analysis (MD&A). The MD&A shall be in the form required by GASB Statement 34 and shall be submitted to the Board for approval, prior to publication.

Prior to submission of the MD&A for Board approval, the district's independent auditors shall review the MD&A, in accordance with SAS No. 52, "Required Supplementary Information."

Guidelines

In order to associate debt with acquired assets and to avoid net asset deficits, any asset that has been acquired with debt proceeds shall be capitalized, regardless of the cost of the asset. The asset life of these

assets shall be considered relative to the time of the respective debt amortizations.

For all other assets not acquired by debt proceeds, the dollar value of any single item for inclusion in the fixed assets accounts shall be not less than \$5,000.

The capitalization threshold shall be set at a level that will capture at least eighty percent (80%) of all fixed assets.

The assets listed below do not normally individually meet capitalization threshold criteria:

1. Library books.
2. Classroom texts.
3. Computer equipment.
4. Classroom furniture.

These asset category costs shall be capitalized and depreciated as groups when that group's acquisition cost exceeds the capitalization threshold in any given fiscal year.

For group asset depreciation purposes, the estimated useful life of the group may be based on the weighted average or simple average of the useful life of individual items, or on an assessment of the life of the group as a whole. Periodically, the district shall review the estimated life of groups of assets and adjust the remaining depreciation life of the group.

Assets that fall below the capitalization threshold for GASB 34 reporting purposes may still be significant for insurance, warranty service, and obsolescence/replacement policy tracking purposes. The district may record and maintain these non-GASB 34 asset inventories in subsidiary ledgers.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Credit Cards |
| Code | 625 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. Pol. 317 5. 24 P.S. 751 6. 24 P.S. 807.1 7. Pol. 610 8. Pol. 611 9. Pol. 417 10. Pol. 517 |
| Adopted | May 15, 2014 |

Authority

The Board approves the use of credit cards for permissible purchases by designated employees to improve the efficiency of purchasing activities, reduce processing expenses, improve controls for small-dollar purchases, and streamline vendor payment. The Board directs the Superintendent to establish safeguards to prevent misuse of such cards.[1]

The Board shall approve the list of employees authorized to use district credit cards.

The Board shall purchase adequate insurance coverage for credit card misuse.

Definition

Credit Card - a charge card designed to reduce the cost and bureaucracy of purchases.

Delegation of Responsibility

A list of authorized users of credit cards shall be maintained in the Business Office and shall include employees in designated positions.

All use of credit cards shall be supervised and monitored on a regular basis by the Business Manager who shall ensure the use of such cards is in accordance with budgeted funds and Board policy.

Proper accounting measures for the use of credit cards shall be developed, distributed, implemented, and monitored by the Business Administrator.

An employee authorized to use a credit card shall maintain adequate security of the card while it is in his/her possession. Under no circumstances may the card be used by another individual.

Guidelines

Each employee using a district credit card shall sign a card usage agreement and receive a copy of applicable policies and procedures.

Credit cards shall be used only for authorized district purchases and shall not be used for personal purchases. The district retains the authority to revoke any credit card if used for unauthorized or personal purposes.

Violations of this policy by an employee may result in disciplinary action, in accordance with Board policy.[2][9][10]

The established procedure for processing purchases by employees using credit cards shall be as follows:

1. Employee deals directly with the vendor.
2. Employee issues purchase order or receive verbal approval from Business Manager.
3. Authorized user verifies receipt of purchased items, reconciles the billing statement with purchases, and attaches itemized receipts.
4. Business Office receives the consolidated invoice for payment, which must be accompanied by itemized receipt(s).
5. Supervisor reviews statement and signs approval.

Purchases on a credit card by an individual employee shall not exceed remaining funds in approved budgeted category unless otherwise authorized.

The following list includes but is not limited to items authorized for purchase, without obtaining bids or quotes, by employees using credit cards:

- Online purchases requiring prepayment by credit card.
- Conference registration.
- Vendor payment to eliminate late fee.

A purchase order is required to encumber purchase prior to use.

Credit cards shall not be used to circumvent the required bidding process or purchase order process in accordance with established Board policy and procedures.[5][6][7][8]

Credit cards shall not be used for purchases that could be anticipated at the beginning of the school year and would circumvent the required bidding process.[5][6]

Individuals are responsible for providing itemized receipts with each statement. Employees who fail to submit an itemized receipt may be required to assume financial responsibility for the purchase.



| | |
|---------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Blackhawk School District Federal Fiscal Compliance |
| Code | 626 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 2 CFR Part 2002. Pol. 8273. Pol. 3174. 2 CFR 200.4305. Pol. 626.16. Pol. 3047. Pol. 3198. Pol. 3369. Pol. 33710. Pol. 62411. Pol. 81312. 2 CFR 200.333-200.33713. Pol. 80014. 34 CFR 75.730-75.73215. 34 CFR 76.730-76.73116. 2 CFR 200.33617. 2 CFR 200.33318. Pol. 113.419. Pol. 21620. Pol. 32421. 2 CFR 200.330-200.33122. 2 CFR 200.33823. 2 CFR 200.339 |
| Adopted | August 18, 2016 |
| Last Reviewed | July 28, 2016 |

Authority

The Board shall ensure federal funds received by the district are administered in accordance with federal requirements, including but not limited to the federal Uniform Grant Guidance.[1]

The Board shall review and approve all applications for federal funds submitted by the district.

Delegation of Responsibility

The Board designates the Superintendent or Federal Programs Coordinator as the district contact for all federal programs and funding.

The Superintendent or designee, in collaboration with the Federal Programs Coordinator and Business Manager, shall establish and maintain a sound financial management system to include internal controls and federal grant management standards covering the receipt of both direct and state-administered federal grants, and to track costs and expenditures of funds associated with grant awards.[1]

The Superintendent, to assist in the proper administration of federal funds and implementation of this policy, may approve additional procedures as attachments to this policy.

Guidelines

The district's financial management system shall be designed with strong internal controls, a high level of transparency and accountability, and documented procedures to ensure that all financial management system requirements are met.

Financial management standards and procedures shall assure that the following responsibilities are fulfilled:

1. Identification – The district must identify, in its accounts, all federal awards received and expended, and the federal programs under which they were received.
2. Financial Reporting – Accurate, current, and complete disclosure of the financial results of each federal award or program must be made in accordance with the financial reporting requirements of the Education Department General Administrative Regulations (EDGAR).
3. Accounting Records – The district must maintain records which adequately identify the source and application of funds provided for federally-assisted activities.
4. Internal Controls – Effective control and accountability must be maintained for all funds, real and personal property and other assets. The district must adequately safeguard all such property and must assure that it is used solely for authorized purposes.
5. Budget Control – Actual expenditures or outlays must be compared with budgeted amounts for each federal award. Procedures shall be developed to establish determination for allowability of costs for federal funds.
6. Cash Management – The district shall maintain written procedures to implement the cash management requirements found in EDGAR.
7. Allowability of Costs – The district shall ensure that allowability of all costs charged to each federal award is accurately determined and documented.

Standards of Conduct

The district shall maintain standards of conduct covering conflicts of interest and the actions of employees and school officials engaged in the selection, award and administration of contracts.[2]

All employees shall be informed of conduct that is required for federal fiscal compliance and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures. [3]

Employees - Time and Effort Reporting

All district employees paid with federal funds shall document the time they expend in work performed in support of each federal program, in accordance with law. Time and effort reporting requirements do not apply to contracted individuals.[4]

District employees shall be reimbursed for travel costs incurred in the course of performing services related to official business as a federal grant recipient.[5]

The district shall establish and maintain employee policies on hiring, benefits and leave and outside activities, as approved by the Board.[6][7][8][9][10][11]

Record Keeping

The district shall develop and maintain a Records Management Plan and related Board policy and administrative regulations for the retention, retrieval and disposition of manual and electronic records, including emails.[12][13]

The district shall ensure the proper maintenance of federal fiscal records documenting:[13][14][15]

1. Amount of federal funds.
2. How funds are used.
3. Total cost of each project.
4. Share of total cost of each project provided from other sources.
5. Other records to facilitate an effective audit.
6. Other records to show compliance with federal program requirements.
7. Significant project experiences and results.

All records must be retrievable and available for programmatic or financial audit.

The district shall provide the federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, the right of access to any documents, papers, or other district records which are pertinent to the federal award. The district shall also permit timely and reasonable access to the district's personnel for the purpose of interview and discussion related to such documents.[16]

Records shall be retained for a minimum of five (5) years from the date on which the final Financial Status Report is submitted, or as otherwise specified in the requirements of the federal award, unless a written extension is provided by the awarding agency, cognizant agency for audit, oversight agency for audit or cognizant agency for indirect costs.[17]

If any litigation, claim or audit is started before the expiration of the standard record retention period, the records shall be retained until all litigation, claims or audits have been resolved and final action taken.[17]

As part of the Records Management Plan, the district shall develop and maintain a records retention schedule, which shall delineate the record retention format, retention period and method of disposal.[13]

The Records Management Plan shall include identification of staff authorized to access records, appropriate training, and preservation measures to protect the integrity of records and data.[13]

The district shall ensure that all personally identifiable data protected by law or regulations is handled in accordance with the requirements of applicable law, regulations, Board policy and administrative regulations.[18][19][20]

Subrecipient Monitoring

In the event that the district awards subgrants, the district shall establish procedures to:[21]

1. Assess the risk of noncompliance.
2. Monitor grant subrecipients to ensure compliance with federal, state, and local laws and Board policy and procedures.
3. Ensure the district's record retention schedule addresses document retention on assessment and monitoring.[13]

Compliance Violations

Employees and contractors involved in federally funded programs and subrecipients shall be made aware that failure to comply with federal law, regulations or terms and conditions of a federal award may result in

the federal awarding agency or pass-through entity imposing additional conditions or terminating the award in whole or in part.[22][23]

PSBA Revision 4/16 © 2016 PSBA

626-Attach-Procurement (1).doc (91 KB)

A 626-Attach-AllowabilityofCosts (1) (2).doc (89 KB)

626-Attach-SubrecipientMonitoring (1) (1).doc (55 KB)

626-Attach-Costs_Obligations_Property (4).docx (29 KB)

626-Attach-CashManagement (1) (1).docx (17 KB)

**ATTACHMENTS TO
BLACKHAWK
SCHOOL DISTRICT
FEDERAL FISCAL
COMPLIANCE**

Note: Districts may continue to comply with the procurement standards in previous federal guidance for two (2) additional fiscal years following the implementation of the new Uniform Grant Guidance (effective December 26, 2014). If the district chooses to use the previous procurement standards, the district must document this decision in their internal procurement policies and procedures. Procurement standards for Food Service programs shall follow the requirements set forth by the USDA and PDE's Division of Food and Nutrition.

Procurement – Federal Programs

This document is intended to integrate standard district purchasing procedures with additional requirements applicable to procurements that are subject to the federal Uniform Grant Guidance regulations and/or U.S. Department of Agriculture (USDA) regulations governing school food service programs. The district maintains the following purchasing procedures, in accordance with federal and state laws, regulations and Board policy. (2 CFR 200.318-200.325; 7 CFR 210.16, 210.19, 210.21, 215.14a, 220.16; 24 P.S. 120, 24 P.S. 504, 24 P.S. 508, 24 P.S. 521, 24 P.S. 607, 24 P.S. 609, 24 P.S. 751, 24 P.S. 807.1; 62 Pa. C.S.A. 4601 et seq; Pol. 610, 611, 612, 613, 808)

Responsibility for Purchasing

The Board has outlined standard district purchasing responsibility, methods of purchasing, price quotations and bid requirements in the following Board policies and their accompanying administrative regulations or procedures:

- Policy 610. Purchases Subject to Bid/Quotation
- Policy 611. Purchases Budgeted
- Policy 612. Purchases Not Budgeted
- Policy 613. Cooperative Purchasing

Purchase Methods

When a request for purchase of equipment, supplies or services has been submitted and approved as outlined below, the procurement method to be used will be determined based on the total cost of the purchase as further outlined below. This procedure outlines how the cost thresholds for determining when the quote or formal bidding procedures that are required by state law as reflected in Policy 610 must be modified when making purchases for federally funded purposes to which the Uniform Grant Guidance or USDA regulations apply, so as to comply with both state and federal requirements. At each point where requirements for food service-related procurement under USDA regulations differ, a note will refer to the Food Service Program Notes at the end of this procedure. Final determination of which purchasing procedures are to be applied is delegated to the Superintendent under the authority of the Board.

Standard Procurement Documents and Purchase Request Process

The district shall use purchase orders and requisitions for purchase requests in accordance with the applicable purchase method.

The district shall use paper and/or electronic purchasing records, which are pre-numbered and are accessible to designated purchasing staff in the Business Office.

Purchase requests by an employee must be submitted to the building administrator or immediate supervisor. Purchase of all budgeted items or items approved by an administrator or supervisor must be initiated by use of a purchase order or requisition submitted to the Board Secretary and Superintendent.

Purchase orders and requisitions shall contain information including, but not limited to:

1. Description of the services to be performed or goods to be delivered.
2. Location of where services will be performed or goods will be delivered.
3. Appropriate dates of service or delivery.

Documentation on purchase orders and requisitions shall be maintained in accordance with the district's Records Management Policy and records retention schedule. (Pol. 800)

Contracts shall be reviewed by the Board Secretary, Third Party Business Management Partner, and Superintendent prior to submission to the Board for approval.

Contracts to which the Uniform Grant Guidance apply shall contain the clauses specified in Appendix II to 2 CFR Part 200 (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards), when applicable.

[See Food Service Program Notes below for specific clauses required by USDA regulations to be included in cost reimbursable procurement contracts.]

Micro-Purchases Not Requiring Quotes or Bidding (up to \$3,500)

For purposes of this procedure, **micro-purchase** means a purchase of equipment, supplies or services for use in federally funded programs using simplified acquisition procedures, the aggregate amount of which does not exceed a base amount of \$3,500. The micro-purchase dollar threshold is adjusted periodically by the federal government, and the threshold most recently established and published in the Federal Register shall apply if other than \$3,500.(48 CFR Subpart 2.1)

Note: The micro-purchase maximum for federal purposes is lower than the amount below which the School Code allows purchase for nonfederal purposes to be made without obtaining at least three (3) written or telephonic quotes or using formal competitive bidding.

The micro-purchase method is used in order to expedite the completion of its lowest dollar small purchase transactions and minimize the associated administrative burden and cost. Procurement by micro-purchase is the acquisition of equipment, supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold.

To the extent practicable, the district distributes micro-purchases equitably among qualified suppliers when the same or materially interchangeable products are identified and such suppliers offer effectively equivalent rates, prices and other terms. The Superintendent and Board Secretary will be responsible to determine the equitable distribution of micro-purchases.

Micro-purchases may be awarded without soliciting competitive quotations if the district considers the price to be reasonable. The district will maintain evidence of this reasonableness in the records of all micro-purchases. **Reasonable** means that sound business practices were followed and the purchase is comparable to market prices for the geographic area. Such determinations of reasonableness may include comparison of the price to previous purchases of the same item or comparison of the price of items similar to the item being purchased.

Even if the cost of a purchase qualifies it as a micro-purchase, bidding or small purchase procedures may be used optionally when those procedures may result in cost savings.

Small Purchase Procedures (between \$3,500 and \$19,400)

For purposes of this procedure, **small purchase procedures** are those relatively simple and informal procurement methods for securing equipment, services, or supplies that cost more than the amount qualifying as a micro-purchase and do not cost \$19,400 or more. Small purchase procedures cannot be used for purchases of equipment or supplies or for construction, repair or maintenance services costing \$19,400 or more because the School Code requires formal competitive bidding at that level of cost.

The base amount at which bidding is required under state law is adjusted for inflation annually, and the amount most recently established and published in the Pennsylvania Bulletin shall apply if other than \$19,400. (24 P.S. Sec. 120)

Because state law does not require bidding for the purchase of services other than construction, maintenance or repairs on school facilities regardless of total cost, small purchase procedures, including a request for proposal (RFP) procedure, may be used for procurement of such other services except when the estimated total cost will be at or over the federal threshold at which formal competitive bidding is required (\$150,000).

[See Food Service Program Notes below for exemption from bidding for purchases of perishable food items costing less than \$150,000.]

If small purchase procedures are used, written or telephonic price or rate quotations are obtained from at least three (3) qualified sources and records of quotes are maintained as provided in Policy 610. (Pol. 610)

Formal Competitive Bidding (\$19,400 or more)

Publicly Solicited Sealed Competitive Bids:

For purchases of equipment or supplies, or of services for construction, maintenance or repairs of school facilities, sealed competitive bids are publicly solicited and awarded to the lowest responsive and responsible bidder as provided in Policy 610 when the total cost is estimated to be \$19,400 or more. (Pol. 610)

Note: The amount at which formal competitive bidding is required by federal regulations is much higher than the base amount at which the School Code requires competitive bidding. Therefore, the lower base amount specified by the School Code, as annually adjusted, is used to determine when bidding will be used for purchases of equipment or supplies, or for obtaining services for construction, maintenance or repairs on school facilities. (24 P.S. Sec. 120)

State law does not require bidding for the purchase of services other than construction, maintenance or repairs on school facilities regardless of total cost. For procurement of such other services for federally funded purposes to which the Uniform Grant Guidance applies, formal competitive bidding will be used when the estimated total cost will be at or over the federal threshold of \$150,000.

The federal competitive bidding dollar threshold is adjusted periodically by the federal government, and the threshold most recently established and published in the Federal Register shall apply if other than \$150,000. (48 CFR Subpart 2.1)

Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. Any or all bids may be rejected if there is a sound documented reason.

[See Food Service Program Notes below for reference to state requirements regarding contracts with food service management companies and contractors of pre-plated meals.]

Competitive Proposals

State law does not require public school entities to solicit competitive bids for services other than construction, repairs or maintenance of school facilities, for which competitive bidding is required if the cost will be a base amount of \$19,400 or more. State law allows competitive proposals relating to work on facilities in lieu of bidding only in the context of guaranteed energy savings contracts.

Federal regulations allow the use of competitive proposals as an alternative when formal bidding would otherwise be required only to procure architectural and engineering services. Other types of services for federally funded purposes to which the Uniform Grant Guidance applies,

professional or otherwise, must be procured using competitive bidding when the cost would meet or exceed the federal threshold for competitive bidding (\$150,000).

In the case of services other than for construction, repairs or maintenance of school facilities costing less than that threshold, the district may use small purchase procedures or micro-purchase procedures as applicable based on total cost. A request for proposal (RFP) process can also meet or exceed the small purchase competition requirements under state law and Policy 610 for the acquisition of services other than for construction, repairs or maintenance of school facilities, and can be used if the total cost will be less than \$150,000.

When permitted, the technique of competitive proposals is normally conducted with more than one (1) source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. Competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The district shall comply with other applicable state and federal law and regulations, Board policy and administrative regulations regarding purchasing; the district may consult with the school solicitor or other qualified counsel in determining the required process for purchasing through competitive proposals when necessary.

If this method is used, the following requirements apply:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.
2. Proposals must be solicited from an adequate number of qualified sources.
3. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

Competitive proposals shall be evaluated by the Superintendent based on factors including but not limited to:

1. Cost.
2. Experience of contractor.
3. Availability.
4. Personnel qualifications.
5. Financial stability.
6. Minority business, women's business enterprise, or labor surplus area firm status.
7. Project management expertise.

8. Understanding of district needs.

Evaluations shall be completed in a timely manner, documented and shall be reviewed by the Board, Superintendent, and school solicitor.

Contract/Price Analysis:

The district performs a cost or price analysis in connection with every procurement action in excess of \$150,000, including contract modifications. (2 CFR Sec. 200.323(a)).

A **cost analysis** generally means evaluating the separate cost elements that make up the total price, while a **price analysis** means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Superintendent must come to an independent estimate prior to receiving bids or proposals. (2 CFR Sec. 200.323(a)). As part of the analysis, the Superintendent will enact established business practices which may include evaluation of similar prior procurements and a review process.

When performing a cost analysis, the Superintendent and Third Party Business Management Partner negotiates profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. (2 CFR Sec. 200.323(b)).

Noncompetitive Proposals (Sole Sourcing)

Procurement by noncompetitive proposals means procurement through solicitation of a proposal from only one (1) source and may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source.
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. An **emergency** exists whenever the time required for the Board to act in accordance with regular procedures would endanger life or property or threaten continuance of existing school classes.
3. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the district.
4. After solicitation of a number of sources, the district determines the competition is inadequate.

In addition to standard procurement policy and procedures, the district will document the grounds for using the noncompetitive method in lieu of an otherwise required competitive method of procurement, which may include written confirmation from the contractor as the sole source of the item. Documentation must be submitted to and maintained by the Business Office.

All noncompetitive proposals will ultimately be approved by the Board. The district may utilize legal advice from the solicitor regarding noncompetitive proposals.

A cost or price analysis will be performed for noncompetitive proposals when the price exceeds \$150,000.

Purchase Cards

The district approves the use of procurement cards for permissible purchases by designated employees to improve the efficiency of purchasing activities, reduce processing expenses, improve controls for small-dollar purchases, and streamline contractor payment.

Procurement cards may be used for purchases under federal programs. The use of procurement cards is governed by Board policy 625 Procurement Cards and established administrative regulations. (Pol. 625)

Full and Open Competition

All procurement transactions must be conducted in a manner providing full and open competition consistent with 2 CFR Sec. 200.319. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

1. Placing unreasonable requirements on firms in order for them to qualify to do business.
2. Requiring unnecessary experience and excessive bonding.
3. Noncompetitive pricing practices between firms or between affiliated companies.
4. Noncompetitive contracts to consultants that are on retainer contracts.
5. Organizational conflicts of interest.
6. Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement.
7. Any arbitrary action in the procurement process.

EDGAR further requires the following to ensure adequate competition.

Minority Businesses, Women's Business Enterprises, Labor Surplus Area Firms

The district must take necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include: (2 CFR Sec. 200.321)

1. Placing qualified small and minority business and women's business enterprises on solicitation lists.
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources.
3. Dividing total purchasing requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business and women's business enterprises.
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises.
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
6. Requiring the prime contractor, if subcontracts are let, to take the affirmative steps listed above.

Geographical Preferences Prohibited

The district must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

[See Food Service Program Notes below for permissibility of geographic preferences and "Buy American" practices in purchasing certain food products]

Prequalified Lists

The district must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure

maximum open and free competition. Also, the district must not preclude potential bidders from qualifying during the solicitation period.

[See Food Service Program Notes below for reference to state requirements regarding contracts with food service management companies and contractors of pre-plated meals.]

Solicitation Language

The district must ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

Avoiding Acquisition of Unnecessary or Duplicative Items

The district must avoid the acquisition of unnecessary or duplicative items. Additionally, consideration must be given to consolidating or breaking out procurements to obtain a more economical purchase; and, where appropriate, an analysis must be made of leases versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

These considerations are given as part of the process to determine the allowability of each purchase made with federal funds. Such considerations are accessible in the procedure attached to Policy 626: Allowability of Costs – Federal Programs.

Use of Intergovernmental Agreements and Cooperative Purchasing

To foster greater economy and efficiency, the district enters into state and local intergovernmental agreements where appropriate for cooperative purchasing or use of common or shared goods and services, as permitted by the Intergovernmental Cooperation Act and the Commonwealth Procurement Code. (Pol. 613; 53 Pa. C.S. Ch. 23; 62 Pa. C.S. Ch. 19)

When procuring supplies or services for federally funded purposes to which the Uniform Grant Guidance applies, the district shall verify that the organization conducting the procurement pursuant to such agreements complies with the applicable requirements and standards of the Uniform Grant Guidance as outlined in this procedure.

Use of Federal Excess and Surplus Property

The district considers the use of federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

Debarment and Suspension

The district awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

[See Food Service Program Notes below for reference to state requirements regarding contracts with food service management companies and contractors of pre-plated meals.]

The district may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$25,000 the district verifies that the contractor with whom the district intends to do business is not excluded or disqualified. (2 CFR Part 200, Appendix II, and 2 CFR Sec. 180.220 and 180.300).

All successful contractors must provide written certification that they have not been suspended or debarred from federal projects. The Third Party Business Management Partner will be responsible for verification. Such verification may include accessing the online federal System for Award Management (SAM) to determine whether any relevant party is subject to any suspension or debarment restrictions.

Maintenance of Procurement Records

The district must maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.

Maintenance of records of procurement will be governed by Board policy 800 Records Management and established administrative regulations. (Pol. 800)

Time and Materials Contracts

The district may use a time and materials type contract only: (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. **Time and materials type contract** means a contract whose cost to the district is the sum of: the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the district must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Settlements of Issues Arising Out of Procurements

The district alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the district of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

Protest Procedures to Resolve Dispute

The district maintains protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency. Protest procedures will be acted on in accordance with current state law and regulations, established district administrative regulations and the advice of the solicitor. (Pol. 610)

Food Service Program Notes:

Exemption from Bidding for Perishable Food Items -

The School Code exempts purchases of perishable food items from bidding requirements. Bidding for perishable food items is required only if the cost would be at or over the federal threshold at which formal competitive bidding is required (\$150,000). Small purchase procedures may be used for purchases below \$150,000, or micro-purchase procedures for purchases below \$3,500. Use of bidding should be considered as an option if it is feasible and likely to result in cost savings.(24 P.S. Sec. 504(d))

Geographic Preferences -

The district is permitted to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products. When a geographic preference is applied, the district has discretion to determine the local area to which the geographic preference option will be applied.

Unprocessed locally grown or locally raised agricultural products means only those agricultural products that retain their inherent character. The effects of the following food handling and preservation techniques shall not be considered as changing an agricultural product into a product of a different kind or character: cooling; refrigerating; freezing; size adjustment made by peeling, slicing, dicing, cutting, chopping, shucking, and grinding; forming ground products into patties without any additives or fillers; drying/dehydration; washing; packaging

(such as placing eggs in cartons), vacuum packing and bagging (such as placing vegetables in bags or combining two (2) or more types of vegetables or fruits in a single package); the addition of ascorbic acid or other preservatives to prevent oxidation of produce; butchering livestock and poultry; cleaning fish; and the pasteurization of milk. (7 CFR Sec. 210.21, 215.14a, 220.16)

Buy American -

The district shall purchase, to the maximum extent practicable, domestic commodities or products for food service purposes. The term **domestic commodity or product** means: (7 CFR Sec. 210.21, 220.16)

1. An agricultural commodity that is produced in the United States; and
2. A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

Mandatory Contract Clauses -

The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts: (7 CFR Sec. 210.21, 215.14a, 220.16)

1. Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority;
2. (a) The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or

(b) The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification;
3. The contractor's determination of its allowable costs must be made in compliance with the applicable departmental and program regulations and Office of Management and Budget cost circulars;
4. The contractor must identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit. If approved by the state agency, the school food authority

may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually;

5. The contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract; and
6. The contractor must maintain documentation of costs and discounts, rebates and other applicable credits, and must furnish such documentation upon request to the school food authority, the state agency, or the department.

Contracts with Food Service Management Companies -

Procedures for selecting and contracting with a food service management company (FSMC) shall comply with guidance provided by the Pennsylvania Department of Education, Division of Food and Nutrition, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts. (7 CFR Sec. 210.16, 210.19, 210.21, 215.14a, 220.16)

Pre-Plated Meals -

Procedures for selecting and contracting with contractors of pre-plated meals shall comply with guidance provided by the Pennsylvania Department of Education, Division of Food and Nutrition, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts. (7 CFR Sec. 210.16, 210.19, 210.21, 220.16)

Allowability of Costs – Federal Programs

Expenditures must be aligned with approved budgeted items. Any changes or variations from the state-approved budget and grant application need prior approval from the state.

Delegation of Responsibility

When determining how the school district will spend its grant funds, the Superintendent and Designee will review the proposed cost to determine whether it is an allowable use of federal grant funds *before* obligating and spending those funds on the proposed good or service.

Allowability Determinations

All costs supported by federal education funds must meet the standards outlined in EDGAR, 2 CFR Part 3474 and 2 CFR Part 200, Subpart E, which are listed below. The Superintendent and Designee must consider these factors when making an allowability determination. A section entitled, *Helpful Questions for Determining Whether Costs are Allowable*, is located at the end of this document.

Part 200 sets forth general cost guidelines that must be considered, as well as rules for specific types of items, both of which must be considered when determining whether a cost is an allowable expenditure of federal funds. The expenditure must also be allowable under the applicable program statute (e.g., Title I of the Elementary and Secondary Education Act (ESEA), or the Carl D. Perkins Career and Technical Education Act (Perkins)), along with accompanying program regulations, nonregulatory guidance and grant award notifications.

Restrictions in state and local rules or policy also must be considered. For example, travel and other job-related expenses incurred by employees are not allowable unless they also are in compliance with Board Policy 331 (Job Related Expenses) and related administrative regulations.

Whichever allowability requirements are stricter will govern whether a cost is allowable.

General allowability determination factors include the following:

1. **Be Necessary and Reasonable for the performance of the federal award.** A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, **reasonable** means that sound business practices were followed, and purchases were comparable to market prices.

When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the district or the proper and efficient performance of the federal award.

- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state and other laws and regulations; and terms and conditions of the federal award.
- Market prices for comparable goods or services for the geographic area.
- Whether the individual incurring the cost acted with prudence in the circumstances considering responsibilities to the district, its employees, its students, the public at large, and the federal government.
- Whether the district significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the federal award's cost. (2 CFR Sec. 200.404)

Whether a cost is **necessary** will be determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the district can demonstrate that the cost addresses an existing need, and can prove it. For example, the school entity may deem a language skills software program necessary for a limited English proficiency program.

When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the federal award program.
 - Whether the cost is identified in the approved budget or application.
 - Whether there is an educational benefit associated with the cost.
 - Whether the cost aligns with identified needs based on results and findings from a needs assessment.
 - Whether the cost addresses program goals and objectives and is based on program data.
2. **Allocable to the federal award.** A cost is allocable to the federal award if the goods or services involved are chargeable or assignable to the federal award in accordance with the relative benefit received. This means that the federal grant program derived a benefit in proportion to the funds charged to the program. (2 CFR Sec. 200.405)

For example, if fifty percent (50%) of a teacher's salary is paid with grant funds, then that teacher must spend at least fifty percent (50%) of his/her time on the grant program.

3. **Consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the school entity.**

4. **Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the federal award.**
5. **Consistent treatment.** A cost cannot be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
6. **Adequately documented.** All expenditures must be properly documented.
7. **Be calculated in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in Part 200.**
8. **Not included as a match or cost-share, unless the specific federal program authorizes federal costs to be treated as such.** Some federal program statutes require the nonfederal entity to contribute a certain amount of nonfederal resources to be eligible for the federal program.
9. **Be the net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the state relate to the federal award, they shall be credited to the federal award, either as a cost reduction or a cash refund, as appropriate. (2 CFR Sec. 200.406)

Selected Items of Cost

Subpart E of Part 200 sets forth principles to be applied in establishing the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost), at 2 CFR Sec. 200.420-200.475. These specific cost items are listed in the chart below along with the citation to the section of Subpart E addressing the allowability of that item. These principles are in addition to the other general allowability standards, and apply whether or not a particular item of cost is properly treated as direct cost or indirect (F&A) cost. Meeting the specific criteria for a listed item does not by itself mean the cost is allowable, as it may be unallowable under other standards or for other reasons, such as restrictions contained in the terms and conditions of a particular grant or restrictions established by the state or in Board policy. If an item is unallowable for any of these reasons, federal funds cannot be used to purchase it.

School district personnel responsible for spending federal grant funds and for determining allowability must be familiar with and refer to the Part 200 selected items of cost section. These rules must be followed when charging these specific expenditures to a federal grant. When applicable, employees must check costs against the selected items of cost requirements to ensure the cost is allowable, and also check state, district and program-specific rules.

The selected item of cost addressed in Part 200 includes the following (in alphabetical order):

| Item of Cost | Citation of Allowability Rule |
|---|--------------------------------------|
| Advertising and public relations costs | 2 CFR § 200.421 |
| Advisory councils | 2 CFR § 200.422 |
| Alcoholic beverages | 2 CFR § 200.423 |
| Alumni/ae activities | 2 CFR § 200.424 |
| Audit services | 2 CFR § 200.425 |
| Bad debts | 2 CFR § 200.426 |
| Bonding costs | 2 CFR § 200.427 |
| Collection of improper payments | 2 CFR § 200.428 |
| Commencement and convocation costs | 2 CFR § 200.429 |
| Compensation – personal services | 2 CFR § 200.430 |
| Compensation – fringe benefits | 2 CFR § 200.431 |
| Conferences | 2 CFR § 200.432 |
| Contingency provisions | 2 CFR § 200.433 |
| Contributions and donations | 2 CFR § 200.434 |
| Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements | 2 CFR § 200.435 |
| Depreciation | 2 CFR § 200.436 |
| Employee health and welfare costs | 2 CFR § 200.437 |
| Entertainment costs | 2 CFR § 200.438 |
| Equipment and other capital expenditures | 2 CFR § 200.439 |
| Exchange rates | 2 CFR § 200.440 |
| Fines, penalties, damages and other settlements | 2 CFR § 200.441 |
| Fund raising and investment management costs | 2 CFR § 200.442 |
| Gains and losses on disposition of depreciable assets | 2 CFR § 200.443 |

| | |
|--|-----------------|
| General costs of government | 2 CFR § 200.444 |
| Goods and services for personal use | 2 CFR § 200.445 |
| Idle facilities and idle capacity | 2 CFR § 200.446 |
| Insurance and indemnification | 2 CFR § 200.447 |
| Intellectual property | 2 CFR § 200.448 |
| Interest | 2 CFR § 200.449 |
| Lobbying | 2 CFR § 200.450 |
| Losses on other awards or contracts | 2 CFR § 200.451 |
| Maintenance and repair costs | 2 CFR § 200.452 |
| Materials and supplies costs, including costs of computing devices | 2 CFR § 200.453 |
| Memberships, subscriptions, and professional activity costs | 2 CFR § 200.454 |
| Organization costs | 2 CFR § 200.455 |
| Participant support costs | 2 CFR § 200.456 |
| Plant and security costs | 2 CFR § 200.457 |
| Pre-award costs | 2 CFR § 200.458 |
| Professional services costs | 2 CFR § 200.459 |
| Proposal costs | 2 CFR § 200.460 |
| Publication and printing costs | 2 CFR § 200.461 |
| Rearrangement and reconversion costs | 2 CFR § 200.462 |
| Recruiting costs | 2 CFR § 200.463 |
| Relocation costs of employees | 2 CFR § 200.464 |
| Rental costs of real property and equipment | 2 CFR § 200.465 |
| Scholarships and student aid costs | 2 CFR § 200.466 |
| Selling and marketing costs | 2 CFR § 200.467 |
| Specialized service facilities | 2 CFR § 200.468 |
| Student activity costs | 2 CFR § 200.469 |

| | |
|-----------------------------------|-----------------|
| Taxes (including Value Added Tax) | 2 CFR § 200.470 |
| Termination costs | 2 CFR § 200.471 |
| Training and education costs | 2 CFR § 200.472 |
| Transportation costs | 2 CFR § 200.473 |
| Travel costs | 2 CFR § 200.474 |
| Trustees | 2 CFR § 200.475 |

Helpful Questions for Determining Whether Costs are Allowable -

In addition to applying the cost principles and standards described above, district staff involved in expending federal funds should ask the following questions when assessing the allowability of a particular cost:

1. Is the proposed cost allowable under the relevant program?
2. Is the proposed cost consistent with an approved program plan and budget?
3. Is the proposed cost consistent with program specific fiscal rules? For example, the school entity may be required to use federal funds only to supplement the amount of funds available from nonfederal (and possibly other federal) sources, or only as a match for funds from nonfederal sources.
4. Is the proposed cost consistent with EDGAR?
5. Is the proposed cost consistent with specific conditions imposed on the grant (if applicable)?
6. Is the proposed cost consistent with the underlying needs of the program? For example, program funds must benefit the appropriate population of students for which they are allocated. This means that, for instance, funds allocated under Title III of the Elementary and Secondary Education Act (ESEA) governing language instruction programs for Limited English Proficient (LEP) students must only be spent on LEP students and cannot be used to benefit non-LEP students.
7. Will the cost be targeted at addressing specific areas of weakness that are the focus of the program, as indicated by available data?

Any questions related to specific costs should be forwarded to the Superintendent and Designee who shall consult with the school solicitor for clarification as appropriate. © 2016
PSBA

Grant Subrecipient Monitoring Procedures – Federal Programs

In the event the district disperses federal funds received through a federal award to other entities and assigns responsibilities to the outside entity to conduct a portion of the work, the district shall be responsible for determining, on a case-by-case basis, whether the agreement with such entity places the outside entity in the role of a subrecipient receiving a subaward of federal funding, or the role of a contractor.

If the district grants subawards of federal funding to other entities as subrecipients, the district shall be responsible for:

1. Evaluating the entity for risk of noncompliance to determine appropriate monitoring practices.
2. Monitoring the subrecipient entity's implementation to ensure compliance with federal, state and local laws, conditions of the federal funding award, and Board policy and procedures.
3. Notifying the subrecipient entity of identified deficiencies found during the monitoring process and ensuring that identified deficiencies are corrected.
4. Documenting and retaining records on subrecipient identification, notification, evaluation, monitoring and corrective actions taken.

Definitions

For purposes of policies and procedures related to federal programs, the following definitions shall apply:

Contract – a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term as used here does not include a legal instrument, even if the entity considers it a contract, when the substance of the transaction meets the definition of a federal program award or subaward. (2 CFR 200.22)

Contractor – an entity that receives a contract, as defined in law and regulations, by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. (2 CFR 200.23)

Pass-through entity – a non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program. The district serves as the pass-through entity in cases where it awards federal funding to a subrecipient as defined in this procedure. (2 CFR 200.74)

Subaward – an award provided by a pass-through entity to a subrecipient in order to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract. (2 CFR 200.92)

Subrecipient – a non-federal entity that receives a subaward to carry out part of a federal program; but does not include an individual that is a beneficiary of such program. (A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.) (2 CFR 200.93)

Subrecipient Versus Contractor

The district must determine, on a case-by-case basis, whether an entity receiving funds from the district as part of a federal funding program serves in a role of subrecipient or contractor. (2 CFR 200.330)

The Superintendent, Federal Programs Coordinator, or Designee/Partner shall be responsible for analyzing the criteria listed in the chart below and evaluating the relationship with the entity based on the substance of the legal agreement, rather than the form of the agreement. The Superintendent may consult with the school solicitor or other qualified counsel in making such determination.

| Subrecipient | Contractor |
|---|--|
| Creates a Federal assistance relationship | Purpose is to obtain goods and services for the non-Federal entity's own use and creates a procurement relationship |
| Determines who is eligible to receive what Federal assistance | Provides the goods and services within normal business operations |
| Has its performance measured in relation to whether objectives of a Federal program were met | Provides similar goods or services to many different purchasers |
| Has responsibility for programmatic decision making | Normally operates in a competitive environment |
| Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and | Provides goods or services that are ancillary to the operation of the Federal program; and |
| In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity (PTE) | Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons |

*chart provided by © American Institute of CPAs (AICPA)

The district shall notify subrecipients that they have been identified as a subrecipient and that the funding qualifies as a subaward. The district shall provide the subrecipient with the following information as specified at 2 CFR Sec. 200.331(a) regarding the federal funding award, and any subsequent changes:

- 1) Federal Award Identification information, including:
 - (i) Subrecipient name (which must match the name associated with its unique entity identifier);

- (ii) Subrecipient's unique entity identifier;
 - (iii) Federal Award Identification Number (FAIN);
 - (iv) Federal Award Date (see §200.39 federal award date) of award to the recipient by the federal agency;
 - (v) Subaward Period of Performance Start and End Date;
 - (vi) Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient;
 - (vii) Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation;
 - (viii) Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;
 - (ix) Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);
 - (x) Name of federal awarding agency, pass-through entity, and contact information for awarding official of the pass-through entity;
 - (xi) CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each federal award and the CFDA number at time of disbursement;
 - (xii) Identification of whether the award is R&D; and
 - (xiii) Indirect cost rate for the federal award (including if the de minimis rate is charged per §200.414 Indirect (F&A) costs).
- 2) All requirements imposed by the pass-through entity on the subrecipient so that the federal award is used in accordance with federal statutes, regulations and the terms and conditions of the federal award;
 - 3) Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the federal awarding agency including identification of any required financial and performance reports;
 - 4) An approved federally recognized indirect cost rate negotiated between the subrecipient and the federal government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient (in compliance with this part), or a de minimis indirect cost rate as defined in §200.414 Indirect (F&A) costs, paragraph (f);

- 5) A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part; and
- 6) Appropriate terms and conditions concerning closeout of the subaward.

Evaluation of Risk

The district shall evaluate each subrecipient's risk of noncompliance with law, regulations and the terms and conditions of the subaward to determine appropriate monitoring practices. (2 CFR 200.331)

The Superintendent, Federal Programs Coordinator, DesigneePartner or designee shall be responsible for evaluating risk based on the following factors:

1. The subrecipient's prior experience with the same or similar subawards;
2. The results of previous audits, including whether the subrecipient receives a single audit and the extent to which the same or similar subaward has been audited;
3. Whether the subrecipient has new personnel, or new or substantially changed systems and processes;
4. The extent and results of any federal award agency's monitoring of the subrecipient.

The Superintendent or designee shall request adequate documentation from the subrecipient to conduct the evaluation of risk; such documentation may include, but shall not be limited to, audit reports and financial reports.

The district shall evaluate subrecipients for risk of noncompliance annually.

Based on the results of the risk evaluation, the district may consider imposing specific conditions on implementation of the subaward, in accordance with applicable law and regulations. (2 CFR 200.207, 200.331)

Monitoring

The district shall monitor the implementation and activities of each subrecipient as necessary to ensure that the subaward is used for authorized purposes, in accordance with law, regulations and the terms and conditions of the subaward. The district shall notify subrecipients of monitoring requirements, and may provide technical assistance to subrecipients in complying with monitoring requirements.

As part of the monitoring process, the district shall complete the following steps: (2 CFR 200.331)

1. Review financial and performance reports required by the district.
2. Follow-up and ensure that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the subaward detected during monitoring through audits, on-site reviews and other means.
3. Issue a management decision for audit findings pertaining to the subaward provided to the subrecipient, in accordance with applicable law and regulations. (2 CFR 200.521)

Monitoring –

The Superintendent, Federal Programs Coordinator, Designee/Partner or designee shall be responsible for monitoring of subrecipients. Monitoring activities may include, but shall not be limited to:

1. Review of progress reports, financial reports and data quality.
2. On-site visits.
3. Review of federal or state debarment lists.
4. Review of other agreed-upon procedures specified in the legal agreement or contract. (2 CFR 200.425)

The district shall verify that subrecipients are audited as required by applicable law and regulations. (2 CFR 200.331, 2 CFR 200.500-200.521, Pol. 619)

Follow-Up Actions –

The Superintendent or designee shall provide subrecipients with written documentation detailing their monitoring results and listing any identified deficiencies. The district shall consider whether the results of monitoring indicate the need to revise existing district policy and procedures. (2 CFR 200.331)

The district shall require subrecipients to take immediate action on issues involving ineligible or illegal use of federal funding, and notify the district of corrective action taken.

The district shall require subrecipients to develop a corrective action plan to address other identified deficiencies or noncompliance issues; such plan shall be submitted to the district as specified in the agreed-upon procedures, and the district shall evaluate and monitor the activities taken by the subrecipient under the corrective action plan. The district may provide technical assistance and/or training to subrecipients in complying with corrective action requirements.

The Superintendent or designee shall maintain all documentation on monitoring of subrecipients and corrective action taken during the monitoring process.

The district shall report issues of noncompliance to the appropriate federal agency where required by law, regulations, or requirements of the federal funding program.

Remedies for Noncompliance –

When monitoring activities identify issues of noncompliance that are not addressed through corrective action, the district may take the following actions: (2 CFR 200.331, 200.338)

1. Impose specific conditions on the subrecipient, in accordance with applicable law and regulations. (2 CFR 200.207)
2. Temporarily withhold cash payments, in accordance with applicable law and regulations.
3. Disallow or deny use of funds for all or part of the cost of the activity or action not in compliance.
4. Wholly or partially suspend or terminate the agreement for the federal award.
5. Recommend that the federal agency initiate suspension and debarment proceedings.
6. Withhold further awards or agreements for the project or program.
7. Take other remedies legally available, in consultation with the school solicitor or other qualified counsel.

Record Retention

The Superintendent, Federal Programs Coordinator, or DesigneePartner shall ensure that all documentation regarding subrecipient identification, notification, evaluation, monitoring activities and corrective action is maintained in accordance with Board policy and procedures. (Pol. 800)

Records shall be retained in accordance with applicable law, regulations, specific requirements of the federal program and the district's records retention schedule. (2 CFR 200.333-200.337, Pol. 800)

Administration of Federal Funds Type of Costs, Obligations and Property Management

The district establishes and maintains Board policies, administrative regulations and procedures on administration of federal funds in federal programs as required by the Uniform Grant Guidance and other federal, state and local laws, regulations and requirements. The district's financial management system includes internal controls and grant management standards in the following areas.

Direct and Indirect Costs

Direct costs – costs that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

Indirect costs – costs incurred for a common or joint purpose benefiting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved.

Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs. (2 CFR Sec. 200.405, 200.413)

Identification with the federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs.

Direct and indirect costs shall be determined in accordance with law, regulations, the terms and conditions of the federal award, and the district's negotiated indirect cost rate.

The district shall develop an indirect cost rate proposal and cost allocation plan in accordance with law, regulations and the terms and conditions of the federal award.

Timely Obligation of Funds

Obligations – orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the district during the same or a future period.

The following table illustrates when funds must be obligated under federal regulations:

| Obligation is for: | Obligation is made: |
|--|--|
| Acquisition of property | On the date on which the district makes a binding written commitment to acquire the property |
| Personal services by a district employee | When the services are performed |

| | |
|---|---|
| Personal services by a contractor who is not a district employee | On the date on which the district makes a binding written commitment to obtain the services |
| Public utility services | When the district receives the services |
| Travel | When the travel occurs |
| Rental of property | When the district uses the property |
| A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 CFR Part 200, Subpart E - Cost Principles | On the first day of the project period |

34 CFR §75.707; 34 CFR §76.707

All obligations must occur between the beginning and ending dates of the federal award project, which is known as the period of performance. The period of performance is dictated by law and regulations and will be indicated in the federal award. Specific requirements for carryover funds may be specified in the federal award and must be adhered to by the district. (2 CFR Sec. 200.77, 200.309)

The district will handle obligations and carry over of state-administered and direct grants in accordance with state and federal law and regulations, and the terms and conditions of the federal award. Carryover will be calculated and documented by the Superintendent.

The district may exercise an extension of the period of performance under a direct grant in accordance with law, regulations and the terms and conditions of the federal award when written notice is provided to the federal awarding agency at least ten (10) calendar days prior to the end of the period of performance. (2 CFR Sec. 200.308(d)(2))

The Superintendent, and Designee will decide when an extension of the period of performance is necessary and will recommend that the Superintendent approve this process.

The Superintendent, and Designee will develop the required written notice, including the reasons for the extension and revised period of performance; the notice will be issued no later than ten (10) calendar days prior to the end of the currently documented period of performance in the federal award.

The district must seek approval from the federal awarding agency for an extension of the period of performance when the extension is not contrary to federal law or regulations, and the following conditions apply:

1. The terms and conditions of the federal award prohibit the extension;
2. The extension requires additional federal funds; or
3. The extension involves any change in the approved objectives or scope of the project. (2 CFR Sec. §200.308)

The Superintendent and Designee will determine when an extension must be requested for approval by the federal awarding agency, draft the written request and notify the Superintendent and Designee of the requested extension.

Management of Property Acquired With Federal Funds

Contract and Purchasing Administration -

The district maintains internal controls, administrative regulations and procedures to ensure that contractors deliver goods and services in accordance with the terms, conditions and specifications of the designated contract, purchase order or requisition.

Property Classifications -

Property shall be classified as **equipment, supplies, computing devices and capital assets** as defined and specified in accordance with law, regulations and Board policy. (Pol. 622)

Inventory Control/Management -

All property purchased with federal funds, regardless of cost, will be inventoried as a safeguard.

Inventory will be received by the department or program requesting the item; designated staff will inspect the property, compare it to the applicable purchase order or requisition, and ensure it is appropriately logged and tagged in the district's property management system.

Items acquired will be physically labeled by source of funding and acquisition date.

Inventory records of equipment and computing devices must be current and available for review and audit, and include the following information:

1. Description of the item, including any manufacturer's model number.
2. Manufacturer's serial number or other identification number.
3. Identification of funding source.
4. Acquisition date and unit cost.
5. Source of items, such as company name.
6. Percentage of federal funds used in the purchase.
7. Present location, use, condition of item, and date information was reported.
8. Pertinent information on the ultimate transfer, replacement or disposition of the item and sale price of the property.

Inventory will be updated as items are sold, lost or stolen, or cannot be repaired, and new items are purchased.

Physical Inventory -

Physical inventory of property will be completed by designated district staff in accordance with applicable federal and state law and regulation and Board policy. (Pol. 622, 706)

The physical inventory of items will be conducted annually, and the results will be reconciled with the inventory records and reported to the federal awarding agency.

Maintenance -

The district establishes adequate maintenance procedures to ensure that property is maintained in good condition in accordance with law, regulation and Board policy. (Pol. 704, 708, 710)

Safeguards -

The district ensures that adequate safeguards are in place to prevent loss, damage or theft of property:

1. Any loss, damage or theft will be reported to the Superintendent Superintendent, and Designee, and investigated and fully documented, and may be reported to local law enforcement.
2. If stolen items are not recovered, the district will submit copies of the investigative report and insurance claim to the federal awarding agency.
3. The district may be responsible for replacing or repairing lost, damaged, destroyed or stolen items.
4. Replaced equipment is property of the originally funded program and should be inventoried accordingly.
5. District property may only be loaned in accordance with Board policy and administrative regulations. (Pol. 707, 708, 710)

Disposition of Property Acquired with Federal Funds –

When the district determines that real property, including land, land improvements structures and accessories thereto, acquired under a federal award is no longer needed for the originally authorized purpose, the district must obtain disposition instructions from the federal awarding agency or pass-through entity administering the program, in accordance with applicable law and regulations. (2 CFR Sec. 200.311)

When the district determines that equipment or supplies acquired under a federal award are no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the Superintendent and Designee

will contact the federal awarding agency or pass-through entity administering the program to obtain disposition instructions, based on the fair market value of the equipment or supplies.

Generally, items with a fair market value of \$5,000 or less that are no longer effective may be retained, sold, purged, or transferred to the district. For items with a fair market value greater than \$5,000, the federal awarding agency is entitled to the federal share of the current market value or sales proceeds.

If the district will be replacing the equipment or supplies, the district may use the existing equipment or supplies as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

The Designee will be responsible for contacting the federal awarding agency and determining the process for disposition of equipment or supplies.

The district may use the following methods in disposing of unnecessary equipment or supplies acquired with federal funds:

1. Public auction and/or online sale – generally conducted by a licensed auctioneer.
2. Salvage – scrap sold to local dealers.
3. Negotiated sale – normally used when disposing of items of substantial value.
4. Sealed bid – normally used for items of substantial value or unique qualities.
5. Pre-priced sale – large quantities of obsolete or surplus equipment or supplies may be sold by this method.
6. Donation to charitable organizations, for equipment or supplies with little to no value.
7. Disposition to trash for equipment or supplies with no value.

The Designee will be responsible for maintaining records of obsolete and surplus property disposed of, and will report to the federal awarding agency when required.

Cash Management – Federal Programs

Generally, the school district receives payment from the Pennsylvania Department of Education (PDE) on a reimbursement basis. In some circumstances, the district may receive an advance of federal grant funds. This attachment addresses responsibilities of the district and district staff under those alternative payment methods. In either case, the district shall maintain accounting methods and internal controls and procedures that assure those responsibilities are met.

Payment Methods

Reimbursements -

The school district will initially charge federal grant expenditures to nonfederal funds.

The Third Party Business Management Partner will request reimbursement for actual expenditures incurred under the federal grants quarterly.

Such requests shall be submitted with appropriate documentation and signed by the requestor.

Requests for reimbursements will be approved by the Superintendent, Third Party Business Management Partner, or Federal Programs Coordinator.

Reimbursement will be submitted on the appropriate form to the PDE portal. All reimbursements are based on actual disbursements, not on obligations. PDE will process reimbursement requests within the timeframes required for disbursement.

Consistent with state and federal requirements, the school district will maintain source documentation supporting the federal expenditures (invoices, time sheets, payroll stubs, etc.) and will make such documentation available for PDE to review upon request.

Reimbursements of actual expenditures do not involve interest calculations.

Advances -

When the district receives advance payments of federal grant funds, it must minimize the time elapsing between the transfer of funds to the district and the expenditure of those funds on allowable costs of the applicable federal program. (2 CFR Sec. 200.305(b)) The district shall attempt to expend all advances of federal funds within seventy-two (72) hours of receipt.

When applicable, the district shall use existing resources available within a program before requesting additional advances. Such resources include program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds. (2 CFR Sec. 305(b)(5))

The district shall hold federal advance payments in insured, interest-bearing accounts.

The school district is permitted to retain for administrative expense up to \$500 per year of interest earned on federal grant cash balances. Regardless of the federal awarding agency, interest earnings exceeding \$500 per year shall be remitted annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using

either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. (2 CFR Sec. 200.305(b)(9))

Pursuant to federal guidelines, interest earnings shall be calculated from the date that the federal funds are drawn down from the G5 system until the date on which those funds are disbursed by the district. Consistent with state guidelines, interest accruing on total federal grant cash balances shall be calculated on cash balances per grant and applying the actual or average interest rate earned.

Remittance of interest shall be responsibility of the Third Party Business Management Partner.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 600 Finances |
| Title | Blackhawk School District Travel Reimbursement - Federal Programs |
| Code | 626.1 |
| Status | Active |
| Legal | 1. 2 CFR 200.474 2. 24 P.S. 516.1 3. 24 P.S. 517 4. Pol. 004 5. Pol. 331 |
| Adopted | July 27, 2017 |

Authority

The Board shall reimburse administrative, professional and support employees, and school officials, for travel costs incurred in the course of performing services related to official business as a federal grant recipient.[1][2][3]

Definition

For purposes of this policy, **travel costs** shall mean the expenses for transportation, lodging, subsistence, and related items incurred by employees and school officials who are in travel status on official business as a federal grant recipient.[1]

Delegation of Responsibility

School officials and district employees shall comply with applicable Board policies and administrative regulations established for reimbursement of travel and other expenses.[4][5]

The validity of payments for travel costs for all district employees and school officials shall be determined by the

Superintendent or designee.

Guidelines

Travel costs shall be reimbursed on a mileage basis for travel using an employee's personal vehicle and on an actual cost basis for meals, lodging and other allowable expenses, consistent with those normally allowed in like circumstances in the district's nonfederally funded activities, and in accordance with the district's travel reimbursement policies and administrative regulations.[1][4][5]

Mileage reimbursements shall be at the rate approved by the Board for other district travel reimbursements. Actual costs for meals, lodging and other allowable expenses shall be reimbursed only to the extent they are reasonable and do not exceed the per diem limits established by the Board.

All travel costs must be presented with an itemized, verified statement prior to reimbursement.[2][3]

In addition, if these costs are charged directly to the federal award, documentation must be maintained that justifies that:[1][4][5]

1. Participation of the individual is necessary to the federal award.
2. The costs are reasonable and consistent with the district's established policy.

PSBA New 4/16 © 2016 PSBA



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 700 Property |
| Title | Facilities Planning |
| Code | 701 |
| Status | Active |
| Legal | 1. 22 PA Code 4.13 2. Pol. 100 3. 24 P.S. 1351 4. 24 P.S. 701 5. 24 P.S. 704 6. 42 U.S.C. 12101 et seq |
| Adopted | September 21, 2006 |

Authority

The Board shall develop and maintain a Strategic Plan, as required by State Board of Education regulations. Involvement of the Board, staff, community, businesses and parents/guardians is an important part of this process. Facilities planning is a primary component of strategic planning.[1][2]

The Board shall periodically conduct a census of all children from birth to eighteen (18) years living in the district. The Board shall employ as many enumerators or attendance officers as necessary.[3]

Delegation of Responsibility

In order to inform the Board of the district's future needs, the Superintendent or designee shall:

1. Prepare a written description of existing physical facilities.
2. Periodically report to the Board on the number of new residential units approved or planned.
3. Report to the Board on the enrollment by grades during the school year.
4. Estimate each spring the number of students who will be enrolled in the district's schools in September of the year for which the estimate is made.
5. Prepare student population projections and compare the actual population figures to the previously projected figures to detect early any changes in population trends.

Guidelines

Information gathered in the census shall include for each child the name and address of the parents/guardians; name and location of the school in which the child could be assigned; name and address of any employer of a child under eighteen (18); child's name, date of birth, age, gender, nationality, address; and other information the Board may require to operate the district efficiently and equitably.[3]

When planning to enlarge or modify its facilities, the Board shall consider not only the number of students whose educational needs must be met, but also the physical requirements of the programs it deems best suited to meet those needs.[4][5]

Each school building and site shall provide suitable accommodations to carry out the educational program, including provision for the handicapped/disabled, pursuant to law and regulations.[6]



| | |
|---------|-------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 700 Property |
| Title | Gifts, Grants, Donations |
| Code | 702 |
| Status | Active |
| Legal | 1. 24 P.S. 216 2. Pol. 706 |
| Adopted | September 21, 2006 |

Purpose

The Board recognizes that individuals, businesses and community organizations may wish to contribute supplies and equipment to enhance or extend the programs in the schools.

Authority

The Board has the authority to accept gifts and donations made to the school district or to any district school.[1]

The Board reserves the right to refuse to accept any gift that does not contribute to achievement of district goals or when such ownership would adversely affect the district.[1]

Any gift accepted by the Board or its designee shall become district property, may not be returned without Board approval, and is subject to the same controls and regulations as are other district properties.[1]

The Board shall be responsible for the maintenance of any gift it accepts, unless otherwise stipulated.

The Board shall make every effort to honor the intent of the donor in the use of the gift, but it reserves the right to utilize any gift in the best interests of the district's educational program.[1]

In no case shall acceptance of a gift be considered an endorsement by the Board of a commercial product, business enterprise, or institution of learning.

All gifts shall be recorded in the appropriate inventory listing and property records.[1][2]

Delegation of Responsibility

The Superintendent or designee shall:

1. Encourage individuals and organizations considering a contribution to consult with the principal or Superintendent before appropriating funds.
2. Report to the Board all gifts accepted on behalf of the Board.
3. Acknowledge the receipt and value of any gift accepted by the school district.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 700 Property |
| Title | Sanitary Management |
| Code | 703 |
| Status | Active |
| Legal | 1. 24 P.S. 701 |
| Adopted | September 21, 2006 |

Purpose

The Board recognizes that safeguarding the health and physical well-being of district students depends upon the cleanliness and proper sanitary conditions of the school buildings and grounds.

Authority

The Board directs that a program of sanitary management shall be maintained in all district buildings and explained periodically to staff members.[1]

The Board directs that standards be maintained to meet requirements set forth by the Pennsylvania Department of Health, Department of Labor & Industry, and any local agency that has jurisdiction.

Delegation of Responsibility

All district facilities shall be inspected regularly for cleanliness and proper sanitation by the Superintendent or designee.

The Superintendent or designee shall develop and supervise a program for the cleanliness and sanitary management of school buildings, school grounds and school equipment pursuant to statute, State Board regulations and requirements of the local and state Boards of Health and the Department of Labor & Industry.

Cleanliness of each school building shall be the responsibility of the head custodian.

Teachers shall be responsible for the condition of their classrooms.

Principals shall inspect facilities at least once per month, and report to the Superintendent or designee any conditions that may threaten the comfort, health or safety of occupants.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 700 Property |
| Title | Maintenance |
| Code | 704 |
| Status | Active |
| Legal | 1. 24 P.S. 701 |
| Adopted | September 21, 2006 |

Purpose

Adequate maintenance of buildings, property and equipment is essential to fiscal responsibility and efficient management of district facilities.

Authority

The Board directs that a continuous program of inspection and maintenance of all district buildings, property and equipment be established and implemented. Wherever possible, maintenance shall be preventive.[1]

Delegation of Responsibility

The Superintendent or designee shall develop and supervise a maintenance program which shall include:

1. Regular program of facilities repair and conditioning.
2. Critical spare parts inventory.
3. Equipment replacement program.
4. Long-range plans for building modernization and conditioning.

The Superintendent or designee shall develop guidelines necessary for maintenance, repair and improvement of physical facilities.

Each building principal, in conjunction with the building maintenance employee, shall conduct a physical inspection of the building on a periodic basis and return a written report to the Superintendent or designee as to the findings of that inspection.

The Superintendent shall report annually to the Board regarding the current maintenance and improvement program.



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 700 Property |
| Title | Facilities and Workplace Safety |
| Code | 705 |
| Status | Active |
| Legal | 1. Pol. 113 2. Pol. 113.1 3. Pol. 218 4. Pol. 317 5. Pol. 907 6. Pol. 805 7. 24 P.S. 223 8. 34 PA Code 129.1001 et seq 9. 72 P.S. 1722-J 10. 77 P.S. 1038.2 24 P.S. 510 24 P.S. 1517 24 P.S. 1518 |
| Adopted | September 21, 2006 |
| Last Revised | January 14, 2021 |

Purpose

The Board recognizes that district facilities must be maintained and operated in a condition that prioritizes the safety of students, staff and visitors.

Authority

The Board directs the district to provide facilities and equipment for the safe conduct of the educational programs and operations of the schools, in accordance with guidance issued by state and local officials, and the Board-approved health and safety plan.

The Board requires that all students, staff and visitors adhere to state and local health and safety orders, Board policy, administrative regulations and Board-approved plans requiring face coverings or other protective devices where needed for safety purposes. Violation of this policy and school safety rules may result in disciplinary action, in accordance with law, regulations or Board policy, or denial of entry to district buildings and property, except where accommodations are deemed reasonable and necessary for individuals with disabilities or for medical conditions.[1][2][3][4][5]

Delegation of Responsibility

The Superintendent or designee shall periodically review and evaluate district health and safety rules and health and safety plans, as necessary.[6]

Administrators shall ensure that all staff and students are informed of health and safety rules at the beginning of the school year and whenever conditions and requirements change. Administrators shall provide ongoing education and post signage to assist staff and students in complying with health and safety rules.[7]

Guidelines

Certified Workplace Safety Committee

A workplace safety committee shall be established to promote the district's goals concerning safe schools. [7][8][9][10]

The workplace safety committee shall be composed of a minimum of four (4) members, including two (2) district administrators and two (2) employee representatives.

If the number of members on the workplace safety committee exceeds four (4), the committee shall be composed of an equal number of administrators and employees unless otherwise agreed upon by both groups. The district administrators shall not constitute a majority of the workplace safety committee.

It shall be the responsibility of the workplace safety committee to:

1. Evaluate the current safety program.
2. Establish procedures for conducting and documenting the findings of periodic inspections to locate and identify safety and health hazards.
3. Make recommendations to correct hazards.
4. Review, in a timely manner, incident and accident report and investigation forms.
5. Conduct follow-up evaluations on the effectiveness of new health and safety equipment or safety procedures.

A quorum of the workplace safety committee members shall meet at least once a month.

The workplace safety committee shall develop and maintain operating procedures, membership lists, committee meeting agendas, attendance lists and minutes of each meeting.

All decisions of the committee shall be made by majority vote of members present.

The Superintendent or designee shall ensure that a qualified trainer provides all committee members with adequate, annual training in safety committee structure and operation, hazard detection and inspection, and accident and illness prevention and investigation.

The Superintendent or designee shall maintain written records of workplace safety committee training.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 700 Property |
| Title | Property Records |
| Code | 706 |
| Status | Active |
| Legal | 1. Pol. 708 2. Pol. 710 |
| Adopted | September 21, 2006 |

Purpose

The Board recognizes that adequate property and inventory records must be maintained on all buildings, equipment, and physical property under district control.

Authority

The Board directs that a complete inventory, by physical count, of all district-owned equipment and property records of all district buildings and grounds shall be maintained and updated at intervals that coincide with property insurance renewal.

Delegation of Responsibility

It shall be the responsibility of the Business Manager to ensure that equipment inventories are systematically and accurately recorded, updated, and adjusted annually by reference to purchase orders and withdrawal reports. Property records of facilities shall be maintained on an ongoing basis.

The Business Manager shall maintain a system of property records which shall show, as appropriate to the item recorded:

1. Description and identification.
2. Manufacturer.
3. Year of purchase.
4. Initial cost.
5. Location.
6. Condition and depreciation.
7. Current valuation, in conformity with insurance requirements.

Guidelines

Major items of equipment shall be subject to annual physical spot check inventory to determine loss, location or depreciation; any major loss shall be reported to the Board.

Records of consumable supplies shall be maintained on a continuous inventory basis.

No equipment shall be removed for personal or nonschool use, except in accordance with Board policy.[1][2]

Equipment shall be identified with a permanent tag that provides appropriate school district identification.



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 700 Property |
| Title | Use of School Facilities |
| Code | 707 |
| Status | Active |
| Legal | 1. 24 P.S. 775 2. 24 P.S. 510.2 3. 24 P.S. 511 4. 18 Pa. C.S.A. 6306.1 5. 20 U.S.C. 7972 6. 20 U.S.C. 7973 7. Pol. 904 8. 10 P.S. 328.101 et seq 9. 61 PA Code 901.701 24 P.S. 779 20 U.S.C. 7905 20 U.S.C. 7971 et seq 61 PA Code 901.1 |
| Adopted | September 21, 2006 |
| Last Revised | January 14, 2021 |

Purpose

The Board recognizes that although the primary purpose of the school buildings, facilities and property is to provide students with an appropriate learning environment, the Board may make school facilities available to individuals and community groups without discrimination and in accordance with this policy, provided the use does not interfere with the educational program of the schools. This policy establishes conditions, restrictions and procedures for the use of school facilities for nonschool-sponsored purposes.

Authority

The Board directs that use of school facilities may be granted to individuals and community groups for the following types of activities:

1. Instruction in any branch of education, learning and the arts, consistent with the district's mission.
2. Social, civic and recreational meetings and entertainment, and other uses pertaining to the welfare of the community; but such use shall be non-exclusive and open to the public without charge.
3. Polling places for holding primaries, elections and special elections, as permitted or required by state law.
4. Recreation, physical training and athletics, including competitive athletic contests for children and adults.

The Board shall establish a schedule of fees for the use of school facilities by approved groups.[1]

Delegation of Responsibility

The Superintendent shall ensure that this policy is posted on the district's publicly accessible website.[2]

The Superintendent or designee shall implement administrative regulations or procedures for requesting and granting permission for use of school facilities and shall distribute the necessary information to individuals affected by them.

An application for use of school facilities may be disapproved because of noncompliance with established policy and procedures by the Superintendent, Athletic Director, and Supervisor of Buildings and Grounds.

Guidelines

Application Process

An individual or community group requesting permission to use school buildings, facilities or school property must submit a written request on the prescribed application form at least ten (10) days in advance of the proposed date to the Superintendent and Athletic Director.

The application must specify the portion of the school facilities requested for use; proposed activities; number of individuals participating; and the date, time and duration of the proposed event.

Prohibited Activities

The following activities are strictly prohibited in school facilities when individuals and community groups are granted written permission to use said school facilities:[3]

1. Possession, use or distribution of controlled substances prohibited by state or federal law.
2. Possession of weapons.
3. Conduct that would alter, damage or be injurious to any district property, equipment or furnishings.
4. Conduct that would constitute a violation of the Pennsylvania Crimes Code, and/or state and federal laws and regulations.
5. Use of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, as defined in the law, except as expressly permitted in designated areas which must be located at least fifty (50) feet from school buildings, stadiums and bleachers.[4][5][6][7]

Products approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, are permitted, as long as the product is not inhaled.

6. Medical marijuana products as prohibited by federal law.
7. Possession, use or distribution of alcoholic beverages.
8. Gambling, games of chance, lotteries, raffles or other activities requiring a license under the Local Option Small Games of Chance Act, unless such activity has been expressly authorized by the Board or administration.[8][9]

Violations

The district reserves the right to remove from district premises any individual or community group who fails to comply with the terms and conditions of this policy and established procedures.[3]

In the event an individual or community group violates this policy or the terms under which permission was granted to use school facilities, that individual or community group forfeits the right to submit future written requests to use district property, unless otherwise decided by the Board.

Fee Schedule

Use of school facilities for activities directly related to the educational program and district operations shall be without cost to users, except that the user shall be responsible for extra custodial fees.



| | |
|---------|--------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 700 Property |
| Title | Lending of Equipment and Books |
| Code | 708 |
| Status | Active |
| Legal | 1. 24 P.S. 801 2. Pol. 707 |
| Adopted | September 21, 2006 |

Purpose

The Board directs that district-owned equipment shall not be loaned for nonschool use off school property. If equipment is required for use by those granted permission to use school facilities, it may be loaned in accordance with Board policy.[1][2]

Delegation of Responsibility

Use of specific items of equipment, when unobtainable elsewhere, may be granted on the written request of the intended user and approval by the Superintendent.

The user of district-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use and shall be responsible for its safe return.

Guidelines

When equipment authorized for lending requires the services of an operator, the user shall employ the person designated by the district and shall pay the stated cost of services.

School equipment may be removed from school property by students or staff members only when such equipment is necessary to accomplish tasks relevant to their school or job responsibilities. Prior approval of the principal is required for such removal.

Removal of school equipment from school property for personal use by staff or students is prohibited.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 700 Property |
| Title | Building Security |
| Code | 709 |
| Status | Active |
| Adopted | September 21, 2006 |

Purpose

The Board recognizes the need to maintain security of school facilities for reasons of safety, vandalism and theft. The buildings and equipment owned by the district shall be protected from theft and vandalism in order to maintain optimum conditions for carrying out the educational programs.

Authority

The Board authorizes the Superintendent to install metal detectors and other security devices in order to assist in the detection of firearms and weapons on district property.

Delegation of Responsibility

Toward this end, a program of building security shall be administered by the Superintendent or designee, with the cooperation of building principals.

The need for access shall be the underlying principle in determining who will have keys to school properties.

The Superintendent or designee shall determine who is entitled to building(s) keys and who may have after hours access to district facilities.

The Superintendent shall develop and supervise a program for the security of the school buildings, school grounds, and school equipment. Such program may include video surveillance equipment in appropriate public areas in and around the schools and other district facilities.

Guidelines

After the start of the school day, access to the building shall be limited to one entrance. All other entrances shall be locked.

Access to school buildings and grounds shall be established in accordance with the following guidelines:

Unlimited Access

1. Superintendent.
2. Assistant Superintendent.
3. Supervisor of Buildings and Grounds.
4. Athletic Director.
5. Maintenance Staff.

Limited Access

1. Building principals to assigned building.
2. Assistant principals to assigned building.
3. Head building custodians to assigned building.
4. Extracurricular sponsors or supervisors for their area or activity.

Possession of keys by personnel shall be in accordance with the following guidelines:

1. A log of key assignments shall be maintained in the Superintendent's or a designated office.
 2. Individuals assigned keys may not duplicate or lend them.
 3. All keys must be surrendered when no longer needed or upon request of the Superintendent or designee.
 4. Loss of a key must be reported immediately to the Superintendent or designee.
 5. Overnight key loans may be made by request to the Superintendent or designee.
 6. Use of keys for unauthorized purposes will result in surrender of keys.
 7. A set of master and/or duplicate keys shall be kept in the custody of the Superintendent or designee.
- After hours entry to school buildings shall be controlled in accordance with these guidelines:
1. The building custodian on duty shall restrict entry to one controlled point, with the exception of special events.
 2. Entry to a school building shall be prohibited when a person authorized as representative for the building is not present.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 700 Property |
| Title | Use of Facilities by Staff |
| Code | 710 |
| Status | Active |
| Legal | 1. Pol. 707 |
| Adopted | September 21, 2006 |

Authority

The Board establishes that school equipment and facilities may not be used by district staff for personal reasons, either on or off school property, without explicit authorization or administrative permission.

The Board specifically prohibits personal use of district telephones, personal use of materials, tools, supplies and equipment, and personal use of district vehicles.

Guidelines

District facilities and equipment shall be available for staff use only if in accordance with provisions of an applicable collective bargaining agreement or a valid use of facilities permit has been issued.[1]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 700 Property |
| Title | Vandalism |
| Code | 713 |
| Status | Active |
| Adopted | September 21, 2006 |

Authority

The Board has the authority to offer a reward for information leading to the apprehension, arrest and/or conviction of any person(s) responsible for willfully or maliciously breaking into, entering, defacing, writing, marking any building owned by the district; defacing, injuring, damaging or destroying any school furniture, books, paper, maps, charts, apparatus, or any other property contained in any district building; injuring, damaging, or destroying any shade trees, shrubbery, fences or any other property upon the grounds or playgrounds owned by the district.

Guidelines

Any information related to possible vandalism shall be submitted to the Superintendent or designee. All information received shall be held and used in strict confidence and used only when required for prosecution of the offender(s) before a magistrate or court of record. A reward shall be paid by the district on conviction of the offender.

The amount of reward shall be determined by the Board, on an ad hoc basis, taking into account the value of the property involved and the nature and extent of damage.

The final determination as to which person(s) shall be eligible to receive all or part of a reward shall be vested in the sole discretion of the Board. The Board's decision shall be final.

Notice of the reward shall be posted in the various school buildings of the district and by such other methods as the Board deems necessary.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 700 Property |
| Title | Use of Fax Machines |
| Code | 715 |
| Status | Active |
| Adopted | September 21, 2006 |

Purpose

FAX communications allow for instant communication similar to telephone conversations and also create a permanent record.

Authority

FAX transmissions may be considered public documents and, as such, must be treated accordingly. Verification of authenticity, secure handling, time and place of receipt, and use of FAX documents are of utmost concern to the Board.

Delegation of Responsibility

The Superintendent or designee shall designate the employees responsible for sending and receiving FAX communications in order to ensure that information reaches its intended destination and remains confidential.

Guidelines

All FAX messages shall be properly logged and stored.

All FAX messages sent shall be accompanied by a transmittal sheet that includes the school district's name and cautions that it is intended to be privileged and confidential and for the use of the individual or entity named on the transmittal sheet.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 700 Property |
| Title | Integrated Pest Management |
| Code | 716 |
| Status | Active |
| Legal | 1. 22 PA Code 4.12 2. Pol. 102 3. 24 P.S. 772.1 8. 3 P.S. 111.21 et seq 9. 7 PA Code 128.1 et seq |
| Adopted | September 21, 2006 |

Purpose

The school district shall utilize integrated pest management procedures to manage structural and landscape pests and the toxic chemicals used for their control in order to alleviate pest problems with the least possible hazard to people, property and the environment.

The district shall integrate IPM education into the curriculum in accordance with relevant academic standards.[1][2]

Definitions

Integrated Pest Management (IPM) is the coordinated use of pest and environmental information to design and implement pest control methods that are economically, environmentally and socially sound. IPM promotes prevention over remediation and advocates integration of at least two (2) or more strategies to achieve long-term solutions.

Integrated Pest Management Plan is a plan that establishes a sustainable approach to managing pests by combining biological, cultural, physical and chemical tools in a way that minimizes economic, health and environmental risks.[3]

Authority

The Board establishes that the school district shall use pesticides only after consideration of the full range of alternatives, based on analysis of environmental effects, safety, effectiveness and costs.[8][9]

The Board shall adopt an Integrated Pest Management Plan for district buildings and grounds that complies with policies and regulations promulgated by the Department of Agriculture.[3]

Delegation of Responsibility

The Superintendent or designee shall be responsible to implement integrated pest management procedures and to coordinate communications between the district and the approved contractor.

The Board shall designate the Buildings and Grounds Supervisor to serve as IPM coordinator for the district.

The Superintendent or designee shall be responsible to annually notify parents/guardians of the procedures for requesting notification of planned and emergency applications of pesticides in school buildings and on school grounds.[3]

Appropriate personnel involved in making decisions relative to pest management shall participate in update training.

Guidelines

Pest management strategies may include education, exclusion, sanitation, maintenance, biological and mechanical controls, and site appropriate pesticides.

An integrated pest management decision shall consist of the following five (5) steps:

1. Identify pest species.
2. Estimate pest populations and compare to established action thresholds.
3. Select the appropriate management tactics based on current on-site information.
4. Assess effectiveness of pest management.
5. Keep appropriate records.

An Integrated Pest Management Plan shall include the education of staff, students and the public about IPM policies and procedures.

When pesticide applications are scheduled in school buildings and on school grounds, the district shall provide notification in accordance with law, including:[3]

1. Posting a pest control sign in an appropriate area.
2. Providing the pest control information sheet to all individuals working in the school building.
3. Providing required notice to all parents/guardians of students who have requested notification of individual application of pesticides.

Where pests pose an immediate threat to the health and safety of students or employees, the district may authorize an emergency pesticide application and shall notify by telephone any parent/guardian who has requested such notification.[3]

The district shall maintain detailed records of all chemical pest control treatments for at least three (3) years. Information regarding pest management activities shall be available to the public at the district's administrative office.[3]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 700 Property |
| Title | Service Animals in Schools |
| Code | 718 |
| Status | Active |
| Legal | 1. 28 CFR 35.104 2. 28 CFR 35.136 3. 43 P.S. 953 4. 29 U.S.C. 794 5. 42 U.S.C. 12101 et seq 6. 28 CFR 35.130 7. Pol. 103.1 8. Pol. 113 9. 3 P.S. 455.1 et seq 10. Pol. 904 11. Pol. 104 12. Pol. 906 28 CFR Part 35 29 CFR Part 1630 Pol. 103 Pol. 707 |
| Adopted | May 23, 2017 |

Purpose

The Board adopts this policy to ensure that individuals with disabilities are permitted to participate in and benefit from district programs, activities and services, and to ensure that the district does not discriminate on the basis of disability.

Definition

Service animal means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability.[1]

Miniature horses may be utilized as **service animals** if:[2]

1. The service animal is individually trained to do work or perform tasks for the benefit of an individual with a disability.
2. The facility can accommodate the type, size and weight of the service animal.
3. The presence of the service animal does not compromise the safe operation of the facility.

The work or tasks performed by a **service animal** shall be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.[1]

The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of this definition.[1]

Authority

The Board shall permit individuals with disabilities to use service animals in district buildings; on district property; and on vehicles that are owned, leased or controlled by the school district, in accordance with this policy and applicable state and federal laws and regulations.[3][4][5][6]

Guidelines

Admission of Service Animals to Schools

A student or an employee with a disability may submit a request to bring a service animal to school for educational or employment purposes. A student or employee seeking to bring a service animal to school must comply with the requirements as set forth in this policy and any administrative regulations governing this issue.

Parents/Guardians of students with disabilities may submit a request to the building principal for their student to bring a service animal to school. The building principal shall forward the request to the appropriate Section 504 or IEP team. The team shall gather the necessary information and evaluate the request to bring a service animal to school. Any service animal accompanying a student with a disability to school or school activities shall be handled and cared for in a manner detailed in the student's IEP or Section 504 Service Agreement.[7][8]

Before a service animal shall be allowed in a district building, or on district property or vehicles, the district shall request the following documentation from the owner or handler of the animal:[6]

1. Verification of the need for a service animal.[2]
2. Description of the function(s) the service animal is trained to perform in relation to the individual's disability.[2]
3. Proof of current vaccinations and immunizations of the service animal.[9]

Admission of Service Animals to Public Events

Individuals with disabilities may be accompanied by their service animals while on district property for events that are open to the general public. This right of access does not extend to the schools generally or to other activities that are not open to the general public.[3][2][10]

School administrators may inquire of the owner or handler of an animal whether the animal is required because of a disability and the specific tasks that the animal has been trained to perform, but shall not ask questions about an individual's disability.[2]

The district shall not require an owner or handler of a service animal to pay an extra charge for the animal to attend events for which a fee is charged.[2]

Delegation of Responsibility

The Superintendent or designee shall develop and disseminate administrative regulations to implement Board policy and accommodate individuals with disabilities requesting use of a service animal in district buildings and on district property and vehicles.

The designated administrator shall ensure that all individuals involved in a situation where a service animal will regularly accompany an individual in district buildings or on district property or vehicles are informed of the Board policy and administrative regulations governing this issue. Involved individuals can include administrators, appropriate employees, student and parent/guardian.

The owner or handler of a service animal shall be solely responsible for:

1. Supervision and care of the animal, including any feeding, exercising, clean up and stain removal.[2]
2. Control of the animal at all times through the use of a harness, leash, tether or by other effective means.
3. Damages to district buildings, property and vehicles caused by the animal.
4. Injuries to students, employees, volunteers and visitors caused by the animal.
5. Annual submission of documentation of vaccinations and immunizations.

The building principal shall receive and forward to the

Superintendent

each completed request by an individual with a disability to be accompanied by a service animal. The Superintendent shall respond to the request.

District administrators may exclude a service animal from district buildings, property and vehicles under the following circumstances:

1. Presence of the animal poses a direct threat to the health and safety of others.
2. Owner or handler is unable to control the animal.
3. Animal is not housebroken.
4. Presence of the animal would require a fundamental alteration to the program.

Any individual with a service animal who is aggrieved by a decision to exclude, limit or remove a service animal may appeal that decision in accordance with applicable Board policy. The appeal must be in writing and provide detailed information regarding the basis of the appeal.[7][11][12]



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Electronic Signatures/Records |
| Code | 800.1 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 73 P.S. 2260.101 et seq2. 15 U.S.C. 7001 et seq3. 73 P.S. 2260.301 et seq4. Pol. 8005. 15 U.S.C. 70066. 73 P.S. 2260.1037. Pol. 8158. 73 P.S. 2260.5029. 73 P.S. 2260.30510. 73 P.S. 2260.30611. 21 P.S. 483.1 et seq12. Pol. 716 |
| Adopted | June 17, 2021 |

Purpose

Under certain conditions, electronic records and signatures satisfy the requirements of a manual record and/or signature when transacting business. The Board recognizes that the effectiveness of electronic records and signatures depends upon the authenticity and reliability of the signatures and the context in which the electronic records are created, transferred and stored. Therefore, the Board adopts this policy to allow for the use of and acceptance of electronic records and signatures and to establish the guidelines under which electronic signatures may be utilized by the district.[1]

Authority

The Board authorizes the use of electronic signatures in place of manual signatures to conduct district business unless a manual signature is required by law or regulations. Electronic signatures shall have the full force and effect of a manual signature when used in accordance with this policy and applicable law and regulations.[1]

Electronic records filed with or issued by the district shall have the full force and effect of paper records when the requirements of this policy and applicable law and regulations are satisfied.[2][3][4]

This policy applies to the use of electronic records and signatures when permitted or required in connection with district programs and operations.

Definitions

Electronic record – any record created, generated, sent, communicated, received, or stored by electronic means.[4][5][6]

Electronic signature – an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. More simply, it is a paperless means of committing to a contract or other document in a manner that indicates the signer's intent to bind themselves and/or the district.[5][6]

Delegation of Responsibility

The Superintendent or designee shall develop administrative regulations to direct staff on the parameters for authorized use of electronic signatures related to district programs and operations.

Guidelines

Electronic Recordkeeping

The maintenance of electronic records and signatures by the district shall comply with the electronic recordkeeping requirements of state and federal laws and regulations and the district's Records Management Plan.[4][7]

Electronic records created or received by the district shall be appropriately attributed to the individual(s) responsible for their creation, authorization and/or approval.

The district may specify the type of electronic signature required on an electronic record, the manner and format in which the electronic signature must be affixed to the electronic record, and the criteria that must be met when an individual uses a third party to file a document if electronic records must be signed by electronic means.[8]

The district shall implement and maintain electronic recordkeeping systems to securely receive, store, and reproduce electronic records and signatures relating to transactions in their original form.[6][9][10]

Such a system shall allow the district to implement:

1. A security procedure for the purposes of verifying that an electronic signature is that of a specific person or for detecting changes or errors in the information in an electronic record.
2. Appropriate control processes and procedures to ensure adequate preservation, disposition, integrity, security, confidentiality and auditability of electronic records.[8]
3. A consistent manner and format in which the electronic records must be created, generated, sent, communicated, received and stored.[8].

Electronic Signatures

An electronic signature may be used if the law requires a signature unless there is a specific law, regulation, or order that requires records to be manually signed. The issuance and/or acceptance of an electronic signature by the district shall be permitted in accordance with the provisions of this policy and all applicable state and federal laws and regulations. Such electronic signature shall have the full force and effect of a manual signature only if the electronic signature satisfies all of the following requirements:[1][2][11][12]

1. The signing employee is authorized to manually sign the document on behalf of the district.
2. The electronic signature identifies the individual signing the document by their name and position.
3. The individual signing with an electronic signature has signed a statement of exclusive use.
4. The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail.
5. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been applied.
6. The electronic signature conforms to all other provisions of this policy.

The district shall maintain a secure log of each employee authorized to utilize an electronic signature in connection with district business.[4]

This policy does not require a specific method for executing an electronic signature. The employee signing a particular document is responsible for verifying that the method chosen is appropriate for the nature of the transaction. Employees must consider confidentiality, authentication of signatures, and verification that the document signed is, in all respects, identical to the one to which the signer intends to bind the district.

Any electronic signature that appears to be forged, altered, or otherwise not authentic, or that is not compliant with law or regulation, this policy or related administrative regulation, is not a valid signature. Should an electronic signature be deemed invalid, the Superintendent or designee may require a manual signature.

All other policies that apply to the execution of contracts or other documents on behalf of the district remain in full force and effect.



Book Blackhawk S D Policy Manual

Section 800 Operations

Title Public Records

Code 801

Status Active

Legal

1. 65 P.S. 67.102
2. 65 P.S. 67.302
3. 65 P.S. 67.305
4. 65 P.S. 67.504
5. 65 P.S. 67.701
7. 65 P.S. 67.502
8. 65 P.S. 67.705
9. 42 U.S.C. 12132
10. 28 CFR 35.160
11. 28 CFR 35.164
12. 65 P.S. 67.505
13. 65 P.S. 67.703
14. 65 P.S. 67.1307
15. 65 P.S. 67.702
16. 65 P.S. 67.901
17. 65 P.S. 67.902
18. 65 P.S. 67.704
19. 65 P.S. 67.506
20. 65 P.S. 67.706
21. 65 P.S. 67.905
22. 65 P.S. 67.707
23. 65 P.S. 67.903
24. 65 P.S. 67.1101
- 24 P.S. 408
- 24 P.S. 518
- 42 U.S.C. 12101 et seq
- 65 P.S. 67.101 et seq

Adopted January 15, 2009

Purpose

The Board recognizes the importance of public records as the record of the district's actions and the repository of information about this district. The public has the right to access and procure copies of public

records, with certain exceptions, subject to law, Board policy and administrative regulations.

Definitions

Financial record - any account, voucher or contract dealing with the receipt or disbursement of funds or acquisition, use or disposal of services, supplies, materials, equipment or property; or the salary or other payments or expenses paid to an officer or employee, including the individual's name and title; and a financial audit report, excluding the audit's underlying work papers.[1]

Public record - a record, including a financial record, that is not protected by a defined privilege or is not exempt from being disclosed under one of the exemptions in Pennsylvania's Right-to-Know Law or under other federal or state law or regulation, or judicial decree or order.

Record - information, regardless of physical form or characteristics, that documents a district transaction or activity and is created, received or retained pursuant to law or in connection with a district transaction, business or activity, including: a document; paper; letter; map; book; tape; photograph; film or sound recording; information stored or maintained electronically; and a data-processed or image-processed document.

Response - the district's notice informing a requester of a granting of access to a record or the district's written notice to a requester granting, denying, or partially granting and partially denying access to a requested record.

Requester - a legal resident of the United States, or an agency, who requests access to a record.

Authority

The Board shall make the district's public records available for access and duplication to a requester, in accordance with law, Board policy and administrative regulations.[2][3][4][5]

Delegation of Responsibility

The Board shall designate an Open Records Officer, who shall be responsible to:[7]

1. Receive written requests for access to records submitted to the district.
2. Review and respond to written requests in accordance with law, Board policy and administrative regulations.
3. Direct requests to other appropriate individuals in the district or in another agency.
4. Track the district's progress in responding to requests.
5. Issue interim and final responses to submitted requests.
6. Maintain a log of all record requests and their disposition.
7. Ensure district staff are trained to perform assigned job functions relative to requests for access to records.

Upon receiving a request for access to a record, the Open Records Officer shall:[7][16][24]

1. Note the date of receipt on the written request.
2. Compute and note on the written request the day on which the five-day period for response will expire.
3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled.
4. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

Guidelines

Requesters may access and procure copies of the public records of the district during the regular business hours of the administration offices.[5]

A requester's right of access does not include the right to remove a record from the control or supervision of the Open Records Officer.

The district shall not limit the number of records requested.[2]

When responding to a request for access, the district is not required to create a record that does not exist nor to compile, maintain, format or organize a record in a manner which the district does not currently use.[8]

Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.[9][10][11]

The district shall post at the administration office and on the district's web site, if the district maintains a web site, the following information:[4][12]

1. Contact information for the Open Records Officer.
2. Contact information for the state's Office of Open Records or other applicable appeals officer.
3. The form to be used to file a request, with a notation that the state Office of Open Records form may also be used if the district decides to create its own form.
4. Board policy, administrative regulations and procedures governing requests for access to the district's public records.

Request for Access

A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer.[4][12][13]

Written requests may be submitted to the district in person, by mail, to a designated facsimile machine, and to a designated e-mail address.

Each request must include the following information:[5][13]

1. Identification or description of the requested record, in sufficient detail.
2. Medium in which the record is requested.
3. Name and address of the individual to receive the district's response.
4. The district shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.[13]

Fees

Except for the duplication fee established by the state, the Board shall approve a list of reasonable fees relative to requests for public records. The district shall maintain a list of applicable fees and disseminate the list to requesters.[14]

No fee may be imposed for review of a record to determine whether the record is subject to access under law.[14]

Prior to granting access, the district may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.[14]

The Superintendent may waive duplication fees when the requester duplicates the record or the Superintendent deems it is in the public interest to do so.[14]

Response to Request

District employees shall be directed to immediately forward requests for access to public records to the Open Records Officer.[7][15]

Upon receipt of a written request for access to a record, the Open Records Officer shall determine if the requested record is a public record and if the district has possession, custody or control of that record.[16]

The Open Records Officer shall respond as promptly as possible under the existing circumstances, and the initial response time shall not exceed five (5) business days from the date the written request is received by the Open Records Officer.[16]

The initial response shall grant access to the requested record; deny access to the requested record; partially grant and partially deny access to the requested record; notify the requester of the need for an extension of time to fully respond; or request more detail from the requester to clearly identify the requested material.

If the district fails to respond to a request within five (5) business days of receipt, the request for access shall be deemed denied.[16]

Extension of Time

If the Open Records Officer determines that an extension of time is required to respond to a request, in accordance with the factors stated in law, written notice shall be sent within five (5) business days of receipt of request. The notice shall indicate that the request for access is being reviewed, the reason that the review requires an extension, a reasonable date when the response is expected, and an estimate of applicable fees owed when the record becomes available.[16][17]

Up to a thirty (30) day extension for one (1) of the listed reasons does not require the consent of the requester. If the response is not given by the specified date, it shall be deemed denied on the day following that date.

A requester may consent in writing to an extension that exceeds thirty (30) days, in which case the request shall be deemed denied on the day following the date specified in the notice if the Open Records Officer has not provided a response by that date.

Granting of Request

If the Open Records Officer determines that the request will be granted, the response shall inform the requester that access is granted and either include information on the regular business hours of the administration office, provide electronic access, or state where the requester may go to inspect the records or information electronically at a publically accessible site. The response shall include a copy of the fee schedule in effect, a statement that prepayment of fees is required in a specified amount if access to the records will cost in excess of \$100 and the medium in which the records will be provided.

A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. However, the district is not required to permit use of its computers.[5]

The Open Records Officer may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means or that the district shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the district's notice, submits a written request to have the record converted to paper, the district shall provide access in printed form within five (5) days of receipt of the request for conversion to paper.[5][18]

A public record that the district does not possess but is possessed by a third party with whom the district has contracted to perform a governmental function and which directly relates to that governmental function shall be considered a public record of the district. When the district contracts with such a third party, the district shall require the contractor to agree in writing to comply with requests for such records and to provide the district with the requested record in a timely manner to allow the district to comply with law.
[19]

If the Open Records Officer determines that a public record contains information both subject to and not subject to access, the Open Records Officer shall grant access to the information subject to access and deny access to the information not subject to access. The Open Records Officer shall redact from the record the information that is not subject to access. The Open Records Officer shall not deny access to a record if information is able to be redacted.[20]

If the Open Records Officer responds to a requester that a copy of the requested record is available for delivery at the administration office and the requester does not retrieve the record within sixty (60) days of the district's response, the district shall dispose of the copy and retain any fees paid to date.[21]

Notification to Third Parties

When the district produces a record that is not a public record in response to a request, the Open Records Officer shall notify any third party that provided the record to the district, the person that is the subject of the record, and the requester.[22]

The Open Records Officer shall notify a third party of a record request if the requested record contains a trade secret or confidential proprietary information, in accordance with law and administrative regulations. [22]

Denial of Request

If the Open Records Officer denies a request for access to a record, whether in whole or in part, a written response shall be sent within five (5) business days of receipt of the request. The response denying the request shall include the following:[16][23]

1. Description of the record requested.
2. Specific reasons for denial, including a citation of supporting legal authority.
3. Name, title, business address, business telephone number, and signature of the Open Records Officer on whose authority the denial is issued.
4. Date of the response.
5. Procedure for the requester to appeal a denial of access.

The Open Records Officer may deny a request for access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the district.[19]

The Open Records Officer may deny a request for access to a record when timely access is not possible due to a disaster, or when access may cause physical damage or irreparable harm to the record. To the extent possible, a record's contents shall be made accessible even when the record is physically unavailable.[19]

Information that is not subject to access and is redacted from a public record shall be deemed a denial. [20] [23]

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the state's Office of Open Records within fifteen (15) business days of the mailing date of the Open Records Officer's response or deemed denial.[24]



| | |
|---------|--------------------------------------|
| Jook | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | School Organization |
| Code | 802 |
| Status | Active |
| Legal | 1. 22 PA Code 4.3 2. 24 P.S. 1310 |
| Adopted | September 21, 2006 |

Purpose

The Board recognizes that the district's organizational structure can affect both the instructional program and the operation of the schools.

Authority

Upon approval of the Department of Education, the Board directs that district schools be organized as follows:[1][2].

1. Primary school: grades K through 2.
2. Intermediate school: grades 3 through 5.
3. Middle school: grades 6 through 7.
4. High school: grades 8 through 12.

Delegation of Responsibility

The Superintendent shall continually monitor the effectiveness of the district's organizational plan and recommend to the Board modifications that benefit the instructional program, effectively utilize district resources, and implement the Board's educational goals.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | School Calendar |
| Code | 803 |
| Status | Active |
| Legal | 1. 24 P.S. 1501 2. 24 P.S. 1502 3. 24 P.S. 1503 4. 24 P.S. 1504 5. 22 PA Code 4.4 6. 22 PA Code 11.1 |
| Adopted | September 21, 2006 |

Purpose

The Board recognizes that preparation of an annual school calendar is necessary for the efficient operation of the district.

Authority

The Board shall determine annually the days and the hours when the schools will be in session for instructional purposes, in accordance with state law and regulations.[1][2][3][4]

The school calendar shall normally consist of a minimum of 180 student days.[1][5][6]

The Board reserves the right to alter the school calendar when it is in the best interests of the district.

Delegation of Responsibility

The Superintendent shall prepare annually a school calendar for Board consideration no later than March.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | School Day |
| Code | 804 |
| Status | Active |
| Legal | 1. 22 PA Code 4.4 2. 22 PA Code 11.2 3. 22 PA Code 11.3 4. 24 P.S. 1504 5. 22 PA Code 11.25 6. Pol. 204 |
| Adopted | September 21, 2006 |

Purpose

The normal school day for the instruction of district students shall be in accordance with law, regulations and Board policy.

Authority

The Board shall establish the times for the daily sessions of district schools.[1][2][3][4]

Delegation of Responsibility

The Superintendent shall have the authority to close, delay the opening, or dismiss schools early due to weather, power failures, lack of water or heat, labor issues, epidemics, or any disaster that may impact the school day.[5][6]

If a district-wide closing of the schools becomes necessary, the Superintendent shall immediately take the necessary steps to notify the school community through all mass media and other means deemed necessary.

In the event of a school closing where the professional staff has reported for duty, but where the students do not report or are dismissed early, it shall be the responsibility of the Superintendent to institute procedures for the proper utilization of the professional staff for the remainder of the school day.



| | |
|---------|------------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Emergency Evacuation of Schools |
| Code | 805 |
| Status | Active |
| Legal | 1. 24 P.S. 1518 2. 24 P.S. 1517 |
| Adopted | September 21, 2006 |

Purpose

The district's system of emergency preparedness shall ensure that:

1. Health and safety of students and staff are safeguarded.
2. Time necessary for instructional purposes is not unduly diverted.
3. Minimum disruption occurs to the educational program.
4. Students and staff are taught to respond appropriately to emergency situations.[1]

Authority

The Board directs that established policy shall be followed for emergency evacuations that affect the operation of district schools.

Guidelines

All threats to the safety of students and staff shall be responded to promptly by the Superintendent or designee in accordance with this policy.

Bomb threats and reports of fire shall normally require the evacuation of the threatened school or building. In certain circumstances, students may be permitted to remain in a secured area of the school or building.

Delegation of Responsibility

Any decision concerning dismissal of students and staff and subsequent action is at the discretion of the Superintendent.

The effectiveness of emergency planning in preparing the schools to cope with disaster shall be continually monitored by the Superintendent.[2]

The Superintendent or designee shall develop procedures for handling school emergencies which include:

1. A plan for prompt and safe evacuation of students from schools, which shall be practiced monthly in fire drills conducted in accordance with law.
2. Bus evacuation drills twice a year, in accordance with law.[2]
3. A plan for sequestering students in a safe place other than the school.

4. Design of a communications system to notify parents/guardians of the evacuation of students and to alert the whole school community when necessary.
5. Instruction in emergency preparedness and survival techniques as part of the regular curriculum.[1]
6. Immediate notification of appropriate administrative personnel whenever any employee becomes aware of an emergency or impending emergency.
7. Cooperation with local agencies, such as the police department, fire department and emergency management agency.
8. Instruction of staff members in the techniques of handling emergencies.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Child/Student Abuse |
| Code | 806 |
| Status | Active |
| Legal | 1. 23 Pa. C.S.A. 6301 2. 23 Pa. C.S.A. 6311 3. 42 Pa. C.S.A. 5945 4. Pol. 302 5. Pol. 303 6. Pol. 404 7. Pol. 405 8. Pol. 504 9. Pol. 505 |
| Adopted | September 21, 2006 |

Authority

The Board adopts this policy to affirm district employees' obligation to assist in identifying possible child abuse as well as victimization of students by other school employees, and to establish procedures for reporting such in compliance with the Child Protective Services Law of 1990 and its amendments.[1]

Definitions

The following definitions are for purposes of this policy.

Child Abuse - shall mean any of the following:

1. Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury to a child under eighteen (18) years of age.
2. Any act or failure to act by a perpetrator which causes non-accidental serious mental injury to or sexual abuse or sexual exploitation of a child under eighteen (18) years of age.
3. Any recent act, failure to act, or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under eighteen (18) years of age.
4. Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing, and medical care.

Serious Mental Injury - a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:

1. Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
2. Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious Physical Injury - an injury that causes a child severe pain, or significantly impairs a child's physical functioning, either temporarily or permanently.

Sexual Abuse or Exploitation - the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct, or any simulation of any sexually explicit conduct, for the purpose of producing any visual depiction including photographing, videotaping, computer depicting or filming of any sexually explicit conduct, or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other forms of sexual exploitation of children.

Perpetrator - a person who has committed child abuse and is a parent/guardian of a child, a person responsible for the welfare of a child, an individual residing in the same home as a child, or a paramour of a child's parent/guardian. The term does not include a person who is employed by or provides services or programs in district schools.

Serious Bodily Injury - bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ.

Administrator - the person responsible for the administration of a district school. The term includes a person responsible for employment decisions in a school and an independent contractor. The principal of the school where the abused student is enrolled will serve as the administrator under this policy.

School Employee - an individual employed in a district school. The term includes an independent contractor and employees. The term excludes an individual who has no direct contact with students.

Student - an individual enrolled in a district school under eighteen (18) years of age.

Applicant - an individual who applies for a position as a school employee. The term includes an individual who transfers from one classification of employment to another classification of employment within the school district.

Guidelines

CHILD ABUSE BY PERPETRATOR

Duty to Report

School employees who in the course of their employment come into contact with children shall report or cause a report to be made when they have reasonable cause to suspect, on the basis of their medical, professional, or other training and experience, that a child coming before them in their professional or official capacity is an abused child.[2][3]

Privileged communication between any professional person required to report and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report.

School employees required to report suspected child abuse shall include but are not limited to a school administrator, school teacher, and/or school nurse.

Any person required to report child abuse who, in good faith, reports or causes the report to be made shall have immunity from civil and criminal liability related to those actions.

A person or official required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent

violation.

Reporting Procedures

School employees who suspect child abuse shall immediately notify the school principal. Upon notification, the principal shall report the suspected child abuse.

Reports of child abuse shall immediately be made by telephone to the Childline Abuse Registry and in writing to the county Children and Youth Agency within forty-eight (48) hours after the oral report.

Investigation

School officials shall cooperate with the Department of Public Welfare or the county agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at school.

The school official required to report cases of suspected child abuse may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child.

STUDENT ABUSE BY SCHOOL EMPLOYEE

Duty to Report

A school employee shall immediately contact the principal when the school employee has reasonable cause to suspect, on the basis of his/her professional or other training and experience, that a student coming before the school employee in the employee's professional or official capacity is a victim of serious bodily injury or sexual abuse or sexual exploitation by a school employee.

If the accused school employee is the principal, the school employee shall immediately report to law enforcement officials and the district attorney.

The principal who receives a report from a school employee or who has independent cause to suspect injury or abuse shall immediately report to law enforcement officials and the appropriate district attorney. The principal shall exercise no discretion but has an absolute duty to report when receiving notice from a school employee.

A school employee or principal who refers a student abuse report shall be immune from civil and criminal liability arising out of the report.

A school employee who willfully fails to report suspected student abuse or who willfully violates the confidentiality of such a report commits a summary offense.

An administrator who willfully fails to report immediately to law enforcement officials and the appropriate district attorney any report of serious bodily injury or sexual abuse or sexual exploitation alleged to have been committed by a school employee against a student commits a misdemeanor of the third degree.

Reporting Procedures

The principal's report to law enforcement officials and the district attorney shall include: name, age, address, and school of the student; name and address of the student's parent/guardian; name and address of the principal; name, work, and home address of the school employee; nature of the alleged offense; and any specific comments or observations directly related to the alleged incident and the individuals involved.

The school employee making a report of student abuse or injury by another employee shall not reveal the existence or content of the report to any person other than those to whom reporting is required under this policy.

Investigation

Upon receipt of a report of suspected student abuse, an investigation shall be conducted by law enforcement officials, in cooperation with the district attorney.

If law enforcement officials have reasonable cause to suspect, on the basis of initial review, that there is evidence of serious bodily injury, sexual abuse or sexual exploitation committed by a school employee against a student, the officials shall notify the county agency in the county where the alleged abuse or injury occurred for the purpose of the agency conducting an investigation.

School officials shall cooperate with the Department of Public Welfare or the county agency investigating a report of suspected student abuse, including permitting authorized personnel to interview a student while in attendance at school.

Law enforcement officials and the county agency shall coordinate their respective investigations. They shall conduct joint interviews with students, but law enforcement officials shall interview school employees prior to the county agency.

The principal has an independent duty to report to the Superintendent or designee that an employee has allegedly abused or otherwise victimized a student. The requirement not to divulge the existence of the report or its content shall not limit the principal's responsibility to use the information received to initiate and conduct an independent school investigation into the allegations. The independent school investigation shall be conducted in cooperation with the county agency and law enforcement officials, and shall be for the purpose of ascertaining appropriate employee discipline and taking action necessary to curtail wrongdoing.

CLEARANCE STATEMENT/EMPLOYMENT

In accordance with Board policy, the Superintendent shall require each applicant for employment, including each covered employee being transferred, to submit an official clearance statement issued within the preceding year by the Department of Public Welfare, except for those exempted by law.[4][5][6][7][8][9]

No applicant may be hired who is named as the perpetrator in a founded report or is named as an individual responsible for injury or abuse in a founded report for a school employee. The school district has discretion whether to hire someone who has been named on an indicated report.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Child Abuse |
| Code | 806 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 24 P.S. 1205.62. 23 Pa. C.S.A. 6301 et seq3. Pol. 3334. Pol. 8185. 23 Pa. C.S.A. 63036. 24 P.S. 1117. 23 Pa. C.S.A. 63448. 18 Pa. C.S.A. 7508.29. 42 Pa. C.S.A. 9799.1210. 42 Pa. C.S.A. 9799.2411. 42 Pa. C.S.A. 9799.5512. 42 Pa. C.S.A. 9799.5813. 22 U.S.C. 710214. 23 Pa. C.S.A. 631115. Pol. 30216. Pol. 30417. Pol. 30518. Pol. 30619. 23 Pa. C.S.A. 6344.320. 23 Pa. C.S.A. 6344.421. Pol. 30922. Pol. 91623. 23 Pa. C.S.A. 633224. 24 P.S. 111.125. 20 U.S.C. 792626. Pol. 317.127. Pol. 82428. 24 P.S. 2070.1a29. 23 Pa. C.S.A. 631830. 23 Pa. C.S.A. 631931. 18 Pa. C.S.A. 4906.132. 18 Pa. C.S.A. 495833. 23 Pa. C.S.A. 6320 |

34. 23 Pa. C.S.A. 6305
35. 23 Pa. C.S.A. 6313
36. 23 Pa. C.S.A. 6314
37. 24 P.S. 1302.1-A
38. 24 P.S. 1303-A
39. 22 PA Code 10.2
40. 22 PA Code 10.21
41. 22 PA Code 10.22
42. Pol. 805.1
43. 23 Pa. C.S.A. 6346
44. 23 Pa. C.S.A. 6368
24 P.S. 1301-A et seq
22 PA Code 10.1 et seq
24 P.S. 1527
24 P.S. 2070.1a et seq
18 Pa. C.S.A. 4304
Pol. 317

Last Revised

November 13, 2018

Authority

The Board requires district employees, independent contractors and volunteers to comply with identification and reporting requirements for suspected child abuse, as well as the training requirement for recognition and reporting of child abuse in order to comply with the Child Protective Services Law and the School Code. [1][2][3][4]

Definitions

The following words and phrases, when used in this policy, shall have the meaning given to them in this section:

Adult - an individual eighteen (18) years of age or older.[5]

Bodily injury - impairment of physical condition or substantial pain.[5]

Certifications - refers to the child abuse history clearance statement and state and federal criminal history background checks required by the Child Protective Services Law and/or the School Code.[6][7]

Child - an individual under eighteen (18) years of age.[5]

Child abuse - intentionally, knowingly or recklessly doing any of the following:[5]

1. Causing bodily injury to a child through any recent act or failure to act.
2. Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
3. Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
4. Causing sexual abuse or exploitation of a child through any act or failure to act.

5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
7. Causing serious physical neglect of a child.
8. Engaging in any of the following recent acts:
 - a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - c. Forcefully shaking a child under one (1) year of age.
 - d. Forcefully slapping or otherwise striking a child under one (1) year of age.
 - e. Interfering with the breathing of a child.
 - f. Causing a child to be present during the operation of methamphetamine laboratory, provided that the violation is being investigated by law enforcement.[8]
 - g. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known was required to register as a Tier II or Tier III sexual offender, has to register for life, or has been determined to be a sexually violent predator or sexually violent delinquent.[9][10][11][12]
9. Causing the death of the child through any act or failure to act.
10. Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined in the law.[13]

The term **child abuse** does not include physical contact with a child that is involved in normal participation in physical education, athletic, extracurricular or recreational activities. Also excluded from the meaning of the term **child abuse** is the use of reasonable force by a person responsible for the welfare of a child for purposes of supervision, control or safety, provided that the use of force:

1. Constitutes incidental, minor or reasonable physical contact in order to maintain order and control;
2. Is necessary to quell a disturbance or remove a child from the scene of a disturbance that threatens property damage or injury to persons;
3. Is necessary for self-defense or defense of another;
4. Is necessary to prevent the child from self-inflicted physical harm; or
5. Is necessary to gain possession of weapons, controlled substances or other dangerous objects that are on the person of the child or in the child's control.

Direct contact with children - the possibility of care, supervision, guidance or control of children or routine interaction with children.[1]

Independent contractor - an individual other than a school employee who provides a program, activity or service who is otherwise responsible for the care, supervision, guidance or control of children pursuant to a contract. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with children.[5][14]

Perpetrator - a person who has committed child abuse and is a parent/guardian of the child; a spouse or former spouse of the child's parent/guardian; a paramour or former paramour of the child's parent/guardian; an individual fourteen (14) years of age or older who is responsible for the child's welfare or who has direct contact with children as an employee of child-care services, a school or through a program

activity or service; an individual fourteen (14) years of age or older who resides in the same home as the child; or an adult who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child; or an adult who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined in the law. Only the following may be considered a perpetrator solely based upon a failure to act: a parent/guardian of the child; a spouse or former spouse of the child's parent/guardian; a paramour or former paramour of the child's parent/guardian; an adult responsible for the child's welfare; or an adult who resides in the same home as the child.[5][13]

Person responsible for the child's welfare - a person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.[5]

Program, activity or service - any of the following in which children participate and which is sponsored by a school or a public or private organization:[5]

1. A youth camp or program.
2. A recreational camp or program.
3. A sports or athletic program.
4. A community or social outreach program.
5. An enrichment or educational program.
6. A troop, club or similar organization.

Recent act or failure to act - any act or failure to act committed within two (2) years of the date of the report to the Department of Human Services of the Commonwealth or county agency.[5]

Routine interaction - regular and repeated contact that is integral to a person's employment or volunteer responsibilities.[5]

School employee - an individual who is employed by a school or who provides a program, activity or service sponsored by a school. The term does not apply to administrative or other support personnel unless the administrative or other support personnel have direct contact with children.[5]

Serious mental injury - a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:[5]

1. Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
2. Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical neglect - any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:[5]

1. A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
2. The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

Sexual abuse or exploitation - any of the following:[5]

1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:

- a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
- b. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
- c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
- d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

The conduct described above does not include consensual activities between a child who is fourteen (14) years of age or older and another person who is fourteen (14) years of age or older and whose age is within four (4) years of the child's age.

2. Any of the following offenses committed against a child: rape; statutory sexual assault; involuntary deviate sexual intercourse; sexual assault; institutional sexual assault; aggravated indecent assault; indecent assault; indecent exposure; incest; prostitution; sexual abuse; unlawful contact with a minor; or sexual exploitation.

Student - an individual enrolled in a district school under eighteen (18) years of age.[5]

Volunteer - an unpaid adult individual, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service is a person responsible for the child's welfare or has direct contact with children.[14]

Delegation of Responsibility

The Superintendent or designee shall:

1. Require each candidate for employment to submit an official child abuse clearance statement and state and federal criminal history background checks (certifications) as required by law.[6][7][15][16][17][18]
2. Require each applicant for transfer or reassignment to submit the required certifications unless the applicant is applying for a transfer from one position as a district employee to another position as a district employee of this district and the applicant's certifications are current.[19][20][21]

School employees and independent contractors shall obtain and submit new certifications every sixty (60) months.[20]

Certification requirements for volunteers are addressed separately in Board Policy 916.[22]

The Superintendent or designee shall annually notify district staff, independent contractors, and volunteers of their responsibility for reporting child abuse in accordance with Board policy and administrative regulations.

The Superintendent or designee shall ensure that the poster, developed by the PA Department of Education, displaying the statewide toll-free telephone numbers for reporting suspected child abuse, neglect and school safety issues be posted in a high-traffic, public area of each school. The designated area shall be readily accessible and widely used by students.[23]

The Superintendent or designee shall annually inform students, parents/guardians, independent contractors, volunteers and staff regarding the contents of this Board policy.

Guidelines

Aiding and Abetting Sexual Abuse

School employees, acting in an official capacity for this district, are prohibited from assisting another school employee, contractor or agent in obtaining a new job if the school employee knows, or has probable cause

to believe, that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or student.[15][16][17][18][21][24][25][26][27]

This prohibition applies only to assistance that extends beyond performance of normal processing of personnel matters including routine transmission of files or other information. This prohibition shall not apply if:[25]

1. The relevant information has been properly reported to law enforcement officials and any other authority required by federal, state or local law and the matter has been officially closed or the prosecutor or law enforcement officials notified school officials that there is insufficient information to establish probable cause.
2. The school employee, contractor or agent has been acquitted or otherwise exonerated of the alleged misconduct.
3. The case or investigation remains open and no charges have been filed against, or indictment of, the school employee, contractor or agent within four (4) years of the date on which the information was reported to the law enforcement agency.

Training

The school district, and independent contractors of the school district, 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:[1][3][4][26]

1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.
2. Provisions of the Educator Discipline Act, including mandatory reporting requirements.[26][28]
3. District policy related to reporting of suspected abuse and sexual misconduct.
4. Maintenance of professional and appropriate relationships with students.[27]

Employees are required to complete a minimum of three (3) hours of training every five (5) years.[1]

Duty to Report

School employees, independent contractors and volunteers shall make a report of suspected child abuse if they have reasonable cause to suspect that a child is the victim of child abuse under any of the following circumstances:[14]

1. The school employee, independent contractor or volunteer comes into contact with the child in the course of employment, occupation and the practice of a profession or through a regularly scheduled program, activity or service.
2. The school employee, independent contractor or volunteer is directly responsible for the care, supervision, guidance or training of the child.
3. A person makes a specific disclosure to a school employee, independent contractor or volunteer that an identifiable child is the victim of child abuse.
4. An individual fourteen (14) years of age or older makes a specific disclosure to a school employee, independent contractor or volunteer that s/he has committed child abuse.

A child is not required to come before the school employee, independent contractor or volunteer in order for that individual to make a report of suspected child abuse.[14]

A report of suspected child abuse does not require the identification of the person responsible for the child abuse.[14]

Any person who, in good faith, makes a report of suspected child abuse, regardless of whether the report is required, cooperates with an investigation, testifies in a proceeding, or engages in other action authorized by law shall have immunity from civil and criminal liability related to those actions.[29]

Any person required to report child abuse who willfully fails to do so may be subject to disciplinary action and criminal prosecution.[30]

Any person who intentionally or knowingly makes a false report of child abuse or intentionally or knowingly induces a child to make a false claim of child abuse may be subject to disciplinary action and criminal prosecution.[31]

Any person who engages in intimidation, retaliation, or obstruction in the making of a child abuse report or the conducting of an investigation into suspected child abuse may be subject to disciplinary action and criminal prosecution.[32]

The district shall not discriminate or retaliate against any person for making, in good faith, a report of suspected child abuse.[33]

Reporting Procedures

School employees, independent contractors or volunteers who suspect child abuse shall immediately make a written report of suspected child abuse using electronic technologies (www.compass.state.pa.us/cwis) or an oral report via the statewide toll-free telephone number (1-800-932-0313). A person making an initial oral report of suspected child abuse must also submit a written electronic report within forty-eight (48) hours after the oral report. Upon receipt of an electronic report, the electronic reporting system will automatically respond with a confirmation, providing the district with a written record of the report.[14][34][35]

A school employee, independent contractor or volunteer who makes a report of suspected child abuse shall immediately, after making the initial report, notify the building principal or administrator and if the initial report was made electronically, also provide the building principal or administrator with a copy of the report confirmation. The building principal or administrator shall then immediately notify the Superintendent or designee that a child abuse report has been made and if the initial report was made electronically, also provide a copy of the report confirmation.[14][34][35]

When a report of suspected child abuse is made by a school employee, independent contractor or volunteer as required by law, the school district is not required to make more than one (1) report. An individual otherwise required to make a report who is aware that an initial report has already been made by a school employee, independent contractor or volunteer is not required to make an additional report. The person making an initial oral report is responsible for making the follow-up written electronic report within forty-eight (48) hours, and shall provide the building principal or administrator with a copy of the report confirmation promptly after the written electronic report has been filed. The building principal or administrator shall in turn provide a copy of the report confirmation to the Superintendent or designee.[14][34][35]

If the Superintendent or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Safe Schools Act, the Superintendent or designee shall inform local law enforcement, in accordance with applicable law, regulations and Board policy.[37][38][39][40][41][42]

Investigation

The building principal or administrator shall facilitate the cooperation with the Department of Human Services of the Commonwealth or the county agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance at school.[14][43]

Upon notification that an investigation involves suspected child abuse by a school employee, the building principal or administrator shall immediately implement a plan of supervision or alternative arrangement that has been approved by the Superintendent for the school employee under investigation. The plan of supervision or alternative arrangement shall be submitted to the county agency for approval.[44]



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Opening Exercises/Flag Displays |
| Code | 807 |
| Status | Active |
| Legal | 1. 24 P.S. 771 2. 22 PA Code 12.10 3. 24 P.S. 1516.1 |
| Adopted | September 21, 2006 |

Purpose

The Board adopts this policy to ensure that all district schools comply with state and federal laws concerning flag displays and opening exercises while respecting the rights of individuals.

Authority

United States flag shall be displayed on or near each school building during school hours, in clement weather and at other times determined by the Board.[1]

A United States flag shall be displayed in every school building.[1]

The district may offer opening exercises that include a salute to the flag and/or recitation of the Pledge of Allegiance or the National Anthem. Students shall not be compelled to participate in opening exercises.[2]

A student who declines to participate in opening exercises shall maintain a respectful attitude throughout the exercises.[2]

Opening exercises may include a period of silent prayer or meditation.[3][2]



Blackhawk
School District

| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Food Services |
| Code | 808 |
| Status | Active |
| Legal | 1. 24 P.S. 504 2. 24 P.S. 1335 3. 24 P.S. 1337 4. 35 P.S. 655.6 6. Pol. 246 7. 42 U.S.C. 1751-1769 8. 42 U.S.C. 1773 9. 7 CFR 246.24 10. 7 CFR Part 210 11. 7 CFR Part 220 12. 7 CFR Part 245 |
| Adopted | September 21, 2006 |

Purpose

The Board recognizes that students require adequate, nourishing food and beverages in order to grow, learn and maintain good health. The Board directs that students shall be provided with adequate space and time to eat meals during the school day.

Authority

The Board shall provide food service for school breakfasts and for school lunches that meet the nutritional standards required by state and federal school breakfast and lunch programs.[1][2][3]

A statement of receipts and expenditures for cafeteria funds shall be presented monthly to the Board for its approval.[1]

Food sold by the school may be purchased by students and district employees but only for consumption on school premises and at the greatest price charged a student plus an amount representing the portion of the cost paid from local, state and federal assistance.[1]

Delegation of Responsibility

Operation and supervision of the food services program shall be the responsibility of the Food Service Director.

Cafeterias shall be operated on a nonprofit basis. A periodic review of the cafeteria accounts shall be made by the Food Service Director and auditor.[1][3]

The Food Service Director shall serve as administrator of the cafeteria fund. S/He shall deposit funds into the bank or depository institution approved by the Board daily.

The Food Service Director shall provide a monthly statement of receipts and expenditures for Board approval.[1]

All operating receipts of the cafeteria shall be controlled by the Food Service Director. S/He shall request disbursements through the Board and then shall prepare, sign and mail checks to vendors.

The Food Service Director shall report to the Board quarterly on the status of the cafeteria fund. This report shall indicate opening balances, receipts by sources, expenditures by type and closing balances. Other reports regarding the status of the cafeteria fund may be required as the Board deems necessary.

The Superintendent or designee shall comply with state and federal requirements for conducting cafeteria health and safety inspections and ensuring employee participation in appropriate inspection services and training programs.[4][9]

To reinforce the district's nutrition education program, foods served in school cafeterias shall:[6]

1. Be carefully selected to contribute to students' nutritional well-being and health.
2. Meet nutritional standards specified in laws and regulations.
3. Be prepared by methods that will retain nutritive quality, appeal to students, and foster lifelong healthy eating habits.
4. Be served in age-appropriate quantities, at reasonable prices.

Guidelines

Surplus accounts shall be used only for the improvement and maintenance of the food service program.[1]

There shall be a separate cafeteria fund and all payments from that fund shall be made upon a separate order drawn by the school employee authorized to purchase food supplies.

Any balance of funds occurring from the operating of the cafeteria may be used only for the improvement and/or maintenance of the cafeteria and may not be used for other purposes. The balance shall not be greater than the total for two (2) months' operating costs.

An accurate record of adult and student lunches served shall be maintained daily.

The district shall participate in the Federal School Breakfast Program and Federal School Lunch Program.[7][8][10][11]

Free/Reduced-Price Meals

The district shall provide free and reduced-price meals to students in accordance with terms of the National School Lunch and National Breakfast Programs.[12]

The district shall inform parents/guardians of the eligibility standards for free and reduced-price meals.

Reasonable efforts shall be made to provide equal treatment for and protect the identity of students receiving free or reduced-price meals.

A parent/guardian shall have the right to appeal a decision regarding his/her application for free or reduced-price food services to the Superintendent.



| | |
|---------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Charging of Cafeteria Meals |
| Code | 808.1 |
| Status | Active |
| Legal | 24 P.S. 1335 24 P.S. 1337 42 U.S.C. 1758 7 CFR Part 210 7 CFR Part 215 7 CFR Part 220 7 CFR Part 245 Pol. 000 Pol. 103 Pol. 808 |
| Adopted | September 21, 2006 |
| Last Revised | September 9, 2010 |
| Last Reviewed | February 13, 2018 |

Purpose

All students that attend Blackhawk School District are provided the opportunity to purchase breakfast and lunch in the school cafeteria in accordance with the National School Lunch Program (NSLP). The following guidelines shall be followed in instances where the student finds it necessary to charge their meal due to lack of funds in their account.

Guidelines

Parents/Guardians are solely responsible for providing their children with money for lunch, or packing a lunch from home. If for any reason a parent/guardian cannot afford to provide a lunch for their child, free and reduced lunch applications are available in the school offices.

A NSLP free/reduced meal application shall be sent home at the start of each school year. A new application must be submitted by the parent/guardian every year. Students approved for free/reduced lunch program will receive one (1) free/reduced lunch and breakfast per day. Additional lunches or breakfasts must be purchased at full price.

Parents/Guardians and students are encouraged to deposit money in their child's cafeteria account so that adequate money is readily available to purchase school lunches and breakfasts. This will eliminate the need for the parent/guardian to send money with the student each day. This also helps increase the speed of the serving line. Parents/Guardians can deposit money by sending a check or cash with their child to school, or via the online payment system which is linked to the Blackhawk School District Website.

A student who requests a school meal must be provided with one regardless of whether the student has money. When a student owes money for five or more school meals, the school must make at least two attempts to reach the student's parent or guardian and have the parent or guardian apply for participation in the school food program.

Communications regarding money owed by a student for school meals must be made to the student's parent or guardian and not to the student.

A meal may be denied if the student's parent/guardian has directed the school, in writing, to withhold meals from the student.

Students who cannot pay for a school meal or who owes money for school meals may not be publicly identified or stigmatized. A student who cannot pay for a school meal will not be required to perform chores or other work to pay for the school meal. Student may not be required to discard a school meal after it was served to the student due to the student's inability to pay for the meal or the amount of money owed by the student for prior school meals.

Under no circumstances will students be permitted to charge ala carte items.

Students may be denied access to co-curricular activities if a debt is owed, until payment arrangements can be made between the parent/guardian and the Food Service Director or District Administrator to pay the existing debt.

Students in grades K-12 will not be denied a meal.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Transportation |
| Code | 810 |
| Status | Active |
| Legal | 1. 24 P.S. 1362 2. 24 P.S. 1361 3. 22 PA Code 23.3 4. 24 P.S. 1374 5. Pol. 810.2 6. 22 PA Code 23.4 7. 22 PA Code 23.1 8. Pol. 121 9. Pol. 218 10. Pol. 331 14. 24 P.S. 111 15. 22 PA Code 23.2 16. Pol. 431 17. Pol. 531 18. 23 Pa. C.S.A. 6301 et seq |
| Adopted | September 21, 2006 |

Purpose

It shall be the policy of the Board to provide transportation for those students whose distance from school makes this service necessary within the limitations established by law.[1]

Authority

School bus service shall be contracted by the Board for the transportation of resident students between their home and the district schools to which they are assigned and for field trips and extracurricular activities.[2]
[1]

The Superintendent has the authority to substitute smaller buses for reasons of economy or efficiency of operation.

The Board shall provide transportation for students living within the prescribed limits when walking conditions to the school are found to be hazardous by the Department of Transportation.[1]

The Board shall transport handicapped students without regard to distance or hazardous walking conditions.
[3][4]

Transportation of eligible vocational or special education students between their home areas and schools outside the district shall be arranged through the use of the contractor's vehicle through cooperation with other districts, through commercial carriers, and/or by other means in the most efficient and economical manner. [2]

Transportation between the home area and school shall be provided for each resident student attending a state-approved nonpublic school.

Bus routes shall be established so that an authorized bus stop is available within reasonable walking distance of the home of every resident student entitled to transportation services.

The Board authorizes the installation and use of audio/video recording devices in the school buses to assist the drivers in providing for the safety and well-being of the students while on the bus.[5]

Delegation of Responsibility

The school bus driver shall be responsible for the discipline of students while they are being transported.

The principal may suspend a student from bus transportation for disciplinary reasons, and the parents/guardians shall be responsible for the student's transportation.[6]

The Superintendent or designee shall be responsible to:

1. Establish rules governing the number of chaperones to accompany students in connection with school-related activities.[6]
2. Prepare a district map or schedule indicating each bus stop and bus route.[6]
3. Maintain records and make required reports regarding school transportation.[7][6]
4. Distribute rules governing student conduct during transport; such rules shall be binding on all students transported by the district.[6]

The Superintendent shall be responsible for developing and implementing appropriate administrative guidelines for this policy.

Guidelines

Transportation for Field Trips and Other School-Sponsored Trips

It shall be the policy of the Board to use regular or special purpose school vehicles for transportation on field trips and other school-sponsored trips.[8]

The transportation for all field trips and other school-sponsored trips shall be by vehicles owned or approved by the district and driven by approved drivers. Exceptions to this policy must have the approval of the Superintendent.[2]

The district shall assume transportation costs for a certain number of approved field trips as specified in the Superintendent's administrative guidelines.

The district shall also assume the transportation costs for all other trips including extracurricular, athletic, and other school-sponsored trips.

At any time when students are in a district vehicle, at least one (1) sponsor, chaperone, or staff member is expected to ride in the vehicle.

All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent/guardian, in writing or in person, to allow an exception.

District students that are not affiliated with the school-sponsored trip, nonresident students, and/or children of preschool age shall not be permitted to ride in the district vehicle without prior approval of the building principal.

Students are prohibited from driving on any school-sponsored trip. An exception may be made by the building principal on an individual basis, provided the student has written parental permission and does not transport any other student.

Transportation by Private Vehicle

The Board authorizes the transportation of district students by private vehicle. Any such transportation must be approved in advance and in writing by the Board in accordance with the Superintendent's administrative guidelines.

The parent/guardian of the participating student shall be given, upon request, the name of the driver and the description of the private vehicle.

No individual shall be approved for the transportation of students in a private vehicle who is not:

1. An employee of the Board.
2. An approved volunteer.
3. The parent/guardian of a student enrolled in the district.
4. The holder of a current and valid license to operate a motor vehicle in the Commonwealth of Pennsylvania.

No individual shall be permitted to transport students who are not the holder of automobile liability and personal injury insurance in the amount required by district administrative guidelines. The Superintendent may withdraw the authorization of any private vehicle driver whose insurance is not adequate.

Any private vehicle used for the transportation of students must be owned by the approved driver or the spouse of the approved driver and must conform to registration requirements in accordance with law.

It shall be the responsibility of professional staff members to discipline and control students during transportation in a private vehicle. Drivers who are not professional staff members are requested to report student misconduct to the building principal.[9]

Expenses incurred by drivers of private vehicles in the course of transporting students will be reimbursed by the Board at the approved mileage rate and upon presentation of evidence of costs for tolls and parking fees.[10][16][17]

Employment of School Bus Drivers by Subcontract

The Board shall only contract with contractors that hire school bus drivers who meet all the requirements outlined below:

1. Minimum age twenty-one (21) years.
2. At least three (3) years experience of licensed motor vehicle operation.
3. Compliance with the mandatory background check requirements for criminal history and child abuse. [14][18]
4. Pass an initial and annual physical examination, if required.
5. Complete twenty (20) hours of training and pass state examination for a School Bus Operator's Certificate, if required.

Any misstatement of fact relative to qualifications for contractors shall be considered by the Board as grounds for termination of contract.

All contracted drivers who operate a school bus for the district shall meet requirements as listed in Title 75, Chapter 1-97, Pennsylvania Motor Vehicle Code and Public School Code.

A valid Act 34 Background Clearance and Act 151 Child Abuse Clearance are required for all drivers.

Annual physical examinations and eye examinations shall be given to all school bus drivers, if required. The examining physician shall issue a certificate valid for one (1) school year to operators who complete the required physical examinations and who satisfy the Vehicle Code. A copy of this documentation shall be made available to the district.

All school bus operators must complete ten (10) hours classroom instruction every four (4) years, if required.

A file shall be maintained by the contractor for all drivers that contains employment record, safety record, driver statistics, license information, accident history, incidents, and complaints.

Any currently contracted driver must immediately notify his/her employer, in writing, if s/he is charged with a violation of criminal law. The contractor must immediately notify the school district of such violation.



Blackhawk
School District

| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Drug/Alcohol Testing - Covered Drivers |
| Code | 810.1 |
| Status | Active |
| Adopted | September 21, 2006 |

Authority

The Board recognizes that the use and abuse of drugs and alcohol is a serious problem that may affect the transportation of students. The Board establishes that transportation companies contracted by the Board shall provide a program of drug and alcohol testing for drivers employed by them. A statement insuring such program shall be included in the contracted agreement.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Use of Audio/Video Cameras on School Buses |
| Code | 810.2 |
| Status | Active |
| Adopted | September 21, 2006 |

Purpose

The Board recognizes that student behavior on school buses and the driver's management of such behavior are key elements to a safe and efficient transportation. The use of audio/video cameras on school buses is to aid in the monitoring of discipline but shall not replace the responsibility of school officials. There will be zero tolerance of violence on school buses.

Authority

The Board authorizes the Superintendent or designee to place audio/video cameras in any district school bus. All students and parents/guardians shall be notified that they are subject to being audio/videotaped on the school bus at any time.

All students shall receive training on school bus conduct. Rules governing school bus conduct shall be disseminated in student and parent handbooks.



| | |
|---------|--|
| Jook | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Bonding |
| Code | 811 |
| Status | Active |
| Legal | 1. 24 P.S. 409 2. 24 P.S. 431 3. 24 P.S. 436 4. 24 P.S. 684 |
| Adopted | September 21, 2006 |

Purpose

Prudent trusteeship of district resources dictates that employees responsible for the safekeeping of district funds be bonded.

Authority

The Board directs that the district be indemnified against loss of money by bonding each employee required to be bonded by policy or by statute. The Board shall bear the cost of bonds for designated employees.[1]
[2][3][4]

Enumeration and valuation on such bonds shall be determined annually.

Guidelines

All other employees shall be covered under a blanket bond.

The amount of each bond shall be commensurate with the financial responsibility of the position.



Blackhawk
School District

| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Property Insurance |
| Code | 812 |
| Status | Active |
| Legal | 1. 24 P.S. 774 |
| Adopted | September 21, 2006 |

Purpose

The Board recognizes its responsibility under law to insure the real and personal property of this school district.

Authority

The Board has the authority and responsibility to provide adequate insurance coverage to protect the district's interests in its buildings and properties. Such coverage shall insure for actual cost value and/or replacement cost.[1]

In placing insurance, the Board shall be guided by the service of an insurance agent, scope of coverage provided, price of desired coverage, and assurance of coverage.



| | |
|---------|----------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Other Insurance |
| Code | 813 |
| Status | Active |
| Legal | 1. 24 P.S. 513 2. 24 P.S. 774 |
| Adopted | September 21, 2006 |

Purpose

Proper school district operation requires that adequate, basic insurance programs be provided for the protection of the district and its employees.

Authority

The Board has the authority and responsibility to provide adequate insurance coverage to protect the district's interests. Such coverage shall be in accordance with established guidelines.[1][2]

In placing insurance, the Board shall be guided by the service of an insurance agent, scope of coverage provided, price of desired coverage, and assurance of coverage.

Guidelines

Liability insurance for the district shall include coverage for liability as a result of:

1. General liability.
2. Acts of employees.
3. Corporal punishment.
4. Disputes with contractors.
5. Incidental malpractice.
6. Errors and omission of Board members, administrators, and district employees while in the performance of their duties.

Travel accident insurance shall include coverage for Board members and administrators while in the performance of their duties.

Health care insurance shall include coverage for regularly employed staff members for:

1. Hospital care.
2. Medical-surgical treatment.
3. Major medical expenses.

- 4. Dental care.
- 5. Vision care.
- 6. Prescription care.

Group life insurance shall include coverage for regularly employed staff members.

Disability insurance shall include coverage for administrators and regularly employed staff members.

COBRA

In the event of a qualifying event to the employee, the employer has thirty (30) days to notify the plan administrator of the termination, reduction in hours, or death of the employee. This terminates his/her insurance under the plan.

The plan administrator has fourteen (14) days to notify the employee of the right to continue coverage under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).

In the event of a qualifying event to a dependent, the employer has fourteen (14) days to notify the dependent of his/her rights to continue coverage after being advised by the employee or dependent that the event has occurred.

| Qualifying Event | Duration of Continuance of Coverage |
|---|--|
| Termination of employment (except for gross misconduct) | Up to 18 months |
| Reduction of the employee's hours which results in loss of coverage | Up to 18 months |
| Death of an employee | Up to 36 months |
| Divorce | Up to 36 months |
| Loss of dependent coverage because employee becomes entitled to Medicare benefits | Up to 36 months |
| Dependent child no longer meets definition of an eligible dependent | Up to 36 months |

Terminated employees are responsible for the gross rate of premiums charged, with an additional two percent (2%) charged for additional corporate administrative cost.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Copyright Material |
| Code | 814 |
| Status | Active |
| Legal | 1. 17 U.S.C. 101 et seq |
| Adopted | September 21, 2006 |

Authority

The Board emphasizes that the United States Code makes it illegal for anyone to duplicate copyrighted materials without permission. The Board attests that severe penalties are provided for unauthorized copying of audio, visual, software or printed materials unless the copying falls within the bounds of the fair use doctrine.^[1]

Definition

Under the **fair use doctrine**, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product falls within the bounds of fair use, four (4) standards must be met:

1. THE PURPOSE AND CHARACTER OF THE USE. The use must be for such purposes as teaching or scholarship and must be nonprofit.
2. THE NATURE OF THE COPYRIGHTED WORK. Staff may make single copies of: book chapters for use in research, instruction or preparation for teaching; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals or newspapers.
3. THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED. Copying the whole of a work cannot be considered fair use; copying a small portion may be if stated guidelines are followed.
4. THE EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR OR VALUE OF THE COPYRIGHTED WORK. If resulting economic loss to the copyright holder can be shown, making even a single copy of certain materials may be an infringement; and making multiple copies presents the danger of greater penalties.

Delegation of Responsibility

Staff may make copies of copyrighted school district materials that fall within stated guidelines. Where there is reason to believe the material to be copied does not fall within guidelines, prior permission shall be obtained from the principal. Staff members who fail to follow this policy may be held personally liable for copyright infringement.

Guidelines

Permitted Copies

Multiple copies, not exceeding more than one (1) per student, may be made for classroom use or discussion if the copying meets the tests of brevity, spontaneity and cumulative effect set by the following guidelines:

1. Brevity - a complete poem, if less than 250 words and two (2) pages long, may be copied; excerpts from longer poems cannot exceed 250 words.
 2. Complete articles, stories or essays of less than 2,500 words or excerpts from prose works less than 1,000 words or ten percent (10%) of the work, whichever is less may be copied; the minimum is 500 words.
 3. Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph.
 4. One (1) chart, graph, diagram, drawing, cartoon or picture per book or periodical issue may be copied. Special works cannot be reproduced in full; this includes children's books combining poetry, prose or poetic prose.
 5. Spontaneity - should be at the instance and inspiration of the individual teacher.
 6. Cumulative Effect - teachers are limited to using copied material for only one (1) course in the school in which copies are made. No more than one (1) short poem, article, story or two (2) excerpts from the same author may be copied, and no more than three (3) works can be copied from a collective work or periodical column during one (1) class term. Teachers are limited to nine (9) instances of multiple copying for one (1) course during one (1) class term. Limitations do not apply to current news periodicals, newspapers and current news sections of other periodicals.
- A library or archive may reproduce one (1) copy or recording of a copyrighted work and distribute it if:
1. Reproduction or distribution is made without any purpose of direct or indirect commercial advantage.
 2. Collection of the library or archives is open to the public or is available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.
 3. Reproduction or distribution of a work includes a notice of copyright.

Copies of materials for face-to-face teaching activities involving performances or displays made by students or instructors, religious services, live performances without commercial advantage, and the use of instructional broadcasts are permitted.

Prohibited Copies

The law prohibits using copies to replace or substitute for anthologies, consumable works or compilations or collective works. **Consumable works** include: workbooks, exercises, standardized tests, test booklets and answer sheets. Teachers cannot substitute copies for the purchase of books, publishers' reprints or periodicals; nor can they repeatedly copy the same item from term to term. Copying cannot be directed by a "higher authority"; and students cannot be charged more than the actual cost of photocopying.

Schools must be licensed to play copyrighted music where the performer is paid or admission is charged, even if the admission is used to cover refreshment costs.

Juke boxes must be licensed, and a certificate of license must be displayed on each machine.

Off-Air Recordings

Broadcast programs may be recorded off-air simultaneously with broadcast transmission and retained by the district for a period not to exceed forty-five (45) consecutive calendar days after the date of recording. After this period of time, all recordings must be erased or destroyed immediately.

Program recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, during the first ten (10) consecutive school days in the forty-five (45) calendar day retention period.

After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for evaluation purposes by the teacher.

Off-air recordings may be made only at the request of and use by individual teachers and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

Off-air recordings need not be used in their entirety; but they may not be altered from their original content and may not be physically or electronically combined or merged to constitute teaching anthologies or compilations. Such recording must include the copyright notice on the broadcast program as recorded.

Videotapes/Optical Discs/Distance Learning/Audio-Visual Delivery Devices

A library, archive, or media center may reproduce one (1) copy of a recording of a copyrighted work and distribute it in accordance with provisions of law.

Recorded copies of copyrighted programs owned by a staff member or another person or a copy of a rental program are considered illegally made and may not be used for instructional purposes unless its use meets the fair use test.

Rental videocassettes, laser discs and other optical media with the "home use only" warning label may not be used in a classroom, school assembly, or club unless specifically covered in the rental agreement.

Multimedia use of copyrighted material falls under the guidelines of the medium being used (e.g. computer, video, audio).

Distance learning is subject to copyright guidelines if copyrighted material is copied or recorded during a transmitted lesson.

Closed-circuit distribution of a copyrighted work to classrooms in a school or campus is legal, as long as the transmission is used for instructional activity and not entertainment.

Off-air taping of broadcast programs is permitted to educational institutions for programs broadcast to the general public. Pay cable TV services and satellite broadcasts available at an extra charge are not allowed without permission from the copyright owner.

Computer Software

Copies of software including those downloaded via modem, other than "public domain" software, cannot be made without the permission of the vendor or copyright owner.

Illegal copies of copyrighted programs may not be made or used on school equipment.

A computer program may be legally copied only for the following reasons:

1. It is created as an essential step in the use of the computer program, such as automatic copying into memory when a program is loaded.
2. It is created as a backup or archival copy only. All backup and archival copies must be destroyed in the event the original program is erased or removed from inventory.

Backup or archival copies may not be used simultaneously with the original program.

Copying a copyrighted program from a computer hard drive to a floppy disc, for use as an additional copy, is illegal.

Networking computer software is illegal if the legal multiple user or site licenses have not been acquired from the vendor or copyright owner. **Networking** is the use of a single program in a single computer that is connected to other computers, permitting the program to be used simultaneously in more than one computer.

Reproduction of original computer software manuals is illegal, and copying must abide by the fair use guidelines.

The district will provide expenditures for software as a budgetary item. Priority will be given to software that supports and/or is critical to curriculum or operating needs. All other software will be purchased if reasonable need is established and/or financial resources allow such purchase.

renting or leasing original copies of software by individuals without the express permission of the copyright owner is illegal.



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Acceptable Use of Network/Internet Access |
| Code | 815 |
| Status | Active |
| Legal | 1. 24 P.S. 1303.1-A 2. Pol. 249 3. Pol. 814 20 U.S.C. 6777 47 U.S.C. 254 47 CFR 54.520 18 Pa. C.S.A. 5903 18 Pa. C.S.A. 6312 24 P.S. 4601 et seq 17 U.S.C. 101 et seq 18 U.S.C. 2256 Pol. 103 Pol. 104 Pol. 218 Pol. 218.2 Pol. 220 Pol. 233 Pol. 237 Pol. 248 Pol. 317 Pol. 348 Pol. 417 Pol. 448 Pol. 517 Pol. 548 |
| Adopted | September 21, 2006 |
| Last Revised | August 16, 2012 |

Purpose

The purpose of access to the Internet is to support research and education in and among academic institutions in the U.S. by providing access to unique resources opportunities for collaborative work. Use of the system must be in support of education and research and be consistent with the educational objectives

of the Blackhawk School District. Use of other organizations, networks or computing resources must comply with the rules appropriate for that network. Transmission of any material in violation of any U.S. or state regulations is prohibited. This includes, but is not limited to, copyrighted material, threatening or obscene material, or material protected by trade secret. Use for commercial activities and by for-profit institutions is not acceptable. Use for product advertisement or political lobbying is also prohibited.

Guidelines

All persons who access the Internet must conduct themselves in a responsible, ethical, and polite manner while using the network. On the Internet, however, there are many resources that are inappropriate or not designed for use with elementary and secondary education. Use of the Internet shall be limited to educational and instructional purposes related to the class curriculum of the particular user and for no other purpose.

Use of the Internet shall be subject to the policies of Blackhawk School District governing student expression and permissible uses of school district facilities generally. Ignorance of this policy and expectations does not exempt individuals from consequences. The Blackhawk School District will make a good faith effort to block inappropriate material but cannot guarantee all inappropriate material will be excluded from view. The Blackhawk School District has implemented a Technology Protection Measure to filter and block inappropriate material.

Restrictions

The use of the Internet is a necessary educational tool, and inappropriate use will result in restriction of Internet use. Each user in the Blackhawk School District will be instructed by Blackhawk School District faculty pertaining to the proper use of the network and Internet.

The Blackhawk School District will educate all students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

The administration, faculty, and staff of Blackhawk School District may request the system administrator to deny, revoke, or suspend specific users. The administration along with the system administrator will deem what is inappropriate use, and their decision is final.

Student Internet Access

1. Elementary Students (K-5).

Elementary students will have the opportunity to access Internet services after review of the Acceptable Use Policy and submission of the Network/Internet User Agreement and Parent Permission Form. The student must maintain proper Internet practices to retain Internet privileges. Elementary students will access the Internet for educational purposes only and be monitored by a staff member.

2. Secondary Students (Middle and High School).

Students will have the opportunity to access Internet services after review of the Acceptable Use Policy and submission of the Network/Internet User Agreement and Parent Permission Form. The student must maintain proper Internet practices to retain Internet privileges. Secondary students will access the Internet for educational purposes only.

Users are generally expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following listed below.

Netiquette

1. Respect and protect the privacy of others:

- a. Use only assigned accounts.
- b. Do not view, use or copy passwords, data, or networks to which they are not authorized.

2. Respect and protect the integrity, availability, and security of all electronic resources:
 - a. Observe all network security practices.
 - b. Report security risks or violations to a teacher or network administrator immediately.
 - c. Conserve, protect, and share these resources with other students and Internet users.
 - d. Do not destroy or damage hardware, data, networks, or other resources that do not belong to them.
 - e. Do not attempt to login to sites/accounts without proper authorization.
3. Respect and protect the intellectual property of others:
 - a. Do not infringe copyrights (includes but not limited to making illegal copies of music, games, videos, images or publications).
4. Respect and practice the principles of community:
 - a. Communicate only in ways that are kind and respectful.
 - b. Report threatening or discomforting materials to a teacher or administrator immediately.
 - c. Do not intentionally access, transmit, copy, or create material that is illegal (such as obscenity, stolen materials, or illegal copies of copyrighted works).
5. Do not use the resources to further other acts that are criminal or violate the school's Code of Conduct.
6. Do not send spam, chain letters, or other mass unsolicited mailings.
7. Do not buy, sell, advertise, or otherwise conduct business, unless approved as school project.

Supervision and Monitoring

School and network administrators and their authorized employees monitor the use of information technology resources to help ensure that uses are secure and in conformity with this policy. Administrators reserve the right to examine, use, and disclose any data found on the school's information networks in order to further the health, safety, and discipline, and/or security of any student or other person, or to protect property. They may also use this information in disciplinary actions and will furnish evidence of crime to school officials and law enforcement.

Prohibited Activities

The following activities are specifically prohibited and if performed will subject the user to consequences, including but not limited to loss of access, disciplinary action, and/or legal actions:

1. Use of the network to facilitate any illegal activity including "hacking".
2. Use of the network and/or its resources for commercial or for-profit purposes.
3. Use of the network and/or its resources for nonwork or nonschool related work.
4. Use of the network and/or its resources for product advertisement or political lobbying.
5. Use of the network and/or its resources for harassment, hate mail, discriminatory remarks, bullying and offensive or inflammatory communication.[1][2]
6. Unauthorized or illegal installation, downloading, distribution, reproduction, or use of copyrighted materials, i.e. plagiarism.

7. Use of the network and/or its resources to access illegal, obscene, pornographic material, or other material harmful to minors.
8. Use of inappropriate language or profanity on the network and/or its resources.
9. Use of the network and/or its resources to transmit material likely to be offensive or objectionable to recipients, including but not limited to spam.
10. Use of the network and/or its resources for to intentionally obtain or modify files, passwords, and data belonging to other users, internal or external to the district's network.
11. Use of another user's identity, or using anonymity or pseudonyms, i.e. identity theft.
12. Use of network facilities for fraudulent copying, communication or modification of materials in violation of copyright laws.
13. Copying, loading, or use of unauthorized or pirated games, programs, files, data or other electronic media.[3]
14. Use of the network and/or district resources to disrupt the work of other users.
15. Destruction, modification, vandalism, or abuse of network hardware, software and/or functionality.
16. Quoting personal communication in a public forum without the original author's prior consent.
17. The creation of links to other networks whose content or purpose would tend to violate these guidelines.
18. Attaching rogue devices or applications to district resources.
19. Sending unsolicited email for the purpose of advertisement or nondistrict business.
20. Installation and/or use of nondistrict authorized remote desktop or other computing utilities.
21. Disclosure of student personal information when engaging in online activities.

Students at Blackhawk School District will be using various resources for the purpose of educational endeavors that include, but are not limited to:

1. Responding to and commenting on curriculum projects.
2. Creating written projects/media projects and commenting on each other's work.
3. Reviewing and sharing study strategies before tests and quizzes.
4. Collaborating on projects.
5. Researching points of view on a topic.
6. Constructing class notes and writing persuasively.
7. Making classroom suggestions.
8. Creating content pages on curriculum topics

Terms and Conditions -

1. All students and participants must agree to the terms and conditions of this agreement.
2. No student may edit or delete the work of another without teacher permission.
3. Teachers will make every reasonable effort to monitor conduct in order to maintain a positive learning community. All participants will respect each other's time and efforts by supporting the same positive

approach.

4. No student or other participant may include any information or images on the site that could compromise the safety of him/herself or others.
5. All participants will be respectful in their postings and edits. No trash-talk, inappropriate language, personal insults, profanity, spam, racist, sexist or discriminatory remarks, or threatening comments will be tolerated.
6. No student or other participant may post, comment, or change settings on the site in violation of these terms and conditions.
7. All use of these resources must be in accordance with this policy, including school-related entries made from computers outside of school.
8. No posting or editing may facilitate or promote illegal activity, either overtly or by implication.

Email -

1. In order for all students to participate in some of the Internet resources, an email account must be used. This account will allow your student to register and access materials online. It is simply a necessary component for registering in order to access these resources. This email address can be that of a parent/guardian or an existing student email account, or an email account can be created using free online sources.
2. A record of emails used will be maintained by way of the signature page.
3. Students are not to access email accounts during the school day unless there is an educational purpose as indicated by a teacher. Blackhawk School District is not responsible for inappropriate use of email after the school day. School discipline may occur if inappropriate use of email after school hours affects the school learning environment.

Publishing to the World Wide Web -

Students' work may be considered for publication on the World Wide Web. Such publishing requires parent/guardian permission. If parents/guardians **do not** want their child's work published, this must be indicated on the signature page.

Unidentified photos or videos of students may be published on websites, illustrating student projects and achievements. His/Her photo or video would appear on pages with a clear school related purpose and will be included to further instructional and/or co-curricular activities. If parents/guardians **do not** want their child's photo or video published, you must indicate this on the signature page.

Violations of these rules may result in disciplinary action by faculty and/or administration including the loss of use of the school's information technology resources.

Blackhawk School District makes no warranties of any kind, whether expressed or implied, for the service it is providing. Blackhawk School District will not be responsible for any damages users suffer. This includes loss of data resulting from delays, nondeliveries, mis-deliveries, or service interruptions caused by its own negligence, malfunctions, or user errors or omissions. Blackhawk School District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

All terms and conditions as stated in this document are applicable to the Blackhawk School District. These terms and conditions reflect the entire agreement of the parties and supersede all prior or written agreements and understandings of the parties. These terms and conditions shall be governed and interpreted in accordance with the laws of the Commonwealth of Pennsylvania and the United States of America.

**ATTACHMENTS TO
ACCEPTABLE USE
OF NETWORK/
INTERNET ACCESS**

| |
|---|
| <p>Please complete this form and return it to your child's homeroom.</p> |
|---|

**Blackhawk School District
Network/Internet User Agreement and Parent Permission Form**

This agreement will be in effect for the current school year only and must be resigned every year. All users must sign and return this signature page, and those under eighteen (18) must obtain parental permission. Parents/Guardians, please read and complete this document carefully, review its contents with your son or daughter, and sign and initial where appropriate. A copy of this document is available on the Blackhawk School District web site, www.bsd.k12.pa.us.

User Agreement: (for students and/or staff)

As a user of the Blackhawk School District computer network, I hereby agree to comply with the statements and expectations outlined in this policy and to honor all relevant laws and restrictions.

User Signature _____ Date _____

Parent/Guardian Signature _____ Date _____

Email for educational networks:

Students may need an email account in order to access certain software. If an email is not provided, the school will create an email account in order to have access to software. This email does not have to be accessed by the student.

As the parent(s)/guardian(s), check and fill out the appropriate information for ONE of the following:

_____ Parent/Guardian home email: _____

_____ Existing student created email account: _____

_____ Free student email account (to be created with staff assistance)

If you have concerns about your child having access to any technologies at Blackhawk, please review options below:

Parent/Guardian Options:

We strongly encourage parents/guardians to allow maximum access to technologies available at Blackhawk School District. Teachers and support staff closely monitor student work while using a variety of technologies in order to receive maximum benefits of a quality education. By choosing an option below, your child may be required to complete alternative assignments in order to master the same skills.

Please initial appropriate items.

_____ I **do not** permit my child to access Internet resources. Examples of educational *Internet resources* may include, but are not limited to, the following:

- Accelerated Reader
- Varieties of clip art
- Credible Internet research databases (SIRS, Power Library, Opposing Viewpoints, 2 Facts Reference Suite, etc.)
- Audio or video clips
- Study Island

_____ I **do not** want my child's materials published to the World Wide Web. Examples of *educational published materials* may include, but are not limited to, the following:

- Sample projects, essays, posters, artwork
- Blog or wiki postings

_____ I **do not** want my child's photo/video published to the World Wide Web. Examples of *education photos/videos* may include, but are not limited to, the following:

- Class pictures on teacher web page
- Clips of school plays, concerts, or Grand Day
- Sports or activity pictures
- Student produced photos or videos

Parent/Guardian Signature _____ Date _____



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Livestream Video |
| Code | 816 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 17 U.S.C. 101 et seq2. Pol. 8143. 24 P.S. 13294. Pol. 1175. 24 P.S. 13276. Pol. 2047. Pol. 2188. Pol. 2219. Pol. 81510. Pol. 23711. 28 CFR 35.16012. 29 U.S.C. 79413. 42 U.S.C. 1218214. Pol. 113.115. Pol. 317 |
| Adopted | September 10, 2020 |

Purpose

The Board recognizes that livestream video may be helpful to the district and its employees in both fulfilling its educational mission and in expanding the reach of school district events and activities to those not able to attend in person. The Board further recognizes that without parameters, livestream video may pose legal risks to the district and its employees, and may otherwise disrupt the educational environment.

Delegation of Responsibility

The Superintendent shall develop procedures to implement this policy, and shall delegate to his/her designee(s) the right to enforce this policy.

Definition

Livestream video, as used in this policy, shall mean utilizing any camera to broadcast live video content through the internet, including through a social media platform.

Guidelines

Student-Initiated Use of Livestream Video

The Board prohibits student-initiated use of livestream video at any time during the school day or at any school sponsored event that is not open to the general public, unless the building administrator has authorized the use of livestream video by giving written consent.

Employee-Initiated Use of Livestream Video

The Board authorizes the use of livestream video for instructional and other educational purposes at the direction of teachers, administrators, and other employees, if approved by the building administrator.

Any in-school use of livestream video by students for educational purposes shall be supervised by a professional employee or by an administrator.

Prior to approving the use of livestream video for educational purposes, the building administrator shall ensure that adequate precautions are in place to ensure that students limit the sharing of personal information with individuals not directly affiliated with the school district.

Livestream Video of Classroom Instruction/Distance Learning

The Board authorizes the use of livestream video to deliver academic and special education instruction remotely when approved by the building administrator.

Students shall be notified prior to the use of a livestream in their classroom or other areas of the school where they may be captured on the livestream.

Livestreams shall be set up to visually capture the teacher/instructor/therapist and his/her materials, but may unintentionally capture other students attending to the same instruction in-person.

Prior to approving instruction via livestream, the building administrator shall determine if such instruction shall be recorded, and if so how long such recording shall be maintained to provide student access. Access shall be provided to students only through a secure password-protected classroom management system and no such recordings shall be posted publicly on the internet. Students shall be notified prior to a livestream being recorded.

Videos of distance-learning livestreams are the property of the district. Students are prohibited from reposting such videos on the internet, removing them from the classroom management system, and/or from sharing them with other individuals.

The district's media release forms do not prohibit a student's voice or likeness from appearing in a video of classroom instruction. Such videos are not posted publicly, and are maintained temporarily for student access.

Students who access academic instruction via livestreaming shall be considered present for attendance purposes during those hours during which they received instruction.

Livestream of School District Events Open to the Public

This policy does not prevent employees, students, parents/guardians, and/or members of the public from livestreaming school district events open to the public. Students, parents/guardians, employees, and members of the public should not have any expectation of privacy while attending public events; they may be captured and broadcast on a livestream just as they could at any other public or community event, or facility open to the public.

However, school district administrators may prohibit livestreaming at specific events hosted by the school district on a case-by-case basis to comply with the law, to comply with contract terms, or to prevent a substantial disruption to the public event.

The Board prohibits livestreaming of copyrighted musical performances, theatrical performances, or any material or performance in violation of copyright law.[1][2]

Livestream Video in Lieu of Homebound Instruction

Upon acceptance of a physician or healing arts practitioner's recommendation that homebound instruction is medically necessary, the Board directs that consideration be given to whether or not the student should receive livestream access to his/her essential academic classes in lieu of homebound tutoring. Consideration must be given to:[3][4]

1. The severity of the student's medical condition, and whether or not the student can benefit from livestream academic instruction.
2. The recommendation of the student's physician.
3. Input from the student's parents/guardians.
4. The age and specific needs of the student, including whether the student has the technical proficiency to access the livestream at home.
5. Whether providing livestream instruction may be counter-productive, in that it may prolong the student's absence from school.

Students who access their essential academic instruction via livestreaming shall be considered present for attendance purposes during those hours during which they received instruction. Livestream access to academic instruction is in lieu of and not in addition to homebound tutoring.[5][6]

The decision whether or not to provide livestream access to academic instruction in lieu of homebound tutoring rests in the sole discretion of the district. Nothing in this policy shall be construed to require the district to provide livestream access to any particular student.

Telepresence Robots

The Board authorizes the use of telepresence robots in the district's buildings when approved by a student's IEP or Section 504 team due to a long-term illness or disability preventing regular school attendance. The use of telepresence robots shall be considered an employee-initiated livestream, subject to the conditions outlined above. The Superintendent or his/her designee shall develop procedures outlining employee responsibilities regarding the use of such robots in the district's schools.

Livestream Video for Routine Illnesses & Absences

No teacher or administrator shall be required to provide a livestream of academic instruction for a student's routine illness or absence. If a student or parent/guardian requests access to such a livestream due to extenuating circumstances, the decision whether or not to provide such a livestream shall be in the sole discretion of the teacher and building administrator.

Proper Attire/Code of Conduct

Any student participating in a livestream for academic instruction must abide by the district's Code of Conduct and may be held accountable for violations of the Code of Conduct while participating in the livestream. Students participating in a livestream of academic instruction must also be dressed in proper attire consistent with the district's dress code.[7][8]

Acceptable Use of District's Network

If a livestream utilizes the district's internet connection, the school district's Acceptable Use Policy applies and is incorporated herein by reference. District livestream videos are property of the district. Any reposting or reproduction of such videos, or screenshots from such a video, is prohibited.[9]

Use of Personal Devices

If any livestream authorized pursuant to this policy utilizes a personal mobile device, the district's mobile device policies apply and are incorporated herein by reference.[10]

Accommodations for Disabilities

The Board directs that public livestreams of school district events be as accessible as reasonably feasible for individuals with disabilities as for non-disabled members of the public.[11][12][13]

Nothing in this policy shall affect the provision or use of livestreaming as stated in an Individualized Education Program or Section 504 Service Agreement.

Penalties for Violations

Violation of this policy, administrative regulations, and/or state or federal laws will result in discipline. Employees may be subject to discipline up to and including dismissal. Students may be subject to discipline up to and including expulsion.[7][14][15]

Development of Administrative Guidelines

The Superintendent or his/her designee may develop administrative guidelines to implement this policy. The Superintendent shall ensure that all students and employees are made aware of this policy and any administrative guidelines by means of the employee and student handbooks, the school district website, or other reasonable means.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Contracted Services |
| Code | 818 |
| Status | Active |
| Legal | 1. 24 P.S. 111 2. 23 Pa. C.S.A. 6301 et seq 3. 22 PA Code 8.1 et seq 4. Pol. 610 |
| Adopted | September 21, 2006 |

Purpose

In its effort to provide cost-effective programs, the Board may need to utilize contracted services. The district will supervise and evaluate such services to assure their effectiveness. This policy is to assist the Board in maintaining qualified and legally certified services.

Authority

The Board is required by law to ensure that independent contractors and their employees who have direct contact with students comply with the mandatory background check requirements for criminal history and child abuse.[1][2][3]

Delegation of Responsibility

The Superintendent or designee shall prepare procedures to assure compliance with the legal requirements for contracted services.

Failure to comply with this policy and the background check requirements by an independent contractor shall lead to cancellation of the contract.

Mandatory background check requirements will be included in all bidding specifications for contracted services.[4]



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Suicide/Crisis Management |
| Code | 819 |
| Status | Active |
| Legal | 1. 24 P.S. 1526 2. Pol. 333 3. Pol. 433 22 PA Code 12.12 Pol. 113 Pol. 113.2 Pol. 113.3 Pol. 114 Pol. 117 Pol. 204 Pol. 207 Pol. 216 Pol. 248 Pol. 249 Pol. 805 Pol. 806 |
| Adopted | September 21, 2006 |
| Last Revised | January 21, 2016 |

Purpose

The Board adopts this policy in acknowledgement of the district's commitment to maintaining a safe school environment; to protect the health, safety and welfare of its students; to promote healthy development; and to safeguard against the threat or attempt of suicide among school-aged youth. The impact of students' mental health on their academic performance and the effect of mental health issues and suicide on students and the entire school community are significant. Therefore, in order to ensure the safety and welfare of students, the district will work to educate school personnel and students on the actions and resources necessary to prevent suicide and promote mental well-being.

Authority

This policy shall apply in any situation where a student is expressing suicidal thoughts or intentions of self-harm on school property, at any school-sponsored activity, or on any public vehicle providing transportation to or from a school or school-sponsored activity. This policy shall also apply following a student's suicide threat or attempt that does not occur on school grounds or during a school-sponsored activity, but that is reported to any school personnel.

Publication

The district will notify its school personnel, students and parents/guardians of this policy and will post the policy on the district's website.

Definitions

At Risk for Suicide shall mean any youth with risk factors or warning signs that increase the likelihood of suicidal behavior.

Chief School Administrator shall mean the Superintendent of a school district

Crisis Response Team shall include, but may not be limited to, the administrators, guidance counselors, the school nurse, social worker, and school resource officers, and/or other members of the Student Assistance Program (SAP), as designated, and may include other members as deemed appropriate by the chief school administrator/district. Community mental agency resources may be called for assistance to be a part of the team.

Expressed Suicidal Thoughts or Intentions shall mean a verbal or nonverbal communication that an individual intends to harm him/herself with the intention to die, but has not acted on the behavior.

Prevention refers to efforts that seek to reduce the factors that increase the risk for suicidal thoughts and behaviors and increase the factors that help strengthen, support, and protect individuals from suicide.

Protective Factors shall refer to characteristics (biological, psychological, and social) that reduce risk and the likelihood of the individual developing a mental illness.

Resilience shall refer to an individuals' innate ability to persevere in the face of adversity and reduce the risk of unhealthy outcomes.

Risk Factors shall mean the personal or environmental characteristics associated with suicide. People affected by one or more of these risk factors have a greater probability of suicidal behavior.

School Connectedness shall mean the belief by students that adults and peers in the school care about their learning as well as about them as individuals

School Personnel include, but may not be limited, administrators, teachers, paraprofessionals, support staff, coaches, custodians, and cafeteria workers.

Suicide shall refer to death caused by self-directed injurious behavior with any intent to die as a result of the behavior.

Suicidal Act or Suicide Attempt shall mean a potentially self-injurious behavior for which there is evidence that the person probably intended to kill him/herself; a suicidal act may result in death, injuries, or no injuries.

Warning Signs are evidence-based indicators that someone may be in danger of suicide, either immediately or in the very near future.

Suicide Awareness and Prevention Education[1]

The district shall utilize a multifaceted approach to suicide awareness and prevention education, which includes the following:

Staff Development -

All school personnel, including, but not limited to, administrators, teachers, paraprofessionals, support staff, coaches, custodians, and cafeteria workers, shall receive information regarding the school's protocols for suicide awareness and prevention. Information will be provided for all school personnel about the importance of suicide prevention and recognition of suicide risk factors, as well as strategies to enhance protective factors, resilience, and school connectedness. Additionally, school personnel will be educated about the warning signs and risk factors for youth depression and suicide.

As part of the district's Professional Development Plan, professional staff in all school buildings serving students in grades six (6) through twelve (12) shall participate in four (4) hours of youth suicide awareness and prevention training every five (5) years.[1][2][3]

Prevention Education for Students -

Students shall receive age-appropriate education on the importance of safe and healthy choices, coping strategies, how to recognize risk factors and warning signs, as well as help-seeking strategies for self or others including how to engage school resources and refer friends for help. Lessons shall contain information on comprehensive health and wellness, including emotional, behavioral, and social skills development.

Methods of Prevention/Intervention[1]

Intervention/Prevention -

In compliance with state regulations and in support of the school's suicide prevention methods, information received in confidence from a student may be revealed to the student's parents or guardians, the building principal or other appropriate authority when the health, welfare, or safety of the student or other persons is at risk.

Any school personnel who has identified a student with one or more risk factors, or warning signs, or who has an indication that a student may be contemplating suicide, shall refer the student for further assessment and intervention in accordance with the district's referral procedures.

The district shall create an emotional or mental health safety plan to support a student and the student's family if the student has been identified as being at increased risk of suicide.

For students with disabilities who are identified as being at-risk for suicide or who attempt suicide, the appropriate team shall be notified and shall address the student's needs in accordance with applicable law, regulations and Board policy.

Any school personnel who are made aware of any threat or witnesses any attempt towards self-harm that is written, drawn, spoken, or threatened shall immediately notify the principal or designee. Any threat in any form shall be treated as real and dealt with immediately. No student should be left alone, nor confidence promised. In cases of life-threatening situations, a student's confidentiality will be waived. The district's crisis response procedures shall be implemented.

If an expressed suicide thought or intention is made known to any school personnel during an afterschool program and the principal or designee are not available, call County Emergency Services, at 1-800-400-6180 or 724-775-5208, 1-800-SUICIDE, or 1-800-273-TALK for help. Thereafter, immediately inform the principal of the incident and actions taken.

Methods of Response[1]

The district shall establish a crisis response team(s). The crisis response team(s) may include, but is not limited to, administrators, guidance counselors, the school nurse, social worker, school police officer or school resource officer, and/or teachers and other members of the school's Student Assistance Program team.

The crisis response team(s) should also include individuals designed as coordinators and/or investigators on cases involving peer-to-peer harassment, as required under federal law. These individuals will help identify overlapping risk factors, including hostile environments created by persistent or severe harassment on the basis of gender, race, disability, or other protected classes.

Response to Suicide or Suicide Attempt on Campus[1]

The first school personnel on the scene of a suicide or suicide attempt must follow the district's crisis response procedures, and shall immediately notify the principal or designee.

The district will immediately notify the parents or guardians of the affected student(s)

Methods of Reporting[1]

Procedures for Parental Involvement -

Parent or guardian of a student identified as being at-risk of suicide must be immediately notified by the school and must be involved in consequent actions. If any mandated reporter suspects that a student's risk status is the result of abuse or neglect, that individual must comply with the reporting requirements of the Child Protective Services Law.

If the parent or guardian refuse to cooperate and there is any doubt regarding the child's safety, the school personnel who directly witnessed the expressed suicide thought or intention will pursue a 302 involuntary mental health assessment by calling County Emergency Services, at 1-800-400-6180 or 724-775-5208 and ask for a delegate. The delegate will listen to concerns and advise on the course of action. If a 302 involuntary mental health assessment is granted, the first-hand witness will need to be the petitioner, with support from the principal or other central office administrator.

Resources

Resources for Youth Suicide Awareness and Prevention -

A comprehensive set of resources for youth suicide awareness and prevention is accessible through the PA Department of Education at www.education.pa.gov

PA Youth Suicide Prevention Initiative – <http://payspi.org/>

Oct.2014 Dear Colleague Letter related to peer harassment of students with disabilities:
<http://www2.ed.gov/about/offices/list/ocr/publications.html#Section504>

Suicide Prevention Resource Center – <http://www.sprc.org/>

American Foundation for Suicide Prevention – <http://www.afsp.org/>

References:

2012 National Strategy for Suicide Prevention: Goals and Objectives for Action

Please see U.S. Department of Education, Office for Civil Rights (OCR), guidance related to disability discrimination and sex discrimination for more information:
<http://www2.ed.gov/about/offices/list/ocr/publications.html>

Attachment Policy 819.docx (23 KB)

**ATTACHMENTS TO
SUICIDE/ CRISIS
MANAGEMENT**

PENNSYLVANIA
DEPARTMENT OF EDUCATION

Suicide Awareness and Prevention
Administrative Regulation

Staff Development

Training Effectiveness:

Best practices in suicide prevention have found that improved outcomes (i.e., greater reduction in suicidal thoughts and behavior after training) are more likely when professional staff training is spread out over an extended period of time, as opposed to one long training session and then not revisiting training for several years.

Additional professional development in risk assessment and crisis intervention shall be provided to guidance counselors, mental health professionals and school nurses, and any individual that would reasonably be expected to assess at-risk individuals.

School staff should also receive training to better understand the intersection of suicide prevention and intervention and other responsibilities related to student safety (bullying prevention¹, sexual harassment, gender-based violence, relationship violence², etc.), including how incidents are documented, involvement of key staff in case evaluation, investigations, and interventions.³

Additional protocols to consider for (general) awareness and prevention education:

1. Defining behavioral, emotional, and mental health disorders.
2. Defining minimal policy standards and expectations.
3. Establishing communication through a chain of command.
4. Determining appropriate staff trainings and appropriate trainees.
5. Awareness of and familiarity with appropriate resources.
6. Selecting appropriate resources and materials.

Early Identification and Referral

Early identification of individuals with one or more suicidal risk factor is vital to a District's suicide prevention efforts.

Risk factors refer to personal or environmental characteristics that are associated with suicidal behavior including, but not limited to:

1. Behavioral Health Issues/Disorder
2. Depression
3. Bipolar disorder or other mood disorder

¹ OCR "Dear Colleague Letter: Responding to Bullying of Students with Disabilities", October 21, 2014.
<http://www2.ed.gov/about/offices/list/ocr/publications.html#Section504>

² OCR Title IX guidance available here: <http://www2.ed.gov/about/offices/list/ocr/publications.html#TitleIX>

³ Please see the U.S. Department of Education, Office for Civil Rights (OCR), for guidance related to disability discrimination, sex discrimination, and other concerns. Reading Room:
<http://www2.ed.gov/about/offices/list/ocr/publications.html>

4. Substance abuse or dependence
5. Previous suicide attempts
6. Self-injury
7. Hopelessness/low self-esteem
8. Loneliness/social alienation/isolation/lack of belonging
9. Poor problem-solving or coping skills
10. Impulsivity/risk-taking/recklessness
11. Adverse/stressful life circumstances
12. Gender identity/sexual orientation
13. Homelessness
14. Interpersonal difficulties or losses
15. Disciplinary or legal problems, including school disciplinary issues
16. Bullying (victim or perpetrator; target, aggressor and/or witness)
17. School or work issues
18. Physical, sexual or psychological abuse
19. Exposure to family or peer suicide
20. Family characteristics – lots of conflict, few activities
21. Family history of suicide or suicidal behavior
22. Family mental health problems, including alcoholism
23. Divorce, death of parent
24. Parent-child conflict

Warning signs are evidence-based indicators that someone may be in danger of suicide, either immediately or in the future. These signs may mean that a youth is at risk for suicide, particularly for youth who have attempted suicide in the past. Risk is greater if the warning sign is new and/or has increased and if it seems related to an anticipated or actual painful event, loss, or change. Finally, the presence of more than one of the following warning signs may increase a youth's risk for engaging in suicidal behaviors.

1. Talking about or making plans for suicide.
2. Expressing hopelessness about the future.
3. Displaying severe/overwhelming emotional pain or distress.
4. Showing worrisome behavioral cues or marked changes in behavior, particularly in the presence of the warning signs above. Specifically, this includes significant:
 - a. Withdrawal from or changing in social connections/situations.
 - b. Recent increased agitation or irritability.
 - c. Anger or hostility that seems out of character or out of context.
 - d. Changes in sleep (increased or decreased).

Intervention

The District shall approve intervention and assessment procedures that contain:

1. Procedures for responding to various risk scenarios.
2. A suicide assessment instrument to be used by training school and or mental health staff (counselors, psychologists, social workers).
3. Guidelines for staff after conducting suicide assessment.
4. Guidelines for collaborating with community mental health agencies.
5. Guidelines for emergency evaluation referrals.
6. Guidelines for notification of parents/guardians.

The following procedures will be followed in response to expressed suicide thoughts or intentions:

1. The staff member who learns of the expressed thoughts or intentions will locate the individual and arrange for or provide constant adult supervision.
2. The above-mentioned staff member will immediately inform the principal or designee.
3. The principal or designee will involve the school nurse practitioner and other staff as he/she sees fit.
4. The appropriate staff or approved agency provider will determine risk and intervention needed by interviewing the student and gathering appropriate supportive documentation from teachers or others who witnessed the expressed suicide thought or intention.

The principal or designee will:

1. Contact the parent or guardian, apprise them of the situation, and make recommendations.
2. Put all recommendations in writing to the parent or guardian.
3. Keep a record of/document how contact was made/established.
4. Maintain a file copy of the letter in a secure and appropriate location.
5. If the student is known to be currently in counseling, the principal or designee will attempt to inform his/her treatment provider in writing of what occurred and the actions taken. Encourage the family to sign a Release of Information at their treatment provider's office allowing communication between the school and the provider. This level of communication will help facilitate a return to school should an absence be warranted.
6. Notify the chief school administrator or central office.

Methods/Procedures for Community Support/Outreach

If an expressed suicidal thought or intention is made during an afterschool program and no school personnel are available, call County Emergency Services at 1-800-400-6180 or 724-775-5208, 1-800-SUICIDE, or 1-800-273-TALK for help. Inform the principal of the incident and actions taken.

Procedures for facilitating a student's return to school for members of the crisis response team:

1. Prior to the student returning to school, schedule a meeting between designated school staff from the crisis team and parent or guardian to discuss possible arrangements for support services and to create an individual re-entry plan.
2. Be familiar with the basic information of the case.
3. Maintain regular contact with the family.
4. Serve as a liaison between the student, family, and teachers with family permission.
5. Monitor the student's progress.
6. Closely monitor the student's re-entry into school and maintain contact with the student's parent or guardian and mental health provider.
7. If the student is unable to attend school for an extended period of time, determine how to help them complete course requirements. Assistance can include, but is not limited to, homebound instruction and/or a 504 plan to assist with accommodations.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Anti-Fraud Program |
| Code | 820 |
| Status | Active |
| Adopted | September 21, 2006 |

Authority

The Blackhawk School District and its employees must, at all times, comply with all applicable laws and regulations. The district will not condone activities of employees that achieve results through violation of the law or unethical business dealings. This includes, but is not limited to, any payment for illegal acts, indirect contributions, rebates, and bribery. The Blackhawk School District does not permit any activity that fails to stand the closest public scrutiny.

All business conduct should be well above the minimum standards required by law. Accordingly, district employees must ensure that their actions cannot be interpreted as being, in any way, in contravention of the laws and regulations governing the district operations.

Guidelines

Conflicts of Interest

The Board expects employees to perform their duties conscientiously, honestly, and in accordance with the best interests of the district. Employees must not use their position or their knowledge gained as a result of their position for private or personal advantage. Regardless of the circumstances, if employees sense that a course of action they have pursued, are presently pursuing, or are contemplating pursuing may involve them in a conflict of interest with the district, they should immediately communicate all the facts to their supervisor.

Clients and Suppliers

District employees should avoid investing in or acquiring a financial interest for their own accounts in any business organization that has a contractual relationship with the district, or that provides goods or services, or both to the district, if such investment or interest could influence or create the impression of influencing their decisions in the performance of their duties on behalf of the district.

Gifts, Favors, Entertainment

District employees shall not accept entertainment, gifts, or personal favors that could, in any way, influence, or appear to influence, business decisions in favor of any person or organization with whom or with which the district has, or is likely to have, business dealings. Similarly, district employees must not accept any other preferential treatment under these circumstances because their position with the district might be inclined to, or perceived to, place them under obligation.

Kickbacks and Secret Commissions

Regarding the district's business activities, employees may not receive payment or compensation of any kind, except as authorized under Board policy. The Board strictly prohibits the acceptance of kickbacks and

secret commissions from suppliers or others. Any breach of this rule will result in immediate termination and prosecution to the fullest extent of the law.

Organization Funds and Other Assets

District employees who have access to district funds in any form shall follow the prescribed procedures and policies for recording, handling, and protecting money. The Board imposes strict standards to prevent fraud and dishonesty. If employees become aware of any evidence of fraud or dishonesty, they should immediately advise their superior so that the district can promptly investigate further.

When a district employee's position requires spending funds or incurring any reimbursable personal expenses, that individual must use good judgment on the district's behalf to ensure that good value is received for every expenditure.

District funds and all other assets of the district are for the district purposes and not for personal benefit. This includes personal use of district assets, such as computers.

Organization Records and Communications

Accurate and reliable records of many kinds are necessary to meet the district's legal and financial obligations and to manage the affairs of the district. The district's books and records must reflect in an accurate and timely manner all business transactions. The employees responsible for accounting and recordkeeping must fully disclose and record all assets, liabilities, or both, and must exercise diligence in enforcing these requirements.

District employees must not make or engage in any false record or communications of any kind, whether internal or external, including but not limited to:

1. False expense, attendance, financial, or similar reports and statements.
2. False advertising and other misleading representations.

Prompt Communications

In all matters relevant to parents/guardians, community members, suppliers, and government authorities, all district employees must make every effort to achieve complete, accurate, and timely communications; responding promptly and courteously to all proper requests as per Board policy.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Automated External Defibrillator (AED) |
| Code | 822 |
| Status | Active |
| Legal | 1. 42 Pa. C.S.A. 8331.2 2. 42 Pa. C.S.A. 8337.1 |
| Adopted | September 21, 2006 |

Purpose

The Board is committed to providing a safe and healthy environment for the school community. Maintaining automated external defibrillators (AED) in the schools enables trained responders to deliver early defibrillation to victims of sudden cardiac arrest.

Authority

The automated external defibrillator (AED) units are owned by the district and shall be properly maintained and located in secure and accessible locations.

The automated external defibrillator (AED) units shall be used in accordance with approved district procedures.

Guidelines

A core team shall be trained in CPR and AED procedures by completing a training program offered by approved providers. Members of the team shall be provided opportunities for annual training and retraining.

Written guidelines for medical emergencies related to the use of automated external defibrillators (AED) shall be provided to all members of the core team.

Responders' use of automated external defibrillator (AED) units shall not replace the care provided by emergency medical services (EMS) providers.

Patient care shall be transferred to the EMS providers upon their arrival.

Delegation of Responsibility

The Superintendent or designee shall develop and disseminate written guidelines for use of automated external defibrillator (AED) systems.

Automated external defibrillator (AED) units may be used by all members of the district's core team who have successfully completed training and any trained volunteer who has a current course completion card.

[1][2]



| | |
|--------------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Naloxone |
| Code | 823 |
| Status | Active |
| Adopted | October 20, 2016 |
| Last Revised | October 20, 2016 |

Authoritv

As a means of enhancing the health and safety of its students, staff and visitors, the district may obtain, maintain and administer doses of an opioid antagonist and other facilities, specifically Naloxone, for emergency use to assist a student, staff member or other individual believed or suspected to be experiencing an opioid overdose.fllf2l

Definitions

Drug overdose- shall mean an acute medical condition, including, but not limited to, severe physical illness, coma, mania, hysteria or death, which is the result of consumption or use of one or more controlled substances causing an adverse reaction. An individual's condition may be deemed to be a drug overdose if a prudent person, possessing an average knowledge of medicine and health, would reasonably believe that the condition is in fact a drug overdose and requires immediate medical attention.ill

Naloxone- shall mean a medication that can reverse an overdose caused by an opioid drug. As a narcotic antagonist, Naloxone displaces opiates from receptor sites in the brain and reverses respiratory depression that usually is the cause of overdose deaths.

Opioid - shall mean illegal drugs such as heroin, as well as prescription medications used to treat pain such as morphine, codeine, methadone, oxycodone, hydrocodone, fentanyl, hydromorphone, and buprenorphine.

Delegation of Responsibility

The Superintendent or designee, in consultation with the school nurse(s) and the school physician, shall establish appropriate internal procedures for the acquisition, stocking and administration of Naloxone and related emergency response procedures pursuant to this policy.

The school physician shall be the prescribing and supervising medical professional for the district's stocking and use of Naloxone. The Superintendent or designee shall obtain a standing order from the school physician for administration of Naloxone.

The school nurse shall be responsible for building-level administration of Naloxone and management of Naloxone stocks.

Guidelines

The school nurse shall develop a plan for annually informing all parents/guardians, students and staff about this policy and specifically:

1. The availability of Naloxone to treat opioid drug overdoses and what it does;
2. The symptoms of opioid drug overdoses;
3. How students and staff should report suspected overdoses;
4. The protection from criminal prosecution provided by law for persons who report a suspected overdose using their real name and remain with the overdosing person until emergency medical services (EMS) or law enforcement arrive, as well as for the person whose overdose they report; and[11[2]
- s. The protection from civil liability provided by law for persons who report overdoses or administer Naloxone in overdose emergencies.[1H2]

Standing Order From the School Physician

The school physician shall provide and annually renew a standing order for administration of Naloxone to students, staff members or other individuals believed or suspected to be experiencing an opioid overdose.

The standing order shall include at least the following information:

1. Type of Naloxone (intranasal and auto-injector).
2. Date of issue.
3. Dosage.
4. Signature of the school physician.

The standing order shall be maintained in the Superintendent's office, and copies of the standing order shall be kept in each location where Naloxone is stored.

Training

Before any school district employee may have custody of Naloxone or administer Naloxone under this policy, the employee must successfully complete an online Pennsylvania Department of Health training program about recognizing opioid-related overdoses, administering Naloxone and promptly seeking medical attention for drug overdoses. Evidence that such training has been completed shall be placed in the employee's personnel file.UJ.[3]

A list of school district employees who successfully complete such training shall be maintained, updated and kept in the school nurse's office and the school district administration office.

Acquisition, Storage and Disposal

Naloxone shall be safely stored in the school nurse's office or other location designated by the school nurse in accordance with the drug manufacturer's instructions.

Naloxone shall be made readily accessible to those employees who have completed the required training to administer it in the event of a suspected drug overdose. All properly trained employees shall be informed of the exact location where Naloxone is being stored within the school nurse's office or other location.

The school nurse shall obtain sufficient supplies of Naloxone pursuant to the standing order in the same manner as other medical supplies acquired for the school health program. The school nurse or designee shall regularly inventory and refresh Naloxone stocks, and maintain records thereof, in accordance with the established internal procedures, manufacturer recommendations and Department of Health Guidelines.

Administration of Naloxone

When responding to a suspected drug overdose, district employees shall follow the steps outlined below:

1. Call for medical help immediately (Dial 9-1-1).
2. Check for signs of opioid overdose.
3. Perform initial rescue breathing (or CPR if needed), as instructed in training.
4. Administer Naloxone, as instructed in training.
5. Continue rescue breathing (or CPR if needed), as instructed in training.
6. Administer second dose of Naloxone if needed, as instructed in training.
7. Place in recovery position, as instructed in training.
8. Stay with the individual until emergency medical help arrives.
9. Cooperate with EMS personnel responding to the incident.
10. Notify the building administrator or designee of the incident. Referral to Law Enforcement and Parental Notification

The Superintendent or designee shall immediately report incidents involving the use 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.[10]4][5][6H71[8][9]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving use of controlled substances 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.[10][11]4[9]

Referral to Student Assistance Program

Any student who experiences a drug overdose shall be referred to the district's Student Assistance Program.[12] Indemnification

The school district shall indemnify and hold harmless any employee who administers Naloxone in good faith to another individual experiencing a suspected drug overdose, if all of these conditions apply:[13][14][2]

1. The employee did not act with the intent to harm or with reckless indifference to a substantial risk or harm in administering Naloxone to that individual.
- 2 The employee successfully completed the training contemplated by this policy.
3. The employee promptly sought additional medical assistance before or immediately after administering Naloxone.
4. The employee is administering Naloxone pursuant to this policy.

{ } Volunteers

{X} The term **employee** as used in this policy shall include approved volunteers who have received the required training.

NOTE: If not using the Volunteer option, please remove the Policy 916 reference.



| | |
|---------|----------------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | State Mandate Waivers |
| Code | 825 |
| Status | Active |
| Legal | 1. 24 P.S. 1714-B 2. Pol. 801 |
| Adopted | September 21, 2006 |

Purpose

This policy establishes guidelines for developing, applying for and implementing waivers of state-imposed mandates and other provisions of state law. Board procedures will supplement those set forth in law or State Board regulations. Waiver applications submitted by the school district shall be processed and implemented in accordance with this policy.

Authority

The Board shall approve at a regular Board meeting the submission of an application for state mandate waivers that will enable the district to improve its instructional program or to operate in a more effective, efficient or economical manner. Approval by the Department of Education shall be required prior to implementation by the district.[1]

No waiver shall be in effect until after approval has been received from the Secretary of Education, and the Board has taken formal action acknowledging the approval and specifying the effective date of the waiver.

The Board reserves the right to decline to implement any waiver that has been approved, and to rescind any waiver in effect in the district.

Delegation of Responsibility

The Superintendent shall advise the Board of waiver requests being evaluated and developed beyond the preliminary stage.

The administration shall promptly notify the Board when a waiver application is approved or denied. When denied, the administration shall prepare a recommendation concerning revisions and re-submittal.

The administration shall be responsible to implement required measurement methods and prepare appropriate documentation for submission prior to the expiration of the three-year trial period.

Guidelines

Applications and supporting documentation for waivers applied for and those currently in force, as well as approval notices from the Secretary of Education, shall be public records maintained permanently by the Board Secretary and shall be made available for public inspection and copying, in accordance with Board policy.[2]

When amendments to adopted Board policy or existing administrative procedures are necessary or appropriate in order to effectively implement the waiver, the final recommended application presented to the Board and final solicitor's review shall be accompanied by specific language for proposed policy revisions and information about associated changes in administrative procedures.

Except where clearly not pertinent nor appropriate, all bid specifications; requests for proposals and quotations; and similar documents shall contain language advising that:

1. The effect of laws, regulations or standards otherwise applicable to the district may have been altered by virtue of a waiver.

2. It is the responsibility of persons contemplating doing business with the district to be familiar with waivers in force or applied for as listed in district records.

The district shall maintain a current listing of all waivers in effect in the district, which shall be updated by the administration as each new waiver is placed into effect. For each waiver listed, the following information shall be specified:

1. Cite to the provisions of law waived.

2. Effect of the waiver.

3. Original effective date and renewal date of permanently renewed waivers.

4. Cross-reference to Board policies or administrative procedures reflecting implementation of the waiver. Suggestions for waiver applications may be submitted by any Board member, staff member, student, resident or taxpayer of the school district. All suggestions must be in writing and submitted to the Superintendent, except that staff proposals shall be routed through the chain of command, with comments or recommendations from supervisors and administrators.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Conflict of Interest |
| Code | 827 |
| Status | Active |
| Legal | 1. 65 Pa. C.S.A. 1101 et seq 2. Pol. 004 3. 51 PA Code 15.2 4. 65 Pa. C.S.A. 1104 5. 2 CFR 200.318 6. Pol. 322 7. 2 CFR 200.112 8. Pol. 317 Pol. 011 Pol. 319 Pol. 609 Pol. 702 |
| Adopted | July 27, 2017 |

Purpose

This policy shall affirm Blackhawk School District standards of conduct established to ensure that Board members and employees avoid potential and actual conflicts of interest, as well as the perception of a conflict of interest.

Definitions

Confidential information shall mean information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.[1]

Conflict or Conflict of interest shall mean use by a Board member or Blackhawk district employee of the authority of his/her office or employment, or any confidential information received through his/her holding public office or employment, for the private pecuniary benefit of him/herself, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated. The term does not include an action having a de minimis economic impact, or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the Board member or district employee, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated.[1]

De minimis economic impact shall mean an economic consequence which has an insignificant effect.[1]

Financial interest shall mean any financial interest in a legal entity engaged in business for profit which comprises more than five percent (5%) of the equity of the business or more than five percent (5%) of the assets of the economic interest in indebtedness.[1]

Honorarium shall mean payment made in recognition of published works, appearances, speeches and presentations, and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in nature. The term does not include tokens presented or provided which are of de minimis economic impact.[1]

Immediate family shall mean a parent, parent-in-law, spouse, child, spouse of a child, brother, brother-in-law, sister, sister-in-law, or the domestic partner of a parent, child, brother or sister.[1]

Business partner shall mean a person who, along with another person, plays a significant role in owning, managing, or creating a company in which both individuals have a financial interest in the company.

Delegation of Responsibility

Each employee and Board member shall be responsible to maintain standards of conduct that avoid conflicts of interest. The Board prohibits members of the Board and district employees from engaging in conduct that constitutes a conflict of interest as outlined in this policy.

Guidelines

All Board members and employees shall be provided with a copy of this policy and acknowledge in writing that they have been made aware of it. Additional training shall be provided to designated individuals.

Disclosure of Financial Interests

No Board member shall be allowed to take the oath of office or enter or continue upon his/her duties, nor shall s/he receive compensation from public funds, unless s/he has filed a statement of financial interests as required by law.[2]

The district solicitor and designated district employees shall file a statement of financial interests as required by law and regulations.[3][4]

Standards of Conduct

The Blackhawk School District maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees and Board members engaged in the selection, award and administration of contracts.[5]

No employee or Board member may participate in the selection, award or administration of a contract supported by a federal award if s/he has a real or apparent conflict of interest as defined above, as well as any other circumstance in which the employee, Board member, any member of his/her immediate family, his/her business partner, or an organization which employs or is about to employ any of them, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.[5]

The Blackhawk School District shall not enter into any contract with a Board member or employee, or his/her spouse or child, or any business in which the person or his/her spouse or child is associated valued at \$500 or more, nor in which the person or spouse or child or business with which associated is a subcontractor unless the Board has determined it is in the best interests of the district to do so, and the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the Board member or employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract.[1]

When advertised formal bidding is not required or used, an open and public process shall include at a minimum:

1. Public notice of the intent to contract for goods or services;
2. A reasonable amount of time for potential contractors to consider whether to offer quotes; and
3. Post-award public disclosure of who made bids or quotes and who was chosen.

Any Board member or employee who in the discharge of his/her official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being

taken, publicly announce and disclose the nature of his/her interest as a public record in a written statement to be attached to the Board minutes.[1]

No public official or public employee shall accept an honorarium.[1]

Board members and employees may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value. Gifts of a nominal value may be accepted in accordance with Board policy.[5][6]

Improper Influence

No person shall offer or give to a Board member, employee or nominee or candidate for the Board, or a member of his/her immediate family or a business with which s/he is associated, anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment based on the offeror's or donor's understanding that the vote, official action or judgment of the Board member, employee or nominee or candidate for the Board would be influenced thereby.[1]

No Board member, employee or nominee or candidate for the Board shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding of that Board member, employee or nominee or candidate that the vote, official action or judgment of the Board member, employee or nominee or candidate for the Board would be influenced thereby.[1]

Organizational Conflicts

Organizational conflicts of interest may exist when due to the district's relationship with a subsidiary, affiliated or parent organization that is a candidate for award of a contract in connection with federally funded activities, the district may be unable or appear to be unable to be impartial in conducting a procurement action involving a related organization.[5]

In the event of a potential organizational conflict, the potential conflict shall be reviewed by the Superintendent or designee to determine whether it is likely that the district would be unable or appear to be unable to be impartial in making the award. If such a likelihood exists, this shall not disqualify the related organization; however, the following measures shall be applied:

1. The organizational relationship shall be disclosed as part of any notices to potential contractors;
2. Any district employees or officials directly involved in the activities of the related organization are excluded from the selection and award process;
3. A competitive bid, quote or other basis of valuation is considered; and
4. The Board has determined that contracting with the related organization is in the best interests of the program involved.

Reporting Conflicts of Interest

Any perceived conflict of interest that is detected or suspected by any employee or third party shall be reported to the Superintendent. If the Superintendent is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Board President.

Any perceived conflict of interest of a Board member that is detected or suspected by any employee or third party shall be reported to the Board President. If the Board President is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Superintendent, who shall report the incident to the solicitor.

No reprisals or retaliation shall occur as a result of good faith reports of conflicts of interest.

The Superintendent or designee shall report in writing to the federal awarding agency or pass-through entity any potential conflict of interest related to a federal award, in accordance with federal awarding agency policy.[Z]

Investigation

Investigations based on reports of perceived violations of this policy shall comply with state and federal laws and regulations. No person sharing in the potential conflict of interest being investigated shall be involved in conducting the investigation or reviewing its results.

In the event an investigation determines that a violation of this policy has occurred, the violation shall be reported to the federal awarding agency in accordance with that agency's policies.[Z]

Disciplinary Actions

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

Violations of this policy may result in disciplinary action up to and including discharge, fines and possible imprisonment. Disciplinary actions shall be consistent with Board policies, procedures, applicable collective bargaining agreements and state and federal laws.[8]

PSBA Revision 10/16 © 2016 PSBA



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 800 Operations |
| Title | Breach of Computerized Personal Information |
| Code | 830 |
| Status | Active |
| Legal | 1. 73 P.S. 2301 et seq 2. 73 P.S. 2302 3. Pol. 801 4. 73 P.S. 2303 15 U.S.C. 1681a |
| Adopted | October 20, 2016 |
| Last Revised | October 20, 2016 |

Purpose

With the increased reliance upon electronic data, and the maintenance of personal information of students and employees in electronic format, the Board is concerned about the risk of a breach in the district's electronic system security and the possible disclosure of personal information. This policy addresses the manner in which the district will respond to unauthorized access and acquisition of computerized data that compromises the security and confidentiality of personal information.

Authority

The Board directs that district administrators shall provide appropriate notification of any computerized system security breach to any state resident whose unencrypted and unredacted personal information was or is reasonably believed to have been accessed or acquired by unauthorized persons.[1]

Definitions

Breach of the system's security - unauthorized access and acquisition of computerized data that materially compromises the security or confidentiality of personal information maintained by the district as part of the database of personal information regarding multiple individuals and that the district reasonably believes has caused or will cause loss or injury to any state resident. Good faith acquisition of personal information by an employee or agent of the school district for the purpose of the district is not a breach of the security of the system if the personal information is not used for a purpose other than the lawful purpose of the district and is not subject to further unauthorized disclosure.[2]

Individual - means any natural person, not an entity or company.

Personal information - includes an individual's first initial and last name in combination with and linked to any one or more of the following, when not encrypted or redacted:[2]

1. Social security number.
2. Driver's license number or state identification card number issued instead of a driver's license.

3. Financial account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account.

Personal information does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.[3]

Records - means any material, regardless of its physical form, on which information is recorded or preserved by any means, including written or spoken words, graphically depicted, printed or electromagnetically transmitted. This term does not include publicly available directories containing information that an individual has voluntarily consented to have publicly disseminated or listed, such as name, address or telephone number.[2]

Delegation of Responsibility

The Superintendent or designee shall ensure that the district provides notice of any system security breach, following discovery, to any state resident whose unencrypted and unredacted personal information was or is reasonably believed to have been accessed and acquired by an unauthorized person. Such notice shall be made without a reasonable delay, except when a law enforcement agency determines and advises the district in writing that the notification would impede a criminal or civil investigation, or the district must take necessary measures to determine the scope of the breach and to restore the reasonable integrity of the data system. The district will also provide notice of the breach if the encrypted information is accessed and acquired in an unencrypted form, if the security breach is linked to a breach of security of the encryption, or if the security breach involves a person with access to the encryption key.[4]

PSBA Revision 7/11 © 2015 PSBA



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Public Relations Objectives |
| Code | 901 |
| Status | Active |
| Legal | 1. 65 Pa. C.S.A. 701 et seq 2. Pol. 903 |
| Adopted | September 21, 2006 |

Purpose

The purpose of the school-community relations program is to establish and maintain communication that informs the parents/guardians and public and involves them in the educational goals and programs of the district's schools.

Authority

To achieve this purpose, the Board shall provide parents/guardians and other district residents opportunities to receive information and orientation regarding the schools. The Board will utilize all appropriate means and media to achieve its public relations objectives.

Guidelines

The objectives of the district's public relations program shall be to:

1. Explain the programs, achievements and needs of the schools.
2. Keep students and staff members fully informed.
3. Operate in public session, as speedily and efficiently as circumstances permit and with appropriate public participation.[1][2]
4. Recognize students and their achievements.

Delegation of Responsibility

It shall be the responsibility of all district staff to:

1. Acquaint parents/guardians and residents with the work of the schools and students.
2. Give courteous and thoughtful consideration to all inquiries and suggestions and carefully investigate all complaints.
3. Make parents/guardians, volunteers and visitors feel welcome in the school and in the classroom.
4. Cooperate with parent-teacher and other community groups.
5. Maintain student relations that encourage cooperation of the home.
6. Observe interstaff relations conducive to high morale that merit the respect of students and citizens.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Publications Program |
| Code | 902 |
| Status | Active |
| Adopted | September 21, 2006 |

Purpose

The Board believes that all reasonable means should be employed to keep the public informed on matters of importance regarding district policies, finances, programs, personnel and operations.

Authority

The Board shall determine which of its official actions have such community impact and interest to warrant special release, and it will release information to the media on matters of importance.

Delegation of Responsibility

Matters of a routine nature may be released by the Board Secretary as they have been recorded in the minutes of Board meetings and upon request of media representatives. Board agendas and minutes may be posted on the district's web site.

All publications, releases, photographs and the like depicting the accomplishments of district students and staff may be approved at the discretion of the Superintendent.

The responsible district administrator shall direct an information program designed to acquaint the public with the achievements, programs and needs of the schools. The information program may include as a minimum:

1. District newsletter.
2. Superintendent's annual report.
3. School newspaper.
4. Yearbook.
5. Educational reports.
6. Employee handbook.
7. Student handbook.
8. Parent handbook.
9. Newspaper features.
10. Radio and television programs of school information shall be included in the publications program.
11. District web site.

The Superintendent or designee shall develop guidelines to be observed in matters of taste, relevance, and individual privacy in the writing and photographing of school publications, including provisions for personal release.



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Public Participation in Board Meetings |
| Code | 903 |
| Status | Active |
| Legal | 1. 65 Pa. C.S.A. 710 2. 65 Pa. C.S.A. 710.1 3. 65 Pa. C.S.A. 712.1 4. 24 P.S. 407 5. Pol. 006 6. 65 Pa. C.S.A. 711 7. 65 Pa. C.S.A. 709 65 Pa. C.S.A. 701 et seq Pol. 906 |
| Adopted | September 21, 2006 |
| Last Revised | February 17, 2022 December 15, 2022 |

Purpose

The Board recognizes the value to school governance of public comment on educational issues and the importance of involving members of the public in Board meetings. The Board also recognizes its responsibility for proper governance of the district and the need to conduct its business in an orderly and efficient manner.

Authority

The Board adopts this policy to govern public participation in Board meetings necessary to conduct its meeting and to maintain order.[1]

In order to permit fair and orderly expression of public comment, the Board shall provide an opportunity at each open meeting of the Board for residents and taxpayers to comment on matters of concern, official action or deliberation which are or may be before the Board prior to official action by the Board.[2][3]

The Board shall require that all public comments be made at the beginning of each meeting.

If the Board determines there is not sufficient time at a meeting for public comments, the comment period may be deferred to the next regular meeting or to a special meeting occurring before the next regular meeting.[2]

When an item is added to the agenda after the public comment period has ended, the Board shall offer a further public comment opportunity limited to the added item(s).[2][3]

Delegation of Responsibility

The presiding officer at each open Board meeting shall follow Board policy for the conduct of open meetings. Where the presiding officer's ruling is disputed, it may be overruled by a majority of those school directors present and voting. [4][5]

Guidelines

Public participation shall be chaired by the Board President.

The time allotted shall be thirty (30) minutes, unless extended by approval of a majority of the Board.

Each speaker shall have a maximum of three (3) minutes to communicate to the Board verbally and/or in writing, unless extended by approval of a majority of the Board.

Each speaker shall have one (1) opportunity to speak at each public meeting to address either agenda items or school business, unless extended by approval of the majority of the Board. The opportunity for the public to speak at each meeting shall be clearly identified in each agenda, but shall generally occur following the public relations and communications portion of the meetings.

Any Blackhawk School District resident, taxpayer, student or staff wanting to speak must first sign in and provide their name, address and subject of their testimonies which shall be officially recorded in the minutes.

The Board President will call upon the speakers at the open meeting in the order in which they registered.

Each speaker shall register to speak prior to the start of the meeting by a sign-in sheet provided near the entry of the library, and virtual speakers will have an opportunity to register via the chat function of the virtual meeting.

Any Board member has the right to respond to the speaker by making a request to the Chair and without engaging in continuing dialogue.

Any Board member has the right to request that an administrator respond to the speaker by making a request to the Chair without engaging in continuing dialogue.

The Board and/or administration reserve the right to respond at the next meeting or at a subsequent meeting.

The President has the right to deny a request for a speaker to address the Board under Public Participation if the speaker is not a resident, taxpayer, student or staff of Blackhawk School District or if it is the speaker's intent to gain an unfair advantage over other competitors in regard to the sale of products and/or the contracting of services that may be or may come before the Board.

If all registered and/or other speakers are unable to be heard during the Public Participation section because of time constraints, they will be scheduled to be heard at the next open meeting of the Board of School Directors.

Electronic recording devices and cameras, in addition to those used as official recording devices, shall be permitted at open meetings under guidelines established by the Board. [6]

No placards or banners will be permitted within the meeting room.

The meeting agenda and all pertinent documents shall be available to the press and public at the meetings. [7]



Blackhawk
School District

| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Public Attendance at School Events |
| Code | 904 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 18 Pa. C.S.A. 63052. 18 Pa. C.S.A. 6306.13. 20 U.S.C. 71184. Pol. 3515. Pol. 4516. Pol. 5517. 24 P.S. 5118. 24 P.S. 7759. Pol. 70510. 20 U.S.C. 797311. 24 P.S. 510.212. 24 P.S. 1303-A13. 22 PA Code 10.214. 22 PA Code 10.2215. 24 P.S. 1302.1-A16. 28 CFR 35.13617. 43 P.S. 95318. Pol. 71820 U.S.C. 7971 et seq28 CFR Part 35 |
| Adopted | September 21, 2006 |
| Last Revised | January 14, 2021 |

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 and health and safety during such events. This policy establishes conditions, restrictions and procedures to regulate public attendance and conduct at school and school-sponsored activities.

Definition

State law defines the term **tobacco product** to broadly encompass not only tobacco but also vaping products including the product marketed as Juul and other electronic cigarettes (e-cigarettes). **Tobacco**

products, for purposes of this policy and in accordance with law, shall be defined to include the following: [1][2]

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.
2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.
3. Any product containing, made or derived from either:
 - a. Tobacco, whether in its natural or synthetic form; or
 - b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.
4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term **tobacco product** does not include the following: [1][2]

1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled.
2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. *Federal law requires the district to maintain a drug-free environment, at which marijuana of any kind is prohibited.* [3][4][5][6]

Authority

The Board has the authority to prohibit at a school event the attendance of any individual whose conduct may constitute a disruption. The Superintendent or designee and building principal may limit attendance to designated areas or may limit the number of attendees to school events when necessary to protect the health and safety of students, staff and the public, in accordance with Board-approved health and safety plans and guidance from state and local officials.

The Board prohibits gambling and the possession and use of controlled substances prohibited by state or federal law, alcoholic beverages and weapons on school premises. [7][8]

Attendees shall be informed of the district's health and safety rules through announcements and posting of appropriate signage. Health and safety rules must be followed prior to entry and while attendees are in school buildings and on school property, in accordance with Board policy, district procedures, the Board-approved health and safety plans and guidance from state and local officials. [9]

Tobacco and Vaping Products

The Board prohibits use of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by any persons at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; or on property owned, leased or controlled by the school district, unless expressly permitted in designated areas which must be located at least fifty (50) feet from school buildings, stadiums or bleachers. [2][10]

This policy does not prohibit possession of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by members of the public of legal age at school or school-sponsored activities.

The Board deems it to be a violation of this policy for an individual in attendance at school or a school-sponsored activity to furnish a tobacco or vaping product, including the product marketed as Juul or any other e-cigarette, to a minor. [1]

Delegation of Responsibility

A schedule of fees for attendance at school events shall be prepared by the Superintendent or designee and adopted by the Board.

The Superintendent shall ensure that this policy is posted on the district's publicly accessible website.[11]

Reports

Office for Safe Schools Report –

The Superintendent shall annually, by July 31, report all incidents of prohibited possession, use or sale of tobacco and vaping products, including Juuls and other e-cigarettes, by any person on school property to the Office for Safe Schools on the required form.[12]

Law Enforcement Incident Report –

In accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies, the Superintendent or designee may report to the school police, School Resource Officer (SRO) or to the local police department that has jurisdiction over the school's property, the use or sale of tobacco or vaping products, including Juuls and other e-cigarettes, by any person in a school building; on a school bus or other vehicles that are owned, leased or controlled by the school district; or on any property owned leased or controlled by the school district.[1][2][12][13][14][15]

Guidelines

A schedule of fees for attendance at school events shall be prepared by the Superintendent of designee and adopted by the Board.

Service Animals

Individuals with disabilities may be accompanied by their service animal 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.[16][17][18]

904-Attach.doc (35 KB)

**ATTACHMENTS TO
PUBLIC
ATTENDANCE AT
SCHOOL EVENTS**

PUBLIC BEHAVIOR AT SCHOOL EVENTS

The district expects mutual respect, civility, and orderly conduct by all individuals attending school events on district property.

Expected Behavior

Individuals attending school events on district property will not:

1. Injure, threaten, harass or intimidate a district employee, sports official or coach or any other person.
2. Act in an unsafe manner that could threaten the health or safety of others.
3. Use vulgar or obscene language or gestures.
4. Fight, strike or injure another person.
5. Damage, deface or threaten to damage district property.
6. Damage, deface or threaten to damage another individual's property.
7. Engage in any activity that violates any federal or state law or regulation or any local policy, regulation or ordinance.
8. Violate any Board policy, district administrative regulation **or health and safety rules**.
9. Use any tobacco product or vaping product, including Juuls or other electronic cigarettes, as defined in Board policy, except in an area designated and posted by the district.
10. Consume, possess, distribute or be under the influence of alcoholic beverages or controlled substances prohibited by state or federal law.
11. Possess or use weapons or dangerous devices prohibited by the district.
12. Impede, delay, disrupt or interfere with any school activity or event, including using cellular telephones in a disruptive manner.
13. Enter upon any portion of district or school premises at any time for purposes other than those that are lawful and authorized by the Board.
14. Operate a motor vehicle in a risky manner, in excess of posted traffic signage, or in violation of an authorized district employee's directive.
15. Engage in any risky behavior, such as roller skating, roller blading or skateboarding.

16. Fail to obey the directive of an authorized district employee, security officer, school police officer, School Resource Officer (SRO) or local law enforcement official.

As circumstances warrant, the administrator in charge will take appropriate action, including warning the person in violation, requesting the person to immediately leave district property, contacting law enforcement officials, and seeking to deny future admission to school events.

Refusal to leave school grounds when requested to do so by district employees or event officials constitutes the criminal offense of defiant trespass and may result in arrest and prosecution.

Continuation or escalation of prohibited behavior after a warning will result in ejection from the event premises.

Behavior that is unlawful or in violation of Board policy or administrative regulations may result in immediate ejection of the person in violation from the event premises.

Disruptive behavior by a group when individual persons cannot be identified may result in the ejection of offending areas of spectator seating.

A district employee may request identification from any individual on district grounds and in district buildings. Refusal to provide **such information** may result in a request to leave district property.

An employee involved in an incident with an attendee at a school event will complete an incident report and submit it to the building principal or immediate supervisor, who will report the incident to the Superintendent.

Crowd Control

A designated administrator will be assigned responsibility for monitoring and supervising the orderly conduct of students and spectators attending school events on district property. Crowd control procedures may include the following:

1. The administrator will ensure that enough authorized district personnel are assigned to provide adequate supervision.
2. The administrator may request law enforcement officials to be present if **the administrator** anticipates the crowd may pose a behavior or safety problem, and may direct the placement of the officers.
3. The admissions gate and/or entrances will be regulated, and admission will be limited to eligible students, spectators and other authorized attendees. No one under the influence of alcohol or controlled substances prohibited by state or federal law will be admitted.
4. If a disturbance occurs, the administrator will determine if the event needs to be concluded, and **the administrator** may close the event and direct those in attendance to immediately leave school grounds.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Citizen Advisory Committees |
| Code | 905 |
| Status | Active |
| Adopted | September 21, 2006 |

Purpose

Citizen advisory committees can be useful in keeping the Board and administration informed with regard to community opinion and in representing the community in the study of specific school issues.

Authority

In creating an advisory committee, the Board shall define the committee assignment and shall:

1. Appoint residents who are interested and can make some special contribution to the committee's function.
2. Seek the widest range of community interest and backgrounds.
3. Appoint a chairperson.

Recommendations of advisory committees shall not reduce the responsibility of the Board, which shall be free to accept or reject the recommendations.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Public Complaints |
| Code | 906 |
| Status | Active |
| Adopted | September 21, 2006 |

Authority

Any parent/guardian, resident or community group shall have the right to present a request, suggestion or complaint concerning district personnel, the program, or the operations of the district. At the same time, the Board has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide a fair and impartial manner for seeking appropriate remedies.

Any issues of concern between the public and the school district shall be addressed by direct discussions of an informal type among the interested parties, following the established organizational structure. Only when such informal meetings fail to resolve the differences shall more formal procedures be employed.

Delegation of Responsibility

Any requests, suggestions or complaints directed to individual Board members and/or the Board shall be referred to the Superintendent for consideration and action. Actions shall be in accordance with established guidelines.

Guidelines

Matters Regarding a Teaching Staff Member

First Level - A matter specifically directed toward a district staff member shall be addressed initially to the concerned staff member who shall discuss it with the complainant and make every effort to provide a reasoned explanation or take appropriate action within his/her authority.

As appropriate, the staff member shall report the matter, and whatever action may have been taken, to the building principal.

Second Level - If the matter cannot be satisfactorily resolved at the first level, it shall be discussed by the complainant with the building principal.

Third Level - If a satisfactory solution is not achieved by discussion with the building principal, the matter shall be referred to the Superintendent. The principal will furnish to the Superintendent a report describing the specific nature of the complaint and a brief statement of the facts giving rise to it.

Fourth Level - Should the matter still not be resolved by the Superintendent, the Superintendent shall furnish the Board with a complete report.

Final Level - The Board shall review all material related to the case and seek advice from the school solicitor and from any other appropriate resources. The Board shall respond in a timely and appropriate manner to an appeal from the complainant. The Board's response shall be made by the Board President or designee.

Matters Regarding an Administrative Staff Member

In the case of a complaint directed toward an administrative staff member, the guidelines specified in this policy, shall be followed. The complaint shall be discussed initially with the individual toward whom it is directed and if a satisfactory resolution is not achieved at this level, the matter shall be brought to higher levels, in accordance with the organizational chart of the district, concluding with the Board.

Matters Regarding a Noninstructional Staff Member

In the case of a complaint directed toward a noninstructional staff member, the guidelines specified in this policy shall be followed.

Matters Regarding Student Progress and Well-Being

In the case of a complaint dealing with student progress and well-being, the guidelines specified in this policy shall be followed.

Matters Regarding a Program/Operation/Instructional Materials

A request, suggestion, or complaint, relating to a matter of district or school policy, procedure, program, operation or instructional materials shall be addressed initially to the building principal or the head of the nonprofessional department who is directly concerned and then brought to higher levels of authority in the manner prescribed in this policy.



| | |
|--------------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | School Visitors |
| Code | 907 |
| Status | Active |
| Legal | 1. 24 P.S. 510 2. Pol. 705 3. Pol. 709 4. 22 PA Code 14.108 5. 24 P.S. 2402 (Military Uniform) 6. Pol. 250 |
| Adopted | September 21, 2006 |
| Last Revised | January 14, 2021 |

Authority

The Board welcomes and encourages interest in district educational programs and other school-related activities. The Board recognizes that such interest may result in visits to school by parents/guardians, adult residents, educators and other officials. To ensure order in the schools and to protect students and employees, it is necessary for the Board to establish policy governing school visits.[1]

Delegation of Responsibility

The Superintendent or designee and building principal have the authority to prohibit the entry of any individual to a district school, in accordance with Board guidelines and state and federal law and regulations.

The Superintendent or designee and building principal may limit visitors to designated areas or may limit the number of visitors to a district school when necessary to protect the health and safety of students, staff and the public.

The Superintendent or designee shall develop administrative regulations to implement this policy and control access to school buildings and school classrooms.

Guidelines

Persons wishing to visit a school should make arrangements in advance with the school office in that building.

Upon arrival at the school, visitors must register at the office where they must provide any required information or identification to protect the health and safety of students, staff and the school community, as well as sign in and sign out, receive a pass, receive a badge, receive instructions, may be provided with a guide, and be informed of the school's health and safety rules, which must be followed prior to entry and while the visitor is in the school building and on school property.[2]

Only one (1) designated entrance that is monitored and capable of controlling visitor entry shall be used by visitors to the school. All other entrances shall be locked.[3]

All staff members shall be responsible for requiring a visitor demonstrate that the visitor has a visitor's pass and has registered at the school office and received authorization to be present for the purpose of conducting business.

No visitor may confer with a student in school without the approval of the building principal.

Should an emergency require that a student be called to the school office to meet a visitor, the building principal or designee shall be present during the meeting.

Failure to comply with this policy shall result in more limited access to the school as determined by the building principal, consistent with Board policies, administrative regulations, school rules and federal and state law and regulations.

Classroom Visitations

Parents/Guardians may request to visit their child's classroom, but the request must be made prior to the visit, in accordance with established administrative regulations.[1][4]

The building principal or program supervisor must grant prior approval for the visit, and shall notify the classroom teacher prior to the visit.

Parents/Guardians shall be limited to one (1) class period per month, per child in the school for classroom visitations, in order to minimize disruption of the classroom schedule and the educational program. Parental participation in classroom activities or programs such as room parents, back-to-school events, and chaperones for field trips shall not constitute a classroom visit for purposes of this policy.

The building principal or program supervisor and classroom teacher have the authority to ask a visitor to leave if the visitor disrupts the classroom routine, educational program or daily schedule, or if a visitor violates Board policy. Failure to leave when asked or repeated, documented disruptions may result in loss of classroom visitation privileges.

Under exceptional circumstances and upon request of the building principal, program supervisor, classroom teacher or parent/guardian, the Superintendent may authorize additional or longer classroom visits by a parent/guardian.

Military Personnel

Members of the active and retired Armed Forces, including the National Guard and Reserves, shall be permitted to:[5][6]

1. Visit and meet with district employees and students when such visit is in compliance with Board policy and district procedures.
2. Wear official military uniforms while on district property.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Relations With Parents/Guardians |
| Code | 908 |
| Status | Active |
| Legal | 1. Pol. 917 2. Pol. 235 3. 24 P.S. 1317 4. Pol. 212 |
| Adopted | September 21, 2006 |

Purpose

The Board believes that the education of students is a joint responsibility that is shared by the parents/guardians. To ensure that the best interests of each student are served in the educational process, a strong program of communication and cooperation between home and school must be maintained, and parental involvement encouraged.[1]

Authority

The Board feels that it is the parents/guardians who have the ultimate responsibility for their children's behavior in school, including the behavior of students who have reached the legal age of majority but are, for all practical purposes, under parental authority.[2]

Delegation of Responsibility

During school hours, the Board acts in loco parentis or in place of the parents/ guardians, through its designated administrators.[3]

Guidelines

Parents/Guardians are requested to keep the school staff apprised of changes in the home situation that may affect a student's conduct or performance.

The Board directs that the following activities be implemented to encourage parent-school cooperation:

1. Parent-teacher conferences to permit two-way communication between home and school.[4]
2. Open houses in district schools to provide parents/guardians the opportunity to see the school facilities, meet the faculty, and witness school programs.
3. Meetings of parents/guardians and staff members to explain and discuss matters of general interest.
4. Meetings of staff members and groups of parents/guardians of students having special abilities, disabilities, needs, or problems.
5. Special events of a cultural, ethnic or topical nature that are initiated by parent groups; involve the cooperative effort of students, staff and parents/guardians; and are of general interest to the schools

or community.

The Board believes that parents/guardians have a responsibility to support and encourage their child's career in school through the following actions:

1. Require that students comply with district policies and school rules and regulations and accept responsibility for their behavior.
2. Send students to school with proper attention to their health, personal cleanliness and dress.
3. Maintain an active interest in the student's daily work and provide appropriate supervision for completion of assigned homework.
4. Read, sign and return promptly all communications from school, when requested.
5. Attend conferences for the exchange of information on the student's progress in school.[4]
6. Participate in school activities and special functions.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Municipal Government Relations |
| Code | 909 |
| Status | Active |
| Legal | 2. 24 P.S. 502 3. 24 P.S. 521 4. 24 P.S. 706 5. PA Const. Art. III Sec. 14 6. 24 P.S. 775 7. 24 P.S. 790 |
| Adopted | September 21, 2006 |

Purpose

It is the policy of the Board that school district officials and municipal officials maintain a close and harmonious association. Such liaison is requisite for dealing with school/community concerns and issues in a satisfactory manner while assuring prudent expenditure of tax dollars.

Authority

The Board recognizes that its authority derives directly from the General Assembly, but it also is aware that the municipality and the school district must work together for the welfare of the residents.[5]

The Board advocates joint expenditures of district and municipal or county funds to provide facilities from which the entire community may derive benefits.[2][3][4][6][7]

Delegation of Responsibility

To maintain cooperation with the municipality for fiscal and facilities planning, the Superintendent or designee will meet periodically with municipal officials to discuss issues of common interest.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Community Engagement |
| Code | 910 |
| Status | Active |
| Adopted | September 21, 2006 |

Purpose

The purpose of community engagement is to create a collaborative environment in which students, parents/guardians, families, residents, businesses, and community organizations are encouraged and invited to be involved stakeholders in the school community. Such engagement strengthens broad-based community support for the school district's mission, goals, operations and educational programs.

Definition

Community engagement is defined as an ongoing collaborative process in which the school district works with the public to build understanding, guidance, and active support for the education of students in the community.

Authority

The Board endorses the concept that community engagement is essential for the school district and the community to maintain mutual understanding, respect and trust, and to work together to improve the quality of education for district students. The Board intends, through this two-way communication, to identify the community's concerns, needs and suggestions, and to be responsive to the community through the Board's actions.

The Board also recognizes that the public offers resources of training and experience useful to the schools. The quality of the district's operations and programs can be strengthened when these resources are used in an advisory capacity.

The Board, with assistance from the administration, shall determine the appropriate strategy when utilizing the community engagement process.

The Board, in consultation with the Superintendent, shall identify a team of individuals who will be responsible for developing, implementing and delivering a community engagement program.

After the community engagement process is concluded, the Board shall make the final decision regarding an issue.

The Board shall periodically assess the effectiveness of the community engagement program.

Delegation of Responsibility

The Board directs the administration to develop and implement a planned program of community engagement that regularly provides opportunities for students, parents/guardians, families, residents, businesses and community organizations to participate in dialogue and decision-making related to district-wide and school-based issues.

The administration shall develop and use varied, effective communication methods to ensure that all community members receive information about district and school programs and the available opportunities to become actively involved.

Guidelines

The Board and administration shall give substantial weight to the input received from the community. When evaluating the community's suggestions, the Board and administration will consider the impact on the district's goals, operations, educational programs, and financial resources.

Recommendations made by the community shall not reduce the authority or responsibility of the Board, which may accept or reject such recommendations.

The district shall communicate to the community the Board's decision and its rationale regarding an issue involving community engagement.



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | News Media Relations |
| Code | 911 |
| Status | Active |
| Adopted | September 21, 2006 |

Purpose

Representatives of the local press, radio and TV are an important link in communications between school and community. Maintenance of good working relationships with media representatives is essential to meeting the objectives of the school-community relations program.

Authority

The Board shall have final approval for all basic procedures regarding relations between the news media and the district.

The Board reserves the right to negotiate for radio broadcasting, televising, filming, or sound recording of any school event by an outside agency. These rights, if sold, shall be contracted under conditions that bring the most favorable terms to the school district.

Delegation of Responsibility

The chief communications representative for the Board shall be the Superintendent.

The communications representative shall be responsible to:

1. Be readily available to media representatives.
2. Keep media representatives informed of all aspects of the school district so that reporting will be done on the basis of a complete and valid overview.
3. Submit and suggest feature stories or articles of interest or relevance.
4. Meet periodically with news media representatives to discuss coverage of the school district.
5. Assist various school-related groups in their relations with the news media.
6. Assist the Board in preparing regular and special publications for the public.

Guidelines

Staff members shall not give school information or interviews requested by news media representatives without prior approval of the district's communications representative.

Students shall not be permitted to give school information or interviews requested by news media representatives without prior approval of the district's communications representative.

Submission of photographs to news media or permission for news media representatives to photograph district subjects, personnel, or students shall be authorized by the communications representative and the individuals involved or their parents/guardians.

No photograph of a controversial nature, or one that is questionable with regard to individual rights of privacy, shall not be sanctioned.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Relations With Educational Institutions |
| Code | 912 |
| Status | Active |
| Legal | 1. 24 P.S. 1332 2. 24 P.S. 1354 5. Pol. 216 6. Pol. 407 7. 24 P.S. 1408 |
| Adopted | September 21, 2006 |

Authority

It is the policy of the Board that lines of communication be maintained by the school district with other districts and institutions that provide programs, training or services not otherwise available to district students and with districts whose resident students are enrolled in programs of this district.

Delegation of Responsibility

Maintaining cordial and constructive relationships with other educational institutions shall be the responsibility of the Superintendent or designee.

Guidelines

Receiving District

Provide annually a complete description of all programs available to students of the sending district(s).

Provide an orientation program for incoming students from sending districts.

Assure that behavioral and medical issues concerning individual students entering this district have been made known to appropriate staff members.

Inform the sending district of any serious discipline problems encountered with students from their district.

Sending District

Establish programs to ensure that students of this district are properly prepared to enter the schools of the receiving district.

Establish procedures to inform students of program options in the receiving districts.

Monitor the progress of district students during their attendance in receiving schools.

Parochial/Private Schools

Establish appropriate student accounting procedures to satisfy district and state requirements in the areas of enrollment, attendance, transportation and other special services.[1][2][Z]

Maintain liaison with the administrators of private and parochial schools in order to be aware of any planned program or student population changes that could affect this district.

Institutions of Higher Education

Welcome representatives of institutions of higher education to speak to students interested in attending their institutions upon completion of secondary education.

Cooperate in the placement and evaluation of student teachers in accordance with Board policy.[6]

Honor all proper requests for transcripts and student records in accordance with Board policy.[5]

Encourage local institutions to offer college level courses for credit for eligible students.

Encourage local institutions to provide graduate level courses for the benefit of district staff members.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Nonschool Organizations/Groups/Individuals |
| Code | 913 |
| Status | Active |
| Legal | 1. 24 P.S. 775 2. Pol. 707 3. 24 P.S. 510 4. Pol. 121 5. Pol. 216 |
| Adopted | September 21, 2006 |

Purpose

Any requests from nonschool organizations, groups or individuals seeking to have students participate in or be informed of the opportunity to participate in nonschool-sponsored activities, awards or scholarships shall be governed by this policy.

Definitions

Nonschool organizations, groups or individuals - those entities that are not part of the school program, school-sponsored activities, or organized pursuant to the Pennsylvania School Code or Board policy. When employees, students or Board members act on behalf of a nonschool organization or group, or on their own behalf, this policy applies to them.

Nonschool materials - any printed or written materials prepared by nonschool organizations, groups or individuals for posting or general distribution which are not prepared as a part of the curricular or approved extracurricular programs of the district. This includes such things as fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, nonschool organization web sites and the like.

Distribution - handing nonschool written materials to others on school property or during school-sponsored events; placing upon desks, tables, on or in lockers; or engaging in any other manner of delivery of nonschool written materials to others while on school property or during school functions. When e-mail, text messaging or other technological delivery is used as a means of distributing or accessing nonschool written materials via use of school equipment or while on school property or at school functions, it shall be governed by this policy.

Posting - publicly displaying nonschool written materials on school property or at school-sponsored events, including but not limited to affixing such materials to walls, doors, bulletin boards, easels, the outside of lockers, on district-sponsored web sites, through other district-owned technology and the like.

Prohibited activities and materials - activities and materials which are:

1. Libelous, defamatory, obscene, lewd, vulgar, or profane.
2. Violate federal, state or local laws.

3. Violate Board policy or district regulations.
4. Advocate the use or advertise the availability of any substance or material that may reasonably be believed to constitute a direct and substantial danger to the health or welfare of students, such as tobacco, alcohol or illegal drugs.
5. Incite violence.
6. Advocate use of force or urge violation of federal, state or municipal law, Board policy or district regulations.
7. Interfere with or advocate interference with the rights of any individual or the orderly operation of the schools and their programs.
8. Political in nature.
9. Primarily promotes commercial enterprise.

Authority

It is the policy of the Board that district facilities be used in accordance with the guidelines established in Board policy.[1][2]

The Board prohibits the use of students and staff members for advertising or promoting nonschool organizations, groups or individuals during instructional time or at school-sponsored locations or events not otherwise open to nonschool organizations, groups or individuals.[3]

Delegation of Responsibility

The Superintendent or designee shall be responsible for carrying out the provisions of this policy, unless otherwise specifically noted in this policy.

Guidelines

Nonschool Activities/Materials

The Board recognizes the social and educational values that may be derived from student participation in various activities sponsored by nonschool organizations, groups or individuals, but specifies that unreasonable demands on the time and energies of students and staff by such entities during school hours, or at school-sponsored activities be prevented.

Requests for student participation in nonschool organizations, groups or individually sponsored activities must be made in writing to the Superintendent or designee in accordance with administrative procedures, written announcements and this policy.

Activities sponsored by nonschool organizations, groups or individuals may not occur, and nonschool written materials may not be used, during instructional time or school-sponsored activities unless they are of educational value to the school program, they benefit district students or the school community, and they are factually accurate. Prohibited activities or materials may never be used.

Where the nonschool entity is a for-profit entity that will benefit commercially from an activity or distribution of its material during instructional time, other factors must outweigh the commercial benefit to the nonschool entity; and the Board must approve proposals that would commercially benefit a for-profit entity.

A review of any activities or nonschool written materials under this policy shall not discriminate on the basis of content or viewpoint, except that prohibited activities or materials will be rejected, as will any activities or materials that do not comply with Board policy, administrative procedures, or written announcements relating to the proposed nonschool-sponsored activity or materials.

Participating students may not leave the school district unless the Board policy for field trips has been followed or the Board has granted special permission.[4]

Fundraising

Fundraising by nonschool organizations, groups or individuals is prohibited on school property or in the name of the school.

Where activities or materials otherwise comply with this policy, administrative procedures and written announcements, fundraising activities may be announced.

Directory information regarding students or staff may only be released in accordance with law and Board policy. Directory information for students or staff members will not be released to nonschool organizations, groups or individuals that seek this information for the purpose of fundraising.

Scholarships/Awards

The Board is appreciative of the generosity of organizations that offer scholarships or awards to deserving students; but, in accepting such offers, the Board directs that established guidelines be observed.

No information, either academic or personal, shall be released from a student's record for the purpose of selecting a scholarship or award winner without the permission of the student who is eighteen (18), or the parents/guardians of a student who is younger, in accordance with the Board's policy on student records.[5]

The scholarship or award, and any pertinent restrictions, shall be approved by the Board.

All pertinent information regarding the scholarship or award shall be submitted for review by the Superintendent or designee prior to the date on which it is to be presented.

Travel Services/Foreign Trips

Solicitation and sale of travel services for foreign trips to students may be permitted with the approval of the Board.

Sellers of travel services to students must meet the following criteria:

1. Belong to an association of certified sellers of travel.
2. Provide proof of insurance.
3. Submit references.
4. Provide proof of a performance bond.
5. Include in all information provided to students and parents/guardians that use of tobacco, alcohol and controlled substances will be prohibited.
6. Include in all information provided to students and parents/guardians that the activity is not a school-sponsored event.



| | |
|---------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Relations With Intermediate Unit |
| Code | 914 |
| Status | Active |
| Legal | 1. 24 P.S. 951 2. 24 P.S. 952 3. 24 P.S. 970 4. 24 P.S. 960 |
| Adopted | September 21, 2006 |

Purpose

Each school district has an opportunity to participate in the services and programs offered by the assigned intermediate unit.

Authority

It is the policy of this Board that cooperation and communication be maintained with Beaver Valley Intermediate Unit Number 27 to ensure maximum effectiveness of programs and services.[1][2]

The Board shall annually review district programs that involve intermediate unit services and make whatever determinations such a review suggests. This review will normally take place prior to the district's approval of the proposed I.U. budget.[3]

In order to maintain a constructive relationship with the intermediate unit, the Board member elected by the Board is designated as the official liaison between the district and Beaver Valley I.U. Number 27.[4]

Delegation of Responsibility

The duties of the Board representative are to ensure that the Board receives necessary information and data that will lead to sound and valid judgments regarding decisions that involve participation by the district in the various programs and services offered by the intermediate unit.



Blackhawk
School District

| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Volunteers |
| Code | 916 |
| Status | Active |

Legal

1. 24 P.S. 510
2. 42 U.S.C. 12101 et seq
3. 53 P.S. 6926.1903
4. 43 P.S. 951 et seq
5. Pol. 103
6. Pol. 718
7. Pol. 824
8. 23 Pa. C.S.A. 6303
9. 23 Pa. C.S.A. 6344
10. 23 Pa. C.S.A. 6344.2
11. Pol. 907
12. 23 Pa. C.S.A. 6344.3
13. 23 Pa. C.S.A. 6344.4
14. 24 P.S. 1418
15. 28 PA Code 23.44
16. 23 Pa. C.S.A. 6311
17. Pol. 806
18. Pol. 123
19. Pol. 123.1
20. Pol. 123.2
21. Pol. 805
22. Pol. 113.4
23. Pol. 216
24. 53 P.S. 6926.1901 et seq
25. 53 P.S. 6926.1906
26. Pol. 916
27. 29 U.S.C. 201 et seq
28. 43 P.S. 333.101 et seq
29. 53 P.S. 6926.1905
- 23 Pa. C.S.A. 6301 et seq
- 53 P.S. 6926.301 et seq
- 72 P.S. 7301 et seq
- Pol. 606

Last Revised

June 17, 2021

Purpose

The Board supports and encourages the participation of parents/guardians and community residents to enhance the educational, cocurricular and extracurricular programs of the district.

Authority

The Board may adopt and enforce reasonable rules and regulations governing volunteers and their participation in the activities of the district.[1]

The Board prohibits discrimination on the basis of race, color, marital status, creed, religion, ancestry, handicap/disability, age, sex, sexual orientation or national origin in the school environment and all district programs for volunteers.[2][3][4][5][6]

The Board directs that all volunteers shall be informed of conduct that is prohibited and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures. [1]

All volunteers shall be expected to maintain professional, moral and ethical relationships with district students that are conducive to an effective, safe learning environment.[7]

Definitions

The following words and phrases, when used in this policy, shall have the meaning given to them in this section:

Adult - an individual eighteen (18) years of age or older.[8]

Certifications - refers to the child abuse history clearance statement; the state criminal history background check; and where applicable, the federal criminal history background check, required by the Child Protective Services Law.[9][10]

Direct volunteer contact - the care, supervision, guidance or control of children and routine interaction with children.[8]

Person responsible for the child's welfare - a person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.[8]

Routine interaction - regular and repeated contact that is integral to a person's volunteer responsibilities. [8]

Visitor - a parent/guardian, adult resident, educator, official or other individual who is not a school employee or independent contractor, and who visits a school or attends or participates in an event or activity at a school, but whose role is less substantial than would be sufficient to meet the definition of volunteer for purposes of this policy.[11]

Volunteer - an adult, whose role is more than that of a visitor, who voluntarily offers a service to the district without receiving compensation from the district. A volunteer is not a school employee.[10]

1. **Guest Volunteer** - an adult who voluntarily provides a service to the district, without compensation, who: (1) works directly under the supervision and direction of a school administrator, a teacher or other member of the school staff; and (2) does not have direct volunteer contact. Examples include, but are not limited to, volunteering to assist in classroom celebrations, school assemblies, or school concerts; reading to students; collecting tickets at sporting events; working concession stands; participating in "Career Day," etc.

Delegation of Responsibility

The Superintendent or designee shall be responsible for the selection and management of volunteers and for ensuring compliance with Board policies, administrative regulations, rules and procedures.

At the discretion of the Superintendent or designee, a volunteer's service may be discontinued at any time.

The Superintendent or designee shall develop administrative regulations to implement this policy and manage the selection, use and supervision of volunteers.

Guidelines

Each prospective position volunteer shall complete and submit a volunteer application.

The names of all position volunteers shall be submitted for approval by the Superintendent or designee.

The names of all guest volunteers shall be submitted for approval by the building principal or designee.

Upon approval, volunteers shall be placed on the list of approved volunteers.

Approval shall be required prior to beginning service as a volunteer.

Certifications

Prior to approval, all position volunteers shall submit the following information:

1. PA Child Abuse History Certification - which must be less than sixty (60) months old.[10]
2. PA State Police Criminal History Record Information - which must be less than sixty (60) months old.
[10]
3. Disclosure Statement for Volunteers - which is a statement swearing or affirming the applicant has not been disqualified from service by reason of conviction of designated criminal offenses or being listed as the perpetrator in a founded report of child abuse.[9][10][12]

If a position volunteer has not been a resident of Pennsylvania during the entirety of the previous ten (10) year period, the position volunteer must also submit the following information:[10]

1. Federal Criminal History Report - issued at any time since the volunteer established residency.

The Superintendent or designee shall review the information and determine if information is disclosed that precludes service as a volunteer.

Information submitted by volunteers in accordance with this policy shall be maintained centrally in a manner similar to that used for school employees.

Position volunteers shall obtain and submit new certifications every sixty (60) months.[13]

A student, eighteen (18) years of age or older, who is volunteering for an event or activity sponsored by the school in which the student is enrolled and occurring on the school's grounds, shall not be required to submit certifications except when the event or activity is for children in the care of a child-care service or the student will otherwise be responsible for the welfare of a child.[10]

Tuberculosis Test

Prior to participating in student activities, volunteers shall undergo a test for tuberculosis, when required by and in accordance with the regulations and guidance of the Pennsylvania Department of Health.[14][15]

Arrest or Conviction Reporting Requirements

Position volunteers shall report to the Superintendent or designee, in writing, within seventy-two (72) hours, an arrest or conviction required to be reported by law or notification that the volunteer has been named as a perpetrator in a founded or indicated report pursuant to the Child Protective Services Law.[12]

The Superintendent or designee shall immediately require a position volunteer to submit new certifications if the Superintendent or designee has a reasonable belief that the volunteer was arrested for or has been convicted of an offense required to be reported by law, was named as a perpetrator in a founded or indicated report, or has provided written notice of such occurrence.[12]

Failure to accurately report such occurrences may subject the position volunteer to disciplinary action up to and including denial of volunteer service and criminal prosecution.[12]

Child Abuse Reporting

All volunteers who have reasonable cause to suspect that a child is the victim of child abuse shall make a report of suspected child abuse in accordance with applicable law, Board policy and administrative

regulations.[16][17]

Supervision

Each volunteer shall be under the supervision of a designated school administrator, teacher or other member of the school staff.

Training

Volunteers shall attend orientation and training sessions, as appropriate to the nature of their volunteer service. When training is provided for school employees relating to the legal obligations of employers and educational institutions, consideration shall be given to which volunteers should also receive that training.
[17][18][19][20][21]

Confidentiality

No volunteer shall be permitted access to confidential student information unless the supervisor has determined that such access is necessary for the volunteer to fulfill their responsibilities. Volunteers with access to confidential student information shall maintain the confidentiality of that information in accordance with district policies and procedures and applicable law. If a volunteer has questions about confidentiality of student information, the volunteer should consult with the building principal.[22][23]



| | |
|---------|-----------------------------|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Parental/Family Involvement |
| Code | 917 |
| Status | Active |
| Adopted | September 21, 2006 |

Purpose

The Board recognizes the vital role parents/guardians and family play in the education, welfare and values of their children. The district is committed to the belief that all students can learn and acknowledges that schools and families share a commitment to the educational success of students.

Definition

Parental and family involvement shall be defined as an ongoing process that assists parents/guardians and families to meet their basic obligation as a child's first educator, promotes clear two-way dialogue between home and school, and supports parents/guardians as leaders and decision-makers concerning the education of their children at all levels.

Authority

The Board recognizes that the responsibility for each student's education is shared by the school and the family and acknowledges that schools and families must work as knowledgeable, cooperative partners to effectively educate all students. To this end, the Board shall support the development, implementation, and continuing evaluation of a parental and family involvement program that will involve parents/guardians at all grade levels in a variety of roles.

Guidelines

Because parents/guardians are familiar with the needs, problems and abilities of their children, staff should communicate with and seek their input throughout the school year.

The parental and family involvement program may include the following:

1. Support for parents/guardians as school leaders and decision-makers, in addition to serving in advisory roles.
2. Promotion of clear two-way communication between the school and the family about school programs and student progress.
3. Assistance to parents/guardians and families in developing parenting skills to foster positive relationships at home, to support children's educational efforts, and to assist their children with learning at home.
4. Involvement of parents/guardians, with appropriate training, in instructional and support roles at the school.



| | |
|--------------|--|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | Title I Parent and Family Engagement |
| Code | 918 |
| Status | Active |
| Legal | <ol style="list-style-type: none">1. 20 U.S.C. 63182. Pol. 1023. 20 U.S.C. 63124. 24 P.S. 510.25. Pol. 1386. Pol. 9167. Pol. 1278. Pol. 8149. Pol. 33310. 20 U.S.C. 784511. 29 U.S.C. 3271 et seq12. 29 U.S.C. 701 et seq13. 42 U.S.C. 11301 et seq14. 42 U.S.C. 9831 et seq15. Pol. 212 |
| Last Revised | July 24, 2018 |

Purpose

The Board recognizes that meaningful parent and family engagement contributes to the achievement of state academic standards by students participating in Title I programs. The Board views the education of students as a cooperative effort among the school, parents and family members, and community.[1][2]

Definition

Parent and Family (Family Member) - these terms are used interchangeably and shall include caregivers, a legal guardian or other person standing in loco parentis such as a grandparent or stepparent with whom the child lives, a person who is legally responsible for the child's welfare, or a legally appointed Education Decision Maker of a child participating in a Title I program.

Authority

The Board directs the district and each of its schools with a Title I program to:[1]

1. Conduct outreach to all parents and family members.
2. Include parents and family members in development of the district's overall Title I Plan and process for school review and improvement.[3]

3. Include parents and family members in the development of the Title I Parent and Family Engagement Policy. Following adoption of the policy by the Board, the policy shall be:
 - a. Distributed in writing to all parents and family members.
 - b. Incorporated into the district's Title I Plan.[3]
 - c. Posted to the district's publicly accessible website.[4]
 - d. Evaluated annually with parent and family involvement.
4. Provide opportunities and conduct meaningful collaborations with parents and family members in the planning and implementation of Title I programs, activities and procedures.

Accessibility

The district and each of its schools with a Title I program shall provide communications, information and school reports to parents and family members who are migrants or who have limited English proficiency, a disability, limited literacy, or racial and ethnic minority backgrounds, in a language they can understand.[1]
[5]

Delegation of Responsibility

The Superintendent or designee shall ensure that the district's Title I Parent and Family Engagement Policy, plan and programs comply with the requirements of federal law.[1][3]

The Superintendent or designee shall ensure that the district and its schools with Title I programs provide opportunities for the informed participation of parents and family members by providing resources, information and school reports in an understandable and uniform format or, upon request, in another format. Such efforts shall include:

1. Providing communications in clear and simple language.
2. Posting information for parents and family members on the district's website.
3. Including a telephone number for parents and family members to call with questions.
4. Partnering with community agencies which may include libraries, recreation centers, community-based organizations and faith-based organizations to assist in sharing information.

The building principal and/or Title I staff shall notify parents and family members of the existence of the Title I programs and provide:

1. An explanation of the reasons supporting their child's selection for the program.
2. A set of goals and expectations to be addressed.
3. A description of the services to be provided.
4. A copy of this policy and the School-Parent and Family Compact.[1]

Parents and family members shall actively carry out their responsibilities in accordance with this policy and the School-Parent and Family Compact. At a minimum, parents and family members shall be expected to:
[1]

1. Volunteer in their child's classroom.[6]
2. Support their child's learning.

3. Participate, as appropriate, in decisions relating to the education of their child and positive use of extracurricular time.

Guidelines

Each district school operating a Title I program shall hold an annual meeting of parents and family members at a convenient time, to explain the goals and purposes of Title I programs and to inform them of their right to be involved. Parents and family members shall be given the opportunity to participate in the design, development, operation and evaluation of the program. Parents and family members shall be encouraged to participate in planning activities, to offer suggestions, and to ask questions regarding policies and programs. [1]

The schools with Title I programs shall offer a flexible number of meetings which shall be held at various times of the morning and evening. Title I funds may be used to enable parent and family member attendance at meetings through payment of transportation, child care costs or home visits. [1]

The schools shall involve parents and family members in an organized, ongoing and timely way, in the planning, review and improvement of Title I programs, the Title I Parent and Family Engagement Policy and the joint development of the Title I Plan. [1][3]

At these meetings, parents and family members shall be provided: [1]

1. Timely information about programs provided under Title I.
2. Description and explanation of the curriculum in use, the forms of academic assessment used to measure student progress, and the achievement levels of the academic standards.
3. Opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children.

To ensure the continuous engagement of parents and family members in the joint development of the Title I Plan and with the school support and improvement process, the district shall:

1. Establish meaningful, ongoing two-way communication between the district, staff and parents and family members.
2. Communicate with parents and family members about the plan and seek their input and participation through the use of newsletters, the district website, email, telephone, parent and teacher conferences, and home visits if needed.
3. Analyze and share the results of the Title I Parent/Family Survey.
4. Distribute and discuss the School-Parent and Family Compact.
5. Host various parent and family nights at each school building with a Title I program.
6. Actively recruit parents and family members to participate in school review and improvement planning.

If the Title I Plan is not satisfactory to parents and family members, the district shall submit any parent or family member comments with the plan when the school makes the plan available to the Board. [1][3]

Building Capacity for Parent and Family Engagement

The district shall provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools in planning and implementing effective parent and family involvement activities to improve academic achievement and school performance through: [1]

1. Providing assistance to parents and family members in understanding such topics as the academic standards, state and local academic assessments, the requirements of parent and family involvement, how to monitor a child's progress and work with teachers to improve the achievement of their children. [2][7]

2. Providing material and training to help parents and family members work with their children to improve academic achievement and to foster parent and family engagement, such as:
 - a. Scheduling trainings in different locations on a variety of topics including how to support their child in school, literacy, school safety, cultural diversity and conflict resolution.
 - b. Using technology, including education about the harms of copyright piracy, as appropriate.[8]
 - c. Providing information, resources and materials in a user friendly format.
 - d. Providing, as requested by a parent or family member, other reasonable support for parent and family engagement activities.
 - e. Training on how to use the Parent Portal as a tool to monitor grades and achievement.
3. Educating teachers, specialized instructional support personnel, principals and other school leaders and staff, with the assistance of parents and family members, on the value and usefulness of contributions of parents and family members and in how to reach out to, communicate with, and work with them as equal partners, implement and coordinate parent and family programs, and build ties between parents and family members and the school.[9]
4. To the extent feasible and appropriate, coordinating and integrating Title I parent and family involvement efforts and activities with other federal, state and local programs, including public preschool programs, and conduct other activities, such as parent resource centers, that encourage and support parents and family members in more fully participating in the education of their children.[1][5][10][11][12][13][14][15]
5. Adopt and implement model approaches to improving parent and family engagement.

Coordinating Parent and Family Engagement Strategies

The district shall coordinate and integrate Title I parent and family engagement strategies with other parent and family engagement strategies required by federal, state, and local laws by:[1][5][10][11][12][13][14][15]

1. Involving district and program representatives to assist in identifying specific parent and family member needs.
2. Sharing data from other programs to assist in developing initiatives to advance academic achievement and school improvement.

Annual Parent and Family Engagement Policy Evaluation

The district shall conduct, with meaningful participation of parents and family members, an annual evaluation of the content and effectiveness of this policy in improving the academic quality of all district schools with a Title I program.[1]

The evaluation shall identify:[1]

1. Barriers to parent and family member participation, with particular attention to those who are migrants, are economically disadvantaged, have a disability, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority.
2. The needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers.
3. Strategies to support successful school and parent and family interactions.
4. Establishment of a schedule and process for the policy review and revision by parents and family members.

5. An evaluation of the effectiveness of the content and communication methods through a variety of methods.
6. A parent and family member and teacher survey designed to collect data on school level and district-wide parent and family engagement outcomes.
7. Focus groups. Parents and family members, and community members, unable to attend the focus groups in person shall have an opportunity to participate in an alternate format.
8. Documentation of parent and family member input regarding Title I programs and activities from throughout the year.

The district shall use the findings of the annual evaluation to design evidence-based strategies for more effective parent and family engagement, and to revise, if necessary, the district's Title I Parent and Family Engagement Policy.[1]

School-Parent and Family Compact

Each school in the district receiving Title I funds shall jointly develop with parents and family members a School-Parent and Family Compact outlining the manner in which parents and family members, the entire school staff and students will share responsibility for improved student academic achievement and the means by which the school and parents and family members will build and develop partnerships to help children achieve the state's academic standards. The compact shall:[1]

1. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment, enabling students in Title I programs to meet the academic standards.
2. Describe the ways in which parents and family members will be responsible for supporting their child's learning; volunteering in the classroom; and participating, as appropriate, in decisions related to their child's education and positive use of extracurricular time.[6]
3. Address the importance of ongoing two-way, meaningful communication between parents/family members and teachers through, at a minimum, annual parent-teacher conferences at the elementary level, frequent reports to parents and family members on their child's progress, reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.[6]

Title I Funds

Unless exempt by law, the district shall reserve at least one percent (1%) of its Title I funds to assist schools in conducting parent and family engagement activities. Parents and family members shall be involved in the decisions regarding how the Title I reserved funds are used for parent and family engagement activities.[1]

Not less than ninety percent (90%) of the reserved funds shall be distributed to district schools with a Title I program, with priority given to high need schools. The district shall use the Title I reserved funds to conduct activities and strategies consistent with this policy, including:[1]

Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.

Engaging in any other activities and strategies that the district determines are appropriate and consistent with this policy.

Documentation of Parent and Family Engagement Practices

Documentation to track the implementation of this policy is an essential part of compliance and may include, but not be limited to, sign-in sheets at workshops, meetings and conferences; schedules, training and informational materials; communications and brochures; and meeting notes.

School-Level Parent And Family Engagement Policy (1).docx (27 KB)

**ATTACHMENTS TO
TITLE I PARENT
AND FAMILY
ENGAGEMENT**

TITLE I PARENT AND FAMILY ENGAGEMENT POLICY NORTHWESTERN PRIMARY SCHOOL

Purpose

The Board recognizes that meaningful parent and family engagement contributes to the achievement of state academic standards by students participating in Title I programs. This policy, developed by Northwestern Primary School in collaboration with and agreed to by parents and family members, describes how parents and family members will be engaged at the school level.

Components

The school complies with federal law related to the engagement of parents and family members by detailing how the school will:

1. Involve parents and family members in the planning, review and improvement of the school's Parent and Family Engagement Policy:
 - During the annual Title I Parent and Family Fall meeting;
 - Subsequent meetings during the school year.
2. Convene an annual meeting, at a convenient time:
 - To which all parents and family members of participating children shall be invited, and encouraged to attend;
 - To inform parents and family members of their school's participation as a Title I school; and
 - To explain the requirements and the rights of parents and family members to be involved.
3. Offer a flexible number of meetings in the morning and/or the evening, and may provide Title I funds, if sufficient, to facilitate parent and family member attendance at meetings through payment of transportation, child care costs and/or refreshments.
4. Involve parents and family members, in an organized, ongoing, and timely way, in the planning, review, and improvement of the Title I program, including the planning, review, and improvement of the school's parent and family engagement program:
5. Provide parents and family members of participating children with timely information about the Title I program:
 - located on District website
 - located on Title Teachers website,
 - school agenda
 - via email
 - via USPS mailing and
 - sent home with student.

6. Provide parents and family members of participating children with a description and explanation of the curriculum in use at the school, the forms of academic assessments used to measure student progress, and the achievement levels of the state academic standards:
 - to be presented at the Fall Title 1 Annual meeting and all meetings thereafter.
7. Provide, if requested by parents and family members, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions:
 - via phone conference
 - email and
 - convened meeting.
8. Create a school-parent and family compact developed jointly with parents and family members outlining how parents and family members, the entire school staff, and students will share in the responsibility for improved student academic achievement and the means by which the school and the parents and family members will build and develop partnerships to help children achieve the state's academic standards. The compact shall:
 - Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables children in Title I programs to meet the state academic standards, and the ways in which each parent and family member will be responsible for supporting their children's learning; volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time and
 - Address the importance of communication between teachers and parents and family members on an ongoing basis through, at a minimum:
 - Teacher conferences with parents and family members in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;
 - Frequent reports to parents and family members on their children's progress;
 - Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities; and
 - Ensuring regular two-way, meaningful communication between parents and family members and school staff, in a language that parents and family members can understand.
9. Provide assistance to parents and family members in understanding the state academic standards, state and local academic assessments, and how to monitor a child's progress and work with teachers to improve the achievement of their children:
 - during Title 1 Parent-Teacher Conferences and

- during all Parent Title 1 Meetings.
10. Provide materials and training to help parents and family members to work with their children to improve their children's achievement, such as literacy training and using technology including education about the harms of copyright piracy, as appropriate, to foster parent and family involvement:
 - through hands-on workshops during Title 1 Parent meetings.
 11. Educate teachers, specialized instructional support personnel, and other staff, with the assistance of parents and family members, in the value and utility of contributions of parents and family members, and in how to reach out to, communicate with, and work with parents and family members as equal partners, implement and coordinate parent programs, and build ties between parents and family members and the school:
 - during faculty meetings with Title 1 staff at least twice during the school year, or on an as needed basis if appropriate
 12. To the extent feasible and appropriate, coordinate, and integrate parent and family member involvement programs and activities with other federal, state, and local programs including public preschool programs, and conduct other activities that encourage and support parents and family members in more fully participating in the education of their children.
 13. Ensure that information related to school and parent and family member programs, meetings, and other activities is sent to the parents and family members of participating children in a format and in a language the parents and family members can understand:
 - all communication, if not appropriate in English, will be sent on the language spoken by the Parent/Guardian.
 14. Provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children):
 - through invitations in the Parent/Guardian's spoken language.
 15. Ensure distribution of the policy to all parents and family members with a child participating in a Title I program by the following means:
 - posted policy on the school homepage and the Title 1 website and
 - policy mailed to students home.

Delegation of Responsibility

The Superintendent or designee shall ensure that the Title I Parent and Family Engagement Policy, plan and programs comply with the requirements of federal law.

The building principal and/or Title I staff shall notify parents and family members of the existence of Title I programs and provide:

1. An explanation of the reasons supporting their child's selection for the program.
2. A set of goals and objectives to be addressed.
3. A description of the services to be provided.
4. A copy of this policy and the School-Parent and Family Compact.

Each school with a Title I program shall provide communications, information and school reports to parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children, in a language and format they can understand.



| | |
|---------|---|
| Book | Blackhawk S D Policy Manual |
| Section | 900 Community |
| Title | District/School Report Cards |
| Code | 919 |
| Status | Active |
| Legal | 1. 20 U.S.C. 6311 3. 22 PA Code 4.61 4. 24 P.S. 220 |
| Adopted | September 21, 2006 |

Authority

To provide pertinent information regarding the academic performance of the district and its schools, the Board shall annually develop and publicly disseminate a district report card and report cards for the individual schools, in accordance with federal and state laws and regulations.[1][3][4]

The Board, at its discretion, may include additional information not required by law on the district report card.

Guidelines

District Report Cards

District report cards shall contain the following information:[1]

1. Aggregate data on student achievement at each proficiency level on state academic assessments and disaggregated data reflecting race, ethnicity, gender, disability, migrant status, English proficiency and status as economically disadvantaged.
2. Comparison of above student groups regarding achievement levels on state assessments.
3. Percentage of students not tested, disaggregated by student groups.
4. Most recent two-year trend data in achievement by subject area and grade level in areas where assessments are required.
5. Aggregate data on state indicators to determine Adequate Yearly Progress (AYP), such as attendance rates for elementary schools.
6. Graduation rates for secondary schools, disaggregated by student groups.
7. Information on district's performance regarding Adequate Yearly Progress (AYP) and the number, percentage and names of schools identified for improvement, including how long they have been so identified.
8. Professional qualifications of teachers and percentage of teachers with emergency or provisional credentials.

9. Percentage of classes not taught by highly qualified teachers, in the aggregate and disaggregated by schools in the top quartile and bottom quartile of poverty.

10. Comparison of district students' achievements on state assessments to students in the state as a whole.

School Report Cards

School report cards shall contain the following information:

1. Same information contained on the district report card.
2. Whether the school has been identified for improvement.
3. Information that compares the school's students' achievement on state assessments and indicators of Adequate Yearly Progress (AYP) to students in the district and the state as a whole.

Delegation of Responsibility

The Superintendent or designee shall be responsible to ensure:

1. Required information is annually updated and posted.
2. District report card and school report cards are provided to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand.
3. District and school report cards are made available to the public through posting on the Internet, distribution to the media, and distribution to public agencies.
4. Public access is provided to the state report card and the school profile maintained by the state.[3][4]