

**KEYSTONE OAKS SCHOOL DISTRICT**  
**1000 Kelton Avenue**  
**Pittsburgh, PA 15216**

**BOARD OF SCHOOL DIRECTORS**

**WORK SESSION**

**TUESDAY, DECEMBER 6, 2016**  
**7:00 PM**

**BUSINESS/LEGISLATIVE MEETING**

**TUESDAY, DECEMBER 13, 2016**  
**7:00 PM**

**KEYSTONE OAKS SCHOOL DISTRICT  
SCHOOL DIRECTORS' CALENDAR OF COMING EVENTS**

**December 6, 2016 – Work Session**

**7:00 PM      Meeting**

- Call to Order – President
- Pledge of Allegiance
- Public Comment
- Review of Reports
- Public Comment
- Adjournment

**December 13, 2016 – Business/Legislative Meeting**

**7:00 PM      Meeting**

- Call to Order – President
- Pledge of Allegiance
- **Recognition: Aaron Colf and Jennie Martin - STEAM**
- Public Comment
- Approval of Reports
- Public Comment
- Adjournment

# **BOARD PRESIDENT'S REPORT**

**December 13, 2016**

## **BOARD ACTION REQUESTED**

### **I. BOARD MINUTES**

It is recommended that the Board approve the Work Session Minutes of November 15, 2016, and the Business/Legislative Minutes of November 22, 2016.

## **FOR INFORMATION ONLY**

- |      |  |   |
|------|--|---|
| I.   | Parkway West Career and Technology Center Report | <i>Ms. Annie Shaw<br/>Mr. Donald Howard - Alternate</i> |
| II.  | SHASDA Report                                    | <i>To Be Announced</i>                                  |
| III. | Golden Wings Foundation, Inc. Report             | <i>Mr. Donald Howard</i>                                |
| IV.  | PSBA/Legislative Report                          | <i>To Be Announced</i>                                  |
| V.   | Castle Shannon Borough Council Minutes           | <i>(Available Online)</i>                               |
| VI.  | Dormont Borough Council Minutes                  | <i>(Available Online)</i>                               |
| VII. | Green Tree Borough Council Minutes               | <i>(Available Online)</i>                               |

### **VIII. EXECUTIVE SESSION**

# **SUPERINTENDENT'S REPORT**

**December 13, 2016**

**Dr. William P. Stropkaj**

## **BOARD ACTION REQUESTED**

### **I. MEDICAL RESCUE TEAM SOUTH AUTHORITY (MRTSA) MEMBERSHIP**

The Administration recommends that the Board approve the continued membership with the Medical Rescue Team South Authority at a rate of \$1,950.00, effective January 1, 2017 through December 31, 2017.

### **II. SECOND READING OF POLICY NO. 105.2: EXEMPTION FROM INSTRUCTION**

It is recommended that the Board approve the SECOND READING of Policy No. 105.2: *Exemption from Instruction*.

### **III. SECOND READING OF POLICY NO. 113: SPECIAL EDUCATION**

It is recommended that the Board approve the SECOND READING of Policy No. 113: *Special Education*.

### **IV. SECOND READING OF POLICY NO. 113.1: POSITIVE BEHAVIOR SUPPORT**

It is recommended that the Board approve the SECOND READING of Policy No. 113.1: *Positive Behavior Support*.

### **V. SECOND READING OF POLICY NO. 113.2: DISCIPLINE OF STUDENTS WITH DISABILITIES**

It is recommended that the Board approve the SECOND READING of Policy No. 113.2: *Discipline of Students with Disabilities*.

### **VI. SECOND READING OF POLICY NO. 113.3: SCREENING AND EVALUATIONS FOR STUDENTS WITH DISABILITIES**

It is recommended that the Board approve the SECOND READING of Policy No. 113.3: *Screening and Evaluations for Students with Disabilities*.

### **VII. SECOND READING OF POLICY NO. 113.4: CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION**

It is recommended that the Board approve the SECOND READING of Policy No. 113.4: *Confidentiality of Special Education Student Information*.

**VIII. SECOND READING OF POLICY NO. 828: CONFLICT OF INTEREST**

It is recommended that the Board approve the SECOND READING of Policy No. 828:  
*Conflict of Interest.*

# EDUCATION REPORT

December 13, 2016

## **BOARD ACTION REQUESTED**

### **I. ARTS EDUCATION COLLABORATIVE**

The Administration recommends that the Board authorize the agreement with the Arts Education Collaborative for an assessment study in the amount of \$5,906.63.

#### **For Information Only**

Dr. Shannon Varley, Director of Curriculum, Instruction, Assessment and Staff Development, will be appointed as the designated contact person to act as liaison to AEC. The timeline for completion of all activities will be submitted to the District by July 31, 2018.

### **II. UNIVERSITY OF PITTSBURGH PERSISTENCE STUDY**

The Administration recommends that the Board approve the Keystone Oaks Middle School to participate in the University of Pittsburgh Persistence Study, effective January 2017.

#### **For Information Only**

Mr. Kattan, Principal, Keystone Oaks Middle School, and Dr. Varley, Director of Curriculum, Instruction, Assessment and Staff Development, will oversee the process in compliance with *Board Policy No. 265: Student Rights/Surveys*.

# PERSONNEL REPORT

December 13, 2016

## **BOARD ACTION REQUESTED**

### **I. LEAVES OF ABSENCE**

It is recommended that the Board approve the following individuals for Family and Medical Leave:

N.S. – Effective January 10, 2017 with an anticipated return date of March 7, 2017

J.K. – Effective December 2, 2016

J. S. – Effective November 17, 2016

### **II. CURRICULUM LEADERS 2016/2017**

In compliance with the *Keystone Oaks Education Association Agreement 2011/2016 Article XXVI: Curriculum Leaders*, it is recommended that the following teachers be compensated for the month of September only:

<b><u>Employee</u></b>	<b><u>Subject</u></b>	<b><u>Compensation</u></b>
<b>Michele Lowers</b>	Foreign Language & ESL	\$300.00
<b>Jennifer Watenpool</b>	Family/Consumer Science & PE	\$300.00
<b>Joan Young</b>	Social Studies 6-12	\$300.00

### **III. KEYSTONE OAKS RECREATIONAL SWIM PROGRAM - LIFEGUARD**

It is recommended that the Board approve **Mirabella Stump** as a lifeguard for the 2016/2017 Keystone Oaks Recreational Swim Program at a rate of \$7.25 per hour.

# FINANCE REPORT

December 13, 2016

## **BOARD ACTION REQUESTED**

### **I. ACCOUNTS PAYABLE APPROVAL LISTS**

**The Administration recommends approval of the following Accounts Payable lists as presented in the *Finance Package*:**

A. General Fund as of November 30, 2016 (Check No. 52649 – 52855)	\$863,147.76
B. Risk Management as of November 30, 2016 (None)	\$0.00
C. Food Service Fund as of November 30, 2016 (Check No. 9105 – 9110)	\$2,668.94
D. Athletics as of November 30, 2016 (None)	\$0.00
E. Capital Reserve as of November 30, 2016 (Check No. 1553)	\$76,243.93
<b>TOTAL</b>	<b>\$942,060.63</b>

### **II. CONTINUED MEMBERSHIP IN THE JOINT PURCHASING BOARD**

It is recommended that the Board approve continued membership in the Allegheny Intermediate Unit's Joint Purchasing Program for 2017 in the following areas, but not limited to:

Custodial Supplies	Natural Gas
Electricity	Paper Supplies
Gasoline, Diesel Fuel & Heating Oil	

#### **For Information Only**

This does not obligate the District to purchase materials from the AIU Joint Purchasing Program.



**FOR INFORMATION ONLY**

**I. EXPENDITURE/REVENUE 2016 – 2017 BUDGET to ACTUAL / PROJECTION**

ACCT	DESCRIPTION	2016-2017 BUDGET TOTAL	2016-2017 NOVEMBER ACTUAL	OVER (UNDER) BUDGET
<b>Revenue</b>				
6000	Local Revenue Sources	\$ 28,874,424	\$ 25,139,083	\$ (3,735,341)
7000	State Revenue Sources	\$ 10,811,514	\$ 3,492,470	\$ (7,319,044)
8000	Federal Revenue Sources	\$ 847,073	\$ 253,841	\$ (593,232)
<b>Total Revenue</b>		<b>\$ 40,533,011</b>	<b>\$ 28,885,394</b>	<b>\$ (11,647,617)</b>
				(OVER)
				UNDER
				BUDGET
<b>Expenditures</b>				
100	Salaries	\$ 15,839,295	\$ 3,814,406	\$ 12,024,889
200	Benefits Professional/Technical	\$ 10,401,758	\$ 2,752,538	\$ 7,649,220
300	Services	\$ 1,660,250	\$ 417,720	\$ 1,242,530
400	Property Services	\$ 1,215,100	\$ 481,131	\$ 733,969
500	Other Services	\$ 4,886,463	\$ 1,772,584	\$ 3,113,879
600	Supplies/Books	\$ 1,219,475	\$ 738,382	\$ 481,093
700	Equipment/Property	\$ 870,175	\$ 666,014	\$ 204,161
800	Other Objects	\$ 967,570	\$ 473,204	\$ 494,366
900	Other Financial Uses	\$ 3,895,000	\$ 3,276,725	\$ 618,275
<b>Total Expenditures</b>		<b>\$ 40,955,086</b>	<b>\$ 14,392,704</b>	<b>\$ 26,562,382</b>
<b>Revenues exceeding Expenditures</b>		<b>\$ (422,075)</b>	<b>\$ 14,492,690</b>	<b>\$ 14,914,765</b>

## II. SUMMARY OF STUDENT ACTIVITIES ACCOUNTS AS OF NOVEMBER 2016

Bank Account - Status	Middle / High School	Athletics
Cash Balance – 11/1/2016	\$ 92,373.76	\$ 40,667.85
Deposits	\$ 14,513.18	\$ 1,805.17
Subtotal	\$ 106,886.94	\$ 42,473.02
Expenditures	\$ 15,400.84	\$ 0.00
Cash Balance - 11/30/2016	\$ 91,486.10	\$ 42,473.02

## III. BANK BALANCES

### BANK BALANCES PER STATEMENT AS OF NOVEMBER 30, 2016

	BALANCE
<b>GENERAL FUND</b>	
FNB BANK	\$ 1,723,084
PAYROLL (pass-thru account)	\$ 15,306
FNB SWEEP ACCOUNT	\$ 2,246,894
ATHLETIC ACCOUNT	\$ 42,473
PLGIT	\$ 12,623,031
FNB Money Market	\$ 3,501,208
PSDLAF	\$ 155,011
INVEST PROGRAM	\$ 171,142
	<u>\$ 20,478,149</u>
<b>CAFETERIA FUND</b>	
FNB BANK	\$ 218,349
PLGIT	\$ 590,506
	<u>\$ 808,855</u>
<b>CONSTRUCTION FUND / CAP RESERVE</b>	
FNB BANK	\$ 328,653
PLGIT - GENERAL ACCOUNT	\$ 1,100,000
PLGIT - G.O. BOND SERIES C OF 2014/ 12-18	\$ 759
	<u>\$ 1,429,412</u>
<b>RISK MANAGEMENT FUND/TAX REFUNDS</b>	
FNB BANK	<u>\$ 274,436</u>
<b>GRAND TOTAL</b>	<b>\$ 22,990,852</b>

# **FACILITIES REPORT**

**December 13, 2016**

## **BOARD ACTION REQUESTED**

### **I. REVISED CONTRACT FOR NATURAL GAS WITH UGI ENERGY SERVICES**

The Administration recommends that the Board approve the revised contract beginning December 2016 through August 2019 for the natural gas service provided by UGI Energy Services, LLC, at a cost of -\$0.480 per Dth basis.

#### **For Information Only**

This contract supersedes the existing agreement for the term December 2016 – August 2017 previously executed on June 1, 2016.

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 105.2

Section PROGRAMS

Title EXEMPTION FROM INSTRUCTION

Adopted AUGUST 21, 1989

Revised FEBRUARY 16, 1998

POLICY NO. 105.2 EXEMPTION FROM INSTRUCTION		
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p><del>The purpose of this policy is to comply with the requirement of the State Board of Education that school districts adopt policies that assure</del> <b>The Board adopts this policy to ensure that</b> parents/<b>guardians have</b> the right to have their children excused from specific instruction which conflicts with their religious beliefs.</p>	Title 22 Sec. 4.4, 11.7
<b>Section 2</b>	<p><b><u>Authority</u></b></p> <p><del>School districts shall adopt policies to assure that parents have the right to have their children excused from instruction which conflicts with their religious beliefs.</del></p>	Title 22 Sec. 5.4(d)(3)
<b>Section 3</b>	<p><b><u>Guidelines</u></b></p> <p>The rights granted by this policy are granted to parents/<b>guardians</b> of students enrolled in <del>the</del> <b>is</b> District <del>whenever</del> the students are under the age of eighteen (18) and to the students themselves when the student is eighteen (18) or over.; <del>unless the student is incapable of making the decision due to a disability.</del></p> <p>The District shall excuse any student from instruction as defined in this policy <del>upon satisfaction of and</del> subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. To assist the <del>School</del> District in ensuring that the student</li> </ol>	

**POLICY NO. 105.2  
EXEMPTION FROM INSTRUCTION**

is excused from the correct specific instruction, the request must be made in writing and must detail the portions of instruction with respect to which the student is to be excused.

2. The written request to be excused shall be sent by the ~~qualifying parent~~/guardian or student to the Building Principal ~~in triplicate~~.

~~2.~~ One (1) copy of the request shall be retained in the student's permanent school records, one (1) a copy shall be kept by the school principal, and one (1) a copy shall be submitted to the teacher from whose instruction the student is to be excused.

3. It shall not be the responsibility of the District or any of its ~~employees~~officials to ensure that the ~~student~~child exercises his/her right to be excused ~~and school employees are prohibited from initiating action to have any student leave class in accordance with a parent request. It shall be~~Instead, it is the responsibility of the student to request permission to leave class when the specific instruction objected to is being presented. ~~or is about to be presented. When the child seeks to be excused, the teacher is to excuse the child if~~ However, the District does aspire to respect the wishes of the parent/guardian/student and a teacher may remind the student and help them to exit the classroom in an unobtrusive manner.

1) ~~When the students seeks to be excused, the teacher shall excuse the student if~~ the teacher or principal has a copy of the written request; and

2) the written request adequately describes the ~~specific~~ instruction ~~that is taking place or about to take place~~.

4. The written request must contain a statement that the specific instruction described ~~in the written request~~ conflicts with the religious beliefs of the student or of the parents/guardians.

**POLICY NO. 105.2  
EXEMPTION FROM INSTRUCTION**

5. The parent/guardian and/or student may request suggested replacement educational activities. ~~in conjunction with a building level administrator shall develop replacement educational activities in which the student shall engage during the time the student is excused.~~ 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 that does not require the provision of any extra resources by the District. The parent/guardian and/or student may consult with the principal or teacher for recommendations concerning replacement educational activities.
6. The building principal shall determine where the student shall report during the time the student is excused.
7. All students excused from specific instruction shall be required to achieve the academic standards learning ~~outcomes~~ established by the District ~~as and are~~ necessary for graduation.

Pol. 102, 217

~~This policy shall become void and unenforceable if the regulation of the State Board of Education, upon which it is based, i.e., Title 22, Sec. 5.4 (d)(3), is repealed, modified, or declared invalid in whole or in part.~~

**References:**

State Board of Education Regulations – 22 PA Code Sec. 4.4, 11.17

Board Policy – 102, 217

# Policy Guide



Policy No. 113

Section PROGRAMS

Title SPECIAL EDUCATION

Adopted AUGUST 21, 1989

Revised FEBRUARY 16, 1998

POLICY NO. 113 SPECIAL EDUCATION	
Section 1	<p><b><u>Purpose</u></b></p> <p>The District shall offer each student with a disability education programs and services that appropriately meet the student’s needs for educational, instructional, transitional and related services. A student who requires special education shall receive programs and services according to an individualized education program (IEP). The IEP shall provide access to the District’s general curriculum and participation in state and local assessments, including supplemental aids and services that permit the student to be educated, to the maximum extent appropriate, with nondisabled peers. The District shall provide a continuum of placement options to appropriately meet the needs of students with disabilities.</p> <p><del>Every exceptional student attending the schools of this District shall be offered an educational program that meets his/her individual needs and is suited to his/her unique abilities. Such a program of special education shall be designed to comply with law, conform to the goals of this District and shall, to the extent feasible and consistent with the best interests of the student and other pupils, integrate programs of special education with the regular instructional program of the schools.</del></p> <p><del>Exceptional children to be served by the special education program of this District shall include those school age children as defined by law residing in the District who so deviate from the average in physical, mental, emotional or social characteristics that they require special educational programs, facilities or services and shall include all school aged persons in detention homes and state schools and hospitals.</del></p>
	<p>Title 22 Sec. 4.28, 12.1, 12.4, 14.102, 14.104 34 CFR Sec. 300.1</p> <p>SC-1371</p>

**POLICY NO. 113  
SPECIAL EDUCATION**

**Section 2**     **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. School-aged children who have identified disabilities but do not require special education may be entitled to accommodations or services or to enroll in courses of study in the District which serve students with disabilities pursuant to other law or Board policy.

SC 502  
Title 22 Sec. 14.101  
20 U.S.C. Sec.  
1401  
34 CFR Sec. 300.8  
Pol 103.1

**Individualized Education Program (IEP)** - The written educational statement for each student with a disability that is developed, reviewed and revised in accordance with federal and state laws and regulations.

Title 22 Sec. 14.131  
34 CFR Sec.  
300.320-300.324

**Parent/Guardian** - For purposes of this policy and Board policies related to special education, parent/guardian shall have the definition of **parent** in IDEA statute and regulations, which includes a biological or adoptive parent of a child; a foster parent, unless prohibited by state law or regulations; a guardian authorized to act as the child's parent, in accordance with law or regulations; an individual acting in the place of a parent, including a grandparent or other relative, with whom the child lives or an individual legally responsible for the child's welfare; or an appointed surrogate parent, in accordance with law and regulations.

20 U.S.C. Sec.  
1401  
34 CFR Sec. 300.30

**Section 32**     **Authority**

The Board directs that all students with disabilities shall be identified, evaluated, and provided with appropriate educational programs and services, in accordance with federal and state laws and regulations. The District shall establish and implement a system of procedural safeguards and parent/guardian notification as part of its special education plan.

SC 1372  
Title 22 Sec. 4.28,  
12.1, 12.41, 14.101  
et seq.  
20 U.S.C. Sec.  
1400 et seq.  
29 U.S.C. Sec. 794  
42 U.S.C. Sec.  
12101 et seq.  
34 CFR Part 300



**POLICY NO. 113  
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. The District's special education plan shall include procedures for identifying and educating students with disabilities and describe the elements required by law, regulations and Board policy. 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 and on the district website for a minimum of twenty-eight (28) days.

Title 22 Sec. 4.13,  
14.104  
Pol. 100

The District's special education plan shall comply with the requirements of state and federal laws and regulations, and shall be submitted in accordance with the guidelines and in the form established by the Department of Education. The District shall establish procedures to ensure the plan is updated and implemented as necessary.

Title 22 Sec. 4.13,  
14.104  
34 CFR Sec.  
300.201 et seq.

The Board ~~shall will~~ determine ~~the which~~ facilities, programs, services, and staff that shall be provided by the District for the instruction of ~~-~~students with disabilities, based upon the identified needs of the district's special education population ~~exceptional children shall be furnished by this District.~~

SC 1372  
Title 22 Sec. 14.104

In order to maintain an ~~more effective program~~ of special education ~~plan~~, the Board may participate in special education programs of Allegheny Intermediate Unit No. 3.

Title 22 Sec. 14.104

**Section 4      Delegation of Responsibility**

The Superintendent or designee is directed to annually recommend to the Board the employment and retention of necessary, qualified 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.

**POLICY NO. 113  
SPECIAL EDUCATION**

**Section 53** **Guidelines**

~~The Superintendent is directed to annually recommend to the Board the employment and retention of such staff, and the provision of such facilities, as may be necessary and feasible to provide for the needs of exceptional children of this District.~~

Each student with a disability shall be educated pursuant to an IEP which shall provide an appropriate education in the least restrictive environment, in accordance with federal and state laws and regulations.

Title 22 Sec. 4.28,  
14.145  
20 U.S.C. Sec.  
1414  
34 CFR Sec.  
300.320-300.327

The District prohibits discrimination based on disability. Students with disabilities are entitled to receive services and accommodations which will permit them to participate in District programs, services and activities as required by law.

Pol. 103, 103.1

If the District is identified with significant disproportionality, the special education plan shall include prevention measures for inappropriate over-identification and disproportionate representation by race or ethnicity of children with disabilities.

Title 22 Sec. 14.104

Fiscal And Program Compliance

The Superintendent or designee shall establish procedures to ensure that the District complies with all federal and state laws and regulations and program requirements for special education-related funding and reimbursement.

The District may coordinate with Allegheny Intermediate Unit No. 3 to establish procedures, fulfill reporting requirements and participate in applicable programs.

Child Find/Outreach

The Superintendent or designee shall ensure that the District annually conducts awareness and outreach programs and activities designed to reach District residents including parents/guardians of students with disabilities who are enrolled in the District, preschool-aged children, students who attend private schools, homeless children and children who are wards

Title 22 Sec. 14.121  
34 CFR Sec.  
300.111

**POLICY NO. 113  
SPECIAL EDUCATION**

of the state.

The District’s public awareness activities shall include annual publication of a written notice in newspapers and other media notifying residents about child identification activities; available special education services and programs and how to request them; and procedures used to ensure confidentiality of student information. Written information shall be published in District handbooks and on the District website. Public awareness activities must include information regarding potential signs of developmental delays and other risk factors that could indicate disabilities.

The Intermediate Unit shall be responsible for conducting child find activities necessary to provide equitable participation services to students with disabilities who are enrolled by their parents/guardians in private schools.

Screening

The District shall establish a system of screening, including hearing and vision screenings. Screenings shall be conducted at reasonable intervals to determine whether all students are performing based on grade-appropriate standards in core academic subjects.

Title 22 Sec. 14.122  
Pol 209

Confidentiality

The District shall maintain a system of safeguards to protect the confidentiality of students’ educational records and personally identifiable information when collecting, storing, disclosing and destroying student records. Student records include any financial documents related to any services that a student receives.

Title 22 Sec. 15.9  
34 CFR Sec.  
300.611-300627  
Pol. 113.4

District staff shall maintain the confidentiality of student records and personally identifiable information, as required by law, regulations and Board policy.

Recording Of Meetings

The District shall permit audio recording of a meeting between parents/guardians and district teachers, paraprofessionals, program specialists, consultants or administrators when the

**POLICY NO. 113  
SPECIAL EDUCATION**

parent/guardian submits, at least five (5) days prior to the meeting, notification to the building principal of the intent to record the meeting.

When permission to record a meeting is granted, the district employee responsible for the meeting shall arrange to record the meeting by similar means. Such recording shall be considered part of the student's educational record and be subject to relevant law and regulations.

The District may permit videotaping of a meeting when written consent is given by all participants at the meeting.

~~The program to which each exceptional child is assigned shall be that which best assures his/her success in learning and offers him/her the least restrictive environment in accordance with State Board's Regulations.~~

~~No exceptional student who is so classified shall be denied, because of disability, participation in co-curricular, intramural or interscholastic activities or any of the services offered or recognition's rendered regularly to the students of this District unless such participation is not practical because of the disability.~~

~~All services, e.g., shop, art, physical education, music, home economics, etc., which are extended to the general population of students shall be provided for the exceptional pupil where feasible.~~

~~The Superintendent shall develop procedures for the continuing evaluation of the effectiveness of the District's plan for the exceptional pupil and shall periodically report to the Board the criteria by which such evaluations are made and the results of such evaluation.~~

Title 22 Section  
14.42  
Chapter 14  
Chapter 342

SC 1371, 1372  
PA Code Title 22  
Sec. 14.42

**POLICY NO. 113  
SPECIAL EDUCATION**

References:

School Code – 24 P.S. Sec. 502, 1371, 1372

State Board of Education Regulations – 22 PA Code Sec. 4.13, 4.28, 12.1, 12.4, 12.41, 14.101 et seq., 15.9

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

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

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

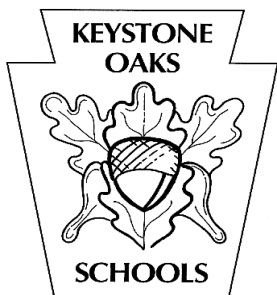
Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300

Pennsylvania Training and Technical Assistance Network – [www.pattan.net](http://www.pattan.net)

Board Policy – 100, 103, 103.1, 113.1, 113.2, 113.3, 113.4, 209, 216

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 113.1

Section PROGRAMS

Title POSITIVE BEHAVIOR SUPPORT

Adopted NOVEMBER 16, 1998

Revised FEBRUARY 17, 2011

POLICY NO. 113.1 POSITIVE BEHAVIOR SUPPORT		
<b>Section 1</b>	<p><b><u>Purpose</u> Overview</b></p> <p>The IEP team for a student with a disability shall develop a positive behavior support plan or shall include behavioral goals, interventions, and strategies in the IEP for each student whose behavior interferes with his/her learning or the learning of others. The identification, evaluation, and plan or program shall be conducted and implemented in accordance with state and federal laws and regulations.</p> <p><del>Positive behavior strategies, interventions and supports must be employed for all students who have behavior issues that interfere with their ability to learn or the learning of others. These techniques shall be the least intrusive necessary. This policy is designed to enable all students who are in need of behavior intervention to benefit from a Free Appropriate Public Education Program (FAPE) within the least Restrictive Environment (LRE) in accordance with the requirements in Pennsylvania's regulations and the Individuals with Disabilities Education Improvement Act and its regulations.</del></p> <p><del>The following terms shall have these meanings, unless the context clearly indicates otherwise:</del></p>	<p>22 PA Code Sec. 14.133, 14.145 34 CFR 300.114, 300.324</p>
<b>Section 2</b>	<p><b><u>Authority</u></b></p> <p>The Board directs that the following principles shall govern the use of behavior supports and interventions for students with disabilities:</p>	<p>22 PA Code Sec. 14.133</p>

**POLICY NO. 113.1  
POSITIVE BEHAVIOR SUPPORT**

1. Positive, rather than negative, measures must form the basis of behavior support programs to ensure that all students shall be free from demeaning treatment, the use of adverse techniques, punitive “time out” and the unreasonable use of restraints.
2. Behavior support programs and plans must be based on a functional assessment of behavior and use positive behavior techniques.
3. Behavior support programs must include research-based practices and techniques to develop and maintain skills that will enhance an individual student’s opportunity for learning and self-fulfillment.
4. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student shall be the least intrusive necessary.
5. The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques.
6. Nothing in this policy shall be construed to require the development of a separate behavior support or intervention plan when appropriate positive behavioral interventions, strategies, and supports, consistent with the requirements of this policy, can be incorporated into body of the IEP.

20 U.S.C. 1414, 1415  
34 CFR 300.324, 300.34, 300.530  
Pol. 113, 113.2, 113.3

**Section 32** **Definitions**

As used in this policy, the following words and terms shall have these meanings, unless the context clearly indicates otherwise:

22 PA Code Sec. 14.133

**Aversive Techniques** – Deliberate activities designed to establish a negative association with a specific behavior.

**Behavior Support** – The development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.

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POSITIVE BEHAVIOR SUPPORT**

**Positive Behavior Support Plans** – A plan for students with disabilities who require specific intervention to address behavior that interferes with learning. A positive Behavior Support Plan shall be developed by the IEP team, be based on a functional behavior assessment, and become part of the individual student’s IEP whether as a separate document attached thereto or as goals and intervention. These plans must include methods that use positive reinforcement and other positive techniques to shape a student’s behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.

**Positive Techniques**— Methods that utilize positive reinforcements 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** – Techniques designed to control acute or episodic aggressive behavior when the student presents a danger to self, other students, or employees. Application of physical force, with or without the use of any device, for the purpose of restraining the free movement of a student’s body, excluding the following:

1. Briefly holding a student, without force, to calm or comfort him/her.
2. Guiding a student to an appropriate activity.
3. Holding a student’s hand to escort him/her 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



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positioning devices.

**Section 43**

**Delegation of Responsibility Purpose**

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 guidelines or procedures as needed to implement this policy.

~~As defined in 22 PA Code Section 14.133, positive measures must form the basis of behavior support programs to ensure that all students shall be free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints. Behavior support programs shall include research based practices and techniques to develop and maintain skills that will enhance an individual student's or eligible young child's opportunity for learning and self-fulfillment. Positive behavior support programs and plans shall be based on a functional assessment of behavior.~~

- ~~1. A least to most intrusive hierarchy of strategies will be utilized with all students.~~
- ~~2. Physical restraints may only be used as a crisis intervention technique to control acute behavior when the student is acting in a manner as to be a clear and present danger to himself/herself, to other students, to employees or to others and only when less restrictive measures and techniques have proved to be or are less effective. These procedures must be documented.~~
- ~~3. The use of restraints to control the aggressive behavior of an individual student shall cause the school entity to notify the parent of the use of restraint and shall cause a meeting of the IEP team within then (10) school days of the inappropriate behavior causing the use of restraints, unless the parent, after written notification, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs a Functional Behavioral Assessment (FBA), Reevaluation,~~

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~~a new or revised Positive Behavior Support Plan or a change of placement to address the inappropriate behavior. The IEP will be revised to eliminate the need for restraints.~~

- ~~4. The use of prone restraints (child is held face down on the floor) is prohibited in school programs.~~
- ~~5. The use of the crisis management plan may not be employed as punishment for the convenience of staff or as a substitute for an educational program.~~
- ~~6. Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions may be included in the IEP only when recommended by a qualified medical professional and agreed upon by the student's parents or legal guardian. The use of mechanical restraints shall prevent a student from injuring himself/herself or others, or promote normative body positioning and physical functioning.~~
- ~~7. Parental approval will be through a meeting or the IEP process to discuss all procedures identified within the child's behavior intervention plan.~~
- ~~8. Keystone Oaks assures that it will provide adequate training and support to appropriate personnel on positive behavior support, de-escalation techniques and emergency response as outlined in Pennsylvania regulations, the Individuals with Disabilities Education Improvement Act and its regulations and PDE guidelines for Effective Behavior Support. Training will be updated as appropriate.~~
- ~~9. When a student is placed in a "time-out" situation, the student shall always be in full view of the teacher or staff person so instant intervention is possible.~~
- ~~10. Behavior programs utilized include a variety of techniques to develop and maintain skills that will help the student learn to relate better to self, other students, staff, family and community and to participate more fully~~

<p><b>Section 54</b></p>	<p><b>POLICY NO. 113.1</b>  <b>POSITIVE BEHAVIOR SUPPORT</b></p> <p><del>in the education process.</del></p> <p><del>11. The use of restraints for the convenience of staff as a substitute for an educational program or employed as punishment may not be used.</del></p>	
	<p><b><u>Guidelines</u></b></p>	
	<p><u>Physical Restraints</u></p> <p>Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to him/herself, other students or to employees, and only when less restrictive measures and techniques have proven to be or are less effective.</p>	<p>22 PA Code 14.133</p>
	<p>The Superintendent or designee shall notify the parent/guardian as soon as practicable of the use of restraints to control the aggressive behavior of student and shall convene a meeting of the IEP team within ten (10) school days of the inappropriate behavior causing 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.</p>	<p>22 PA Code 14.133</p>
<p>The use of restraints may only be included in a student’s IEP under the following conditions:</p> <ol style="list-style-type: none"> <li>1. The restraint is used in conjunction with specific components of positive behavior support.</li> <li>2. The restraint is used in conjunction with the teaching of socially acceptable alternative skills to replace problem behavior.</li> <li>3. Staff are authorized, and have received all training required, to use the specific procedure.</li> <li>4. The positive Behavior Support Plan of the student includes a plan for eliminating the use of restraint through the application of positive behavior support.</li> </ol>	<p>22 PA Code 14.133</p>	

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The use of restraints is not included in the IEP for the convenience of staff, as a substitute for an educational program, or to be employed as punishment.

22 PA Code 14.133

Mechanical Restraints

Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student's parents/guardians.

22 PA Code 14.133

Mechanical restraints shall prevent a student from injuring him/herself or others or promote normative body positioning and physical functioning.

Seclusion

The District permits involuntary seclusion of a student in accordance with the student's IEP or in an emergency to prevent immediate or imminent injury to the student or others, but the seclusion must be the least restrictive alternative.

The District prohibits the seclusion of student in locked rooms, locked boxes and other structures or spaces from which the student cannot readily exit.

22 PA Code 14.133

Aversive Techniques

The following aversive techniques for addressing of handling behavior are considered inappropriate and ~~may~~ shall not be used in educational programs:

22 PA Code 14.133

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.

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5. Deprivation of basic human rights, such as withholding meals, water or fresh air.
6. ~~Suspension constituting a pattern as defined in state regulations~~ **Serial suspensions.**
7. Treatment of a demeaning nature.
8. Electric shock.
9. Methods implemented by untrained personnel.
10. ~~Methods that have not been outlined in the District's plan.~~ **Prone restraints, which are restraints by which a student is held face down on the floor.**

22 PA Code 14.143

Reporting and Monitoring

The Superintendent or designee shall maintain and report data on the use of restraints in a manner prescribed by the Secretary of Education of the Commonwealth of Pennsylvania. Such report shall be readily available for review during cyclical compliance monitoring conducted by the Pennsylvania Department of Education. Procedures shall be established requiring reports be made to the district by entities educating students with disabilities who attend programs or classes outside the district, including private schools, agencies, intermediate units and vocational schools.

22 PA Code 14.133

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

SC 1302.1-A  
22 PA Code 10.2,  
10.21, 10.22, 10.23,  
10.25, 14.104,  
14.133  
34 CFR 330.535  
20 U.S.C. 1415  
Pol. 113, 113.2,  
227, 250, 251, 825

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

Subsequent to notification to law enforcement, an updated functional behavior assessment and Behavior Support Plan shall be required for students with disabilities who have Behavior Support Plan of such referral.

22 PA Code 10.23,  
14.133,  
Pol. 113.3

If, as a result of such referral, the student is detained or otherwise placed in a residential setting located outside the district, the Superintendent or designee shall notify the school district or intermediate unit in which the residential setting is located of the need to review the student's functional behavioral assessment and Behavior Support Plan.

22 PA Code 14.133

For a student with a disability who does not have a Behavior Support Plan, subsequent to notification to law enforcement, the District shall convene the student's IEP team to consider whether a Behavior Support Plan should be developed to address the student's behavior, in accordance with law, regulations and Board policy.

22 PA Code 10.23,  
14.133

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.

22 PA Code 10.23,  
14.104  
Pol. 113

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.

22 PA Code 10.23,  
14.104, 14.133  
Pol. 113

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Regular Program of Training

The Superintendent or designee shall provide for the regular training and re-training, as needed, of personnel in the use of specific procedures, methods, and techniques, including restraints and seclusions, that those personnel will be expected to employ in the implementation of positive behavior supports or interventions in accordance with the IEP of the child and this policy.

22 PA Code 14.133

References:

School Code – 24 P.S. Sec. 1302.1-A

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.22, 10.23, 10.25, 14.104, 14.133, 14.145

Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1414, 1415

Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300.114, 300.324, 300.34, 300.530, 300.535

Board Policy – 113, 113.2, 113.3, 227, 250, 251, 825

**Section 5**

**Objectives**

~~The Positive Behavior Support Policy represents a tiered model based on best practice. The three tiers of intervention are:~~

**Tier I**

~~Effective classroom management strategies.~~

**Tier II**

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~~Specific interventions designed for the individual student.~~

**Tier III**

~~Very restrictive interventions which can only be considered after Level II interventions are determined ineffective.~~

**Emergency Procedures**

~~Emergency procedures for behavior that present a clear and present danger will be delineated on the IEP. Emergency procedures may include such activities as:~~

- ~~1. Parent contact to immediately remove student from school.~~
- ~~2. Notifying police.~~
- ~~3. Notifying mental health support personnel per directions in IEP Crisis Plan.~~
- ~~4. Calling emergency services and ambulance.~~

**Section 6**

**Reporting**

~~Section 14.133(e)(5) requires school entities to maintain and report data on the use of restraints as prescribed by the Secretary of Education. Data must be collected on an on-going basis and made available during cyclical compliance monitoring conducted by the Department of Education.~~

**Procedures**

- ~~1. Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when:
  - ~~a. the student is acting in a manner as to be clear and present danger to himself, to other students or to employees, and;~~
  - ~~b. only when less restrictive measures and techniques have proved to be or are less effective.~~~~



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- ~~2. The staff member who conducted the restraint is responsible for:
  - a. immediately reporting the incident to the building principal;
  - b. completing the Restraint Report and submitting a copy to the building principal the same day as the incident.~~
  
- ~~3. The building principal, on the same day as the restraint will:
  - a. notify the parents, by telephone or in person of the use of restraint;
  - b. document whether the parents verbally decline or request an IEP meeting;
  - c. immediately report the incident to the Coordinator of Special Education;
  - d. forward a copy of the Restraint Report to the Coordinator of Special Education;
  - e. inform the Coordinator of Special Education as to whether or not parents requested an IEP meeting.~~
  
- ~~4. The Coordinator of Special Education, within twenty-four hours of the incident will:
  - a. mail the parents the restraint notification which include the Invitation To Participate in the IEP Team Meeting;
  - b. schedule an IEP meeting within ten (10) school days of the incident unless the parent, after reviewing the notice, agrees in writing to waive the meeting;
  - c. if unable to obtain a verbal or written response from the parent within eight (8) school days, the IEP meeting shall be held.~~

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- ~~5. The IEP Team, if a meeting is held, shall:~~
- ~~a. consider whether the student needs a Functional Behavioral Assessment, Reevaluation, a new or revised Positive Behavioral Support Plan or a change of placement to address the inappropriate behavior;~~
  - ~~b. document as a revision to the IEP.~~
- ~~6. The Coordinator of Special Education will be responsible for:~~
- ~~a. entering restraints in the Restraint Information System Collection (RISC);~~
  - ~~b. reporting any restraints that result in an injury to a student and/or staff person via email to the Bureau of Special Education.~~
- ~~Email notifications to be sent to [ezeisloft@state.pa.us](mailto:ezeisloft@state.pa.us) with a copy to [tseven@state.pa.us](mailto:tseven@state.pa.us) within three (3) days of the occurrence.~~
- ~~7. Each time a restraint is entered into the RISC, the BSE staff will be notified via PDE's email system. The restraint will be reviewed within two working days of recording. The BSE will notify the school contact person if additional information or clarification is needed.~~
- ~~8. If no restraints are used during the entire school year, the Coordinator of Special Education shall report "no restraints in the recently completed school year" on the RISC System.~~

~~Legal References:~~

~~State Board of Education Regulations:  
22 Pa. Code, Sec. 14.133, 14.145~~

~~Individuals with Disabilities Education Act and~~

	<p style="text-align: center;"><b>POLICY NO. 113.1</b> <b>POSITIVE BEHAVIOR SUPPORT</b></p>	
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	<p>Federal Regulations: <del>20 U.S.C. Sec. 1400 et seq.; 34 CFR Part 300</del></p>	
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KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 113.2

Section PROGRAMS

Title DISCIPLINE OF STUDENTS WITH DISABILITIES

Adopted \_\_\_\_\_

Revised \_\_\_\_\_

<b>POLICY NO. 113.2 DISCIPLINE OF STUDENTS WITH DISABILITIES</b>		
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>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.</p> <p>Students with disabilities who violate the Code of Student Conduct, or engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others, which would typically result in corrective action or discipline of students without disabilities, shall be disciplined in accordance with state and federal laws and regulations and Board policy and, if applicable, their Individualized Education Program (IEP) and Behavior Support Plan.</p>	<p>Title 22 Sec. 14.133 Pol. 113, 113.1</p> <p>Title 22 Sec. 14.133, 14.143 34 CFR Sec. 300.530 Pol. 218, 233</p>
<b>Section 2</b>	<p><b><u>Definitions</u></b></p> <p><b>Students with disabilities</b> – school-aged children within the jurisdiction of the District who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services.</p> <p><b>Suspensions from school</b> – disciplinary exclusions from school for a period of one (1) to ten (10) consecutive school days.</p> <p><b>Expulsions from school</b> – disciplinary exclusions from school by the Board for a period exceeding ten (10) consecutive school</p>	<p>Pol. 113</p> <p>Title 22 Sec. 12.6 Pol. 233</p> <p>Title 22 Sec. 12.6 Pol. 233</p>

<b>POLICY NO. 113.2 DISCIPLINE OF STUDENTS WITH DISABILITIES</b>		
	<p>days and may include permanent exclusion from school.</p> <p><b>Interim alternative educational settings</b> – removal of a student with a disability from his/her current placement. Interim alternative educational settings may be used by school personnel for up to forty-five (45) school days for certain infractions committed by students with disabilities. The IEP team shall determine the interim alternative educational setting; however, this does not constitute a change in placement for a student with a disability.</p>	<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(g)</p>
<b>Section 3</b>	<p><b><u>Authority</u></b></p> <p>The Board directs that the District shall comply with provisions and procedural safeguards of the Individuals With Disabilities Education Act (IDEA), and federal and state regulations when disciplining students with disabilities for violations of Board policy or district rules or regulations. No student with a disability shall be subjected to a disciplinary change in placement if the student’s particular misconduct is a manifestation of his/her disability. However, under certain circumstances a student with a disability may be placed in an interim alternative educational setting by school personnel or the IEP team could, if appropriate, change the student’s educational placement to one which is more restrictive than the placement where the misconduct occurred.</p> <p><b><u>Provision Of Education During Disciplinary Exclusions</u></b></p> <p>During any period of expulsion, or suspension from school for more than ten (10) consecutive days in a year, or placement in an interim alternative educational setting for disciplinary reasons, a student with a disability shall continue to receive a free and appropriate education, in accordance with law.</p>	<p>Title 22 Sec. 14.143 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530</p>
<b>Section 4</b>	<p><b><u>Guidelines</u></b></p>	<p>Title 22 Sec. 12.6(e) 20 U.S.C. Sec. 1412(a) 34 CFR Sec. 300.530(b),(d)</p>

<b>POLICY NO. 113.2</b>		
<b>DISCIPLINE OF STUDENTS WITH DISABILITIES</b>		
	<u>Suspension From School</u>	
	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.	Title 22 Sec. 12.6, 14.143 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530, 300.536
	<u>Changes In Educational Placement/Manifestation Determinations</u>	
	For disciplinary exclusions which constitute a change in educational placement, the District shall first determine whether the student’s behavior is a manifestation of his/her disability. Expulsion, or exclusion from school for more than fifteen (15) cumulative days in a year, or patterns of suspensions for substantially identical behaviors constitute changes in educational placements requiring a manifestation determination. For students with intellectual disability, any disciplinary suspension or expulsion is a change in educational placement.	Title 22 Sec. 14.143 34 CFR Sec. 300.530
	A student with a disability whose behavior is not a manifestation of his/her disability may be disciplined in accordance with Board policy, district rules and regulations in the same manner and to the same extent as students without disabilities.	Title 22 Sec. 14.143 34 CFR Sec. 500.530(c) Pol. 218, 233
	<u>Parent/Guardian Appeals From Disciplinary Actions/Request For Hearing By District For Students Who Are A Danger To Themselves Or Others</u>	
	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 his/her removal to an appropriate interim alternative educational setting for up to forty-five (45) school days if the hearing officer determines that maintaining the child’s current placement is substantially likely to result in an injury to the student or others.	20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.532

<b>POLICY NO. 113.2 DISCIPLINE OF STUDENTS WITH DISABILITIES</b>	
<p>Placement during appeals of disciplinary actions shall be in the interim alternative educational setting pending the decision of the hearing officer or expiration of the time period set for the disciplinary exclusion from the student’s regular placement unless the District and the parent/guardian agree otherwise.</p> <p><u>Students Not Identified As Disabled/Pending Evaluation</u></p> <p>Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the District did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation shall be expedited.</p> <p><u>Administrative Removal To Interim Alternative Educational Setting For Certain Infractions</u></p> <p>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:</p> <ol style="list-style-type: none"> <li>1. Carries a weapon to or possesses a weapon at school, on school property, or at school functions under the jurisdiction of the District.</li> <li>2. Knowingly possesses or uses illegal drugs, as defined by law, or sells or solicits the sale of a controlled substance, as defined by law, while at school, on school property, or at school functions under the jurisdiction of the District.</li> <li>3. Has inflicted serious bodily injury upon another person while at school, on school property, or at school</li> </ol>	<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.533</p> <p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.534</p> <p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(g)</p> <p>18 U.S.C. Sec. 930 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(i) Pol. 250</p> <p>20 U.S.C. Sec. 1415(k) 21 U.S.C. Sec. 812(c) 34 CFR Sec. 300.530(i) Pol. 227</p> <p>18 U.S.C. Sec. 1365(h)(3)</p>

	<p style="text-align: center;"><b>POLICY NO. 113.2</b> <b>DISCIPLINE OF STUDENTS WITH DISABILITIES</b></p> <p>functions under the jurisdiction of the district. For purposes of this provision, <b>serious bodily injury</b> means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.</p> <p><u>Referral To Law Enforcement and Reporting Requirements</u></p> <p>For reporting purposes, the term <b>incident</b> shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.</p> <p>The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies. The Superintendent or designee shall respond to such incidents in accordance with the district's Special Education Plan and, if applicable, the procedures, methods and techniques defined in the student's Behavior Support Plan.</p> <p>For a student with a disability who does not have a Behavior Support Plan, subsequent to notification to law enforcement, the District shall convene the student's IEP team to consider whether a Behavior Support Plan should be developed to address the student's behavior, in accordance with law, regulations and Board policies.</p> <p>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</p>	<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(i)</p> <p>SC 1303-A Title 22 Sec. 10.2 35 P.S. Sec. 780-102</p> <p>SC 1302.1-A Title 22 Sec. 10.2, 10.21, 10.22, 10.23, 10.25, 14.104, 14.133 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.535 Pol. 103.1, 113, 113.1, 218, 227, 250, 251, 823 825</p> <p>Title 22 Sec. 10.23, 14.133 Pol. 113.1</p> <p>Title 22 Sec. 10.2, 10.21, 10.22, 10.23 20 U.S.C. Sec. 1415(k)(6)</p>
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	<p style="text-align: center;"><b>POLICY NO. 113.2</b> <b>DISCIPLINE OF STUDENTS WITH DISABILITIES</b></p> <p>and disciplinary records of the student are transmitted for consideration by these authorities. The district shall transmit copies of the student’s special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.</p> <p>In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 510, 1302.1-A, 1303-A</p> <p>PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-102</p> <p>State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.22, 10.23, 10.25, 12.6, 14.104, 14.133, 14.143</p> <p>Crimes Code, Possession of Firearms and Dangerous Weapons – 18 U.S.C. Sec. 930</p> <p>Crimes Code, Definition, Serious Bodily Injury – 18 U.S.C. Sec. 1365(h)(3)</p> <p>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.</p> <p>Controlled Substances Act – 21 U.S.C. Sec. 812</p> <p>Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300</p> <p>Board Policy – 103.1, 113, 113.1, 216, 218, 227, 233, 250, 251, 823, 825</p>	<p>34 CFR Sec. 300.535 Pol. 216, 825</p> <p>SC 1303-A Pol. 825</p>
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KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 113.3  
 Section PROGRAMS  
 Title SCREENING AND EVALUATIONS FOR STUDENTS WITH DISABILITIES  
 Adopted \_\_\_\_\_  
 Revised \_\_\_\_\_

<b>POLICY NO. 113.3 SCREENING AND EVALUATION FOR STUDENTS WITH DISABILITIES</b>		
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>The Board adopts this policy to define the minimum requirements for screening; educational evaluations conducted to determine eligibility for special education services, instructional levels and programming requirements for students with disabilities, including functional behavioral assessments; and requirements for independent educational evaluations.</p>	<p>Title 22 Sec. 14.122, 14.123, 14.124, 14.125, 14.133                      20 U.S.C. Sec. 1414                      34 CFR Sec. 300.226, 300.301-300.311, 300.502, 300.530                      Pol. 113, 113.1</p>
<b>Section 2</b>	<p><b><u>Authority</u></b></p> <p>The Board shall adopt a system of screening that may include early intervening services and must be designed to accomplish identification and initial screening for students prior to district referral for a special education evaluation. The system shall provide support to staff to improve working effectively with students in the general education curriculum, identify students who may require special education services and programs, and must include hearing and vision screening and screening at reasonable intervals to determine whether students are performing at grade appropriate levels in core academic subjects.</p>	<p>Title 22 Sec. 14.122                      34 CFR Sec. 300.226                      Pol. 209</p>

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Early intervening services shall comply with the requirements of state and federal law and regulations in order to address academic concerns or behaviors that may be impeding success, but which can be resolved through research-based intervention programs in the regular education setting.

34 CFR Sec.  
300.226

The Board authorizes the use of functional behavioral assessments (FBAs) as an evaluation to gather information to understand the purpose of the student’s behaviors and to assist with developing a positive Behavior Support Plan. FBAs must be conducted when:

Title 22 Sec. 14.133  
34 CFR Sec.  
300.530  
Pol. 113, 113.1,  
113.2

1. A student’s behavior interferes with his/her learning or the learning of others and information is necessary to provide appropriate educational programming.
2. A student’s behavior violates the Code of Student Conduct and is determined to be a manifestation of a student’s disability.
3. A student is placed in an interim alternative educational placement for a qualifying reason permitting such placement for up to forty-five (45) school days for certain offenses.
4. The school contacts law enforcement regarding a student who already has a positive Behavior Support Plan.

FBAs may also constitute part of the initial evaluation to determine eligibility for special education.

The District shall comply with requirements of state and federal laws and regulations when conducting evaluations.

Title 22 Sec. 14.123  
20 U.S.C. Sec.  
1414  
34 CFR Sec.  
300.300-300.311,  
300.502, 300.503

An appropriate evaluation of a student, whether conducted by district staff or individuals not employed by the District, shall consist of the administration of all testing and the use of all assessment procedures required to determine the existence of all legally defined disabilities reasonably suspected by district staff, parents/guardians, or the evaluator. An appropriate evaluation shall assist in determining the content of the IEP to enable a student with a disability to be involved in and progress in the

<p><b>Section 3</b></p>	<p style="text-align: center;"><b>POLICY NO. 113.3 SCREENING AND EVALUATION FOR STUDENTS WITH DISABILITIES</b></p> <p>general curriculum.</p> <p>A student shall be assessed in all areas related to the suspected disability including, as appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.</p> <p>A re-evaluation of a student who currently has an IEP shall be conducted as required by state and federal law and regulations.</p> <p><b><u>Guidelines</u></b></p> <p><u>Parent/Guardian Requests</u></p> <p>Parents/Guardians may request an evaluation at any time. The parent/guardian request can be in writing or electronic form. If a request is made orally to any professional employee or administrator, that individual shall provide a copy of the permission to evaluate form to the parents/guardians within ten (10) calendar days of the oral request.</p> <p>The evaluation shall be completed and a copy of the evaluation report presented to parents/guardians no later than sixty (60) calendar days after receipt of written parent/guardian consent for an evaluation, exclusive of the period following the last day of the spring school term to the first day of the subsequent fall term.</p> <p><u>Appropriate Evaluations</u></p> <p>An appropriate evaluation shall use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about a student.</p> <p>An appropriate evaluation shall include:</p> <ol style="list-style-type: none"> <li>1. Testing and assessment techniques required in light of information currently available from previous evaluations.</li> </ol>	<p>Title 22 Sec. 14.124 20 U.S.C. Sec. 1414 34 CFR Sec. 300.303-300.306, 300.503</p> <p>Title 22 Sec. 14.122, 14.123</p> <p>Title 22 Sec. 14.123 20 U.S.C. Sec. 1414 34 CFR Sec. 300.301-300.311, 300.502</p>
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2. Information from parents/guardians and school staff familiar with the performance of the student.
  
3. The student's education records.

The evaluator shall review all such sources of information prior to conducting testing and assessment. The evaluator shall review assessments conducted by others that indicate how the student is responding to early intervening services and scientific research-based instruction and/or include such assessments as part of his/her evaluation.

To the extent that the results of such instructional assessments are inconsistent with the results of norm or criterion-referenced testing and assessments that the evaluator has administered, the evaluator shall explain the reason for the inconsistency in his/her report, if possible.

When assessing the presence of a specific learning disability, the evaluation shall be consistent with procedures adopted by the District and comply with state and federal law and regulations.

Testing and assessment procedures shall be selected and administered to yield valid measurement or assessment of the construct or quality they purport to measure or assess. The evaluator shall administer any testing or assessment procedures in a manner consistent with the requirements and recommendations of the publisher of the test or procedure and in compliance with applicable and authoritatively recognized professional principles and ethical tenets. S/He shall report any factor that might affect the validity of any results obtained.

All assessments and evaluation materials shall be selected and administered so as not to be discriminatory on a racial or cultural basis. Where feasible, assessments and evaluations shall be administered in a language and form most likely to provide accurate information about the student.

The evaluation shall include an observation of the student in an educational setting, unless the student is not currently in such a setting. The evaluator shall obtain information concerning the performance of the student directly from at least one (1) current

Title 22 Sec. 14.125  
34 CFR Sec.  
300.307-300.311

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teacher of the student, unless s/he does not have a current teacher.

The evaluator shall hold an active certification that qualifies the evaluator to conduct that type of evaluation. If certification is not issued for the particular area of professional practice in which the evaluator is lawfully engaged, the evaluator shall hold such license or other credentials as required for the area of professional practice under state law.

The evaluator shall prepare and sign a full report of the evaluation containing:

1. Clear explanation of the testing and assessment results.
2. Complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores; domain or composite scores; and subtest scores reported in standard, scaled, or T-score format.
3. Complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator.
4. Identification of all special education and related services needs and relevant information that directly assists persons in determining the educational needs of the student.
5. Specific, individualized recommendations for consideration by the IEP team for educational programming and placement to enable the student to participate as appropriate in the general education curriculum in the least restrictive environment, as defined by federal and state law and regulations.

Re-Evaluations

Re-evaluations shall be conducted within the timeframes required by state and federal laws and regulations unless the parent/guardian and the District agree in writing that a re-

Title 22 Sec. 14.124  
34 CFR Sec.  
300.303

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evaluation is unnecessary. For students with intellectual disability, the re-evaluation cannot be waived. The group of qualified professionals that reviews the evaluation materials to determine whether the child is a student with a disability shall include a certified school psychologist when evaluating a student for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairment, specific learning disability and traumatic brain injury.

Copies of the re-evaluation report shall be disseminated to parents/guardians at least ten (10) days prior to the meeting of the IEP team unless this requirement is waived in writing.

Independent Educational Evaluations

A parent/guardian who disagrees with the results or content of an evaluation performed or obtained by the District may request an independent educational evaluation at district expense. A parent/guardian is entitled to only one (1) independent educational evaluation at public expense each time the District conducts an evaluation with which the parent/guardian disagrees. The independent educational evaluation must arise from parents'/guardians' disagreement with the District's most recent evaluations or re-evaluations of the student. The District shall be entitled to a copy of all results of independent educational evaluations conducted at public expense. If an oral request for an independent educational evaluation is made to a professional employee or administrator, that person shall inform the parent/guardian that the request must be in writing. If the native language of the parent/guardian is other than English, the requirement that the parent/guardian make his/her request in writing shall be conveyed by whatever means practicable and in the native language of the parent/guardian.

A written request for an independent educational evaluation at district expense shall be immediately forwarded to the Director of Special Education, who may, upon receipt of the written parent/guardian request, ask that the parent/guardian state his/her reasons for disagreement with the evaluation conducted or proposed by the District. The District cannot require the parent/guardian to do so, and the refusal of the parent/guardian shall not delay the process required by this policy.

PARC v. Com.  
343 F. Supp. 279

34 CFR Sec.  
300.502  
Pol. 140

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The criteria under which the independent educational evaluation at public expense is obtained must be the same as the criteria used by the District in conducting an appropriate evaluation, including the location of the evaluation and the qualifications of the examiner, to the extent those criteria are consistent with the parent's/guardian's right to an independent educational evaluation at public expense. The qualified examiners who conduct the independent educational evaluation may not be employed by the public agency responsible for the education of the student.

Within ten (10) school days of receipt of a request for an independent educational evaluation in writing from a parent/guardian, the Director of Special Education shall either initiate a due process hearing to show that the district's evaluation is appropriate and notify the parent/guardian in writing that s/he has done so or issue to the parent/guardian correspondence containing:

1. Assurance that the District will pay for an independent educational evaluation as long as the evaluation meets all of the requirements of an appropriate evaluation and is in compliance with this policy.
2. Statement that the District will not pay for the evaluation until it receives directly from the evaluator a complete copy of a report of that evaluation and determines that the evaluation is in compliance with this policy.
3. Request that the parents/guardians consider accessing reimbursement for all or part of the evaluation from public or private sources of insurance or reimbursement, together with a clear assurance that the parent/guardian is not required to do so and that the District will pay any cost not covered by such sources.
4. Directions that the parent/guardian is responsible for arranging for the evaluation and ensuring that the evaluator contacts the Director of Special Education to arrange for payment of the evaluation.



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Upon request, the District shall provide to parents/guardians information about where an independent educational evaluation may be obtained.

If the evaluation has already been conducted and paid for, the District shall issue correspondence advising the parent/guardian that the District will not reimburse the parent/guardian for the evaluation until it receives a complete and un-redacted copy of the report of the evaluation and determines that the evaluation is in compliance with this policy. The District shall require documentation substantiating that the parents/guardians paid for or incurred the obligation to pay for the evaluation without reimbursement from a public or private source of insurance or reimbursement.

The Director of Special Education shall send the correspondence to the parent/guardian by certified mail or by other independently verifiable means of conveyance and enclose a copy of this policy.

The Director of Special Education shall maintain a list of qualified independent evaluators in each of the various disciplines commonly relied upon to provide education-related evaluations and assessments and shall promptly make that list available to any parent/guardian who requests it.

**References:**

State Board of Education Regulations – 22 PA Code Sec. 14.122, 14.123, 14.124, 14.125, 14.133

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

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

Pa. Ass'n for Retarded Children (PARC) v. Com. of Pa., 343 F. Supp. 279 (E.D. Pa. 1975)

Board Policy – 113, 113.1, 113.2, 140, 209

Policy No. 113.4

Section PROGRAMS

# Policy



Title CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION

# Guide

Adopted \_\_\_\_\_

Revised \_\_\_\_\_

<b>POLICY NO. 113.4 CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION</b>		
<b>Section 1</b>	<p><b><u>Authority</u></b></p> <p>The Board recognizes the need to protect the confidentiality of personally identifiable information in the education records of students with disabilities.</p> <p>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.</p> <p>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.</p>	<p>Pol. 113</p> <p>Pol. 216</p> <p>34 CFR 300.520, 300.625</p>
<b>Section 2</b>	<p><b><u>Definitions</u></b></p> <p><b>Destruction</b> shall mean the physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.</p> <p><b>Disclosure</b> shall mean to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means,</p>	<p>34 CFR 300.611</p> <p>34 CFR 99.3</p>

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STUDENT INFORMATION**

including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

**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.

34 CFR 99.3  
20 U.S.C. 1232g  
Pol. 216

**Personally identifiable information** includes, but is not limited to:

34 CFR 99.3,  
300.32

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.

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CONFIDENTIALITY OF SPECIAL EDUCATION  
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**Section 3**

**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.

34 CFR 99.10,  
300.613

The District shall presume a parent/guardian has authority to inspect and review records relating to his/her child unless it has been provided documentation that the requesting parent/guardian does not have this authority under applicable state law.

34 CFR 99.4,  
300.613

The District shall comply with a parental request for review within forty-five (45) days following receipt of the request.

34 CFR 99.10,  
300.613

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.
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.

34 CFR 99.12,  
300.615

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.

34 CFR 300.616

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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.

34 CFR 99.11,  
300.617

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 to students with disabilities, except access by parents/guardians and authorized district employees.

34 CFR 300.614

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.

34 CFR 99.20,  
300.618

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

34 CFR 99.21,  
300.510-300.516,  
300.619

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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.

Hearing Procedures

A hearing to challenge information in education records must meet the following requirements:

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 his/her own expense, be assisted or represented by one (1) or more individuals of his/her 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.

34 CFR 99.22,  
300.621

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.

34 CFR 99.21,  
300.620

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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. Student records include any financial documents related to any services that a student receives.

34 CFR 300.623

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.

34 CFR 300.623

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.

Pol. 216

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.

34 CFR 300.624

<b>POLICY NO. 113.4 CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION</b>	
<p>After notice, such information shall be destroyed upon parental request.</p>	
<p>No education record shall be destroyed if there is an outstanding request to inspect or review the record or if a litigation hold exists.</p>	<p>34 CFR 99.10</p>
<p>The District may maintain a permanent record of the student’s name, address, and phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed.</p>	<p>34 CFR 300.624</p>
<p>The District shall ensure the destruction of education records in a manner that protects the confidentiality and privacy rights of the student and his/her family.</p>	<p>34 CFR 300.623</p>
<p><u>Disclosure To Third Parties</u></p>	
<p>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.</p>	<p>34 CFR 99.30, 99.31, 300.154, 300.622 Pol. 113.1, 113.2, 216</p>
<p>Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.</p>	<p>34 CFR 300.622</p>
<p>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.</p>	<p>34 CFR 300.622</p>



<p><b>Section 4</b></p>	<p style="text-align: center;"><b>POLICY NO. 113.4 CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION</b></p> <p><b><u>Delegation of Responsibility</u></b></p> <p>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.</p> <p>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.</p> <p>References:</p> <p>Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 99 et seq, 300 et seq</p> <p>Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g</p> <p>Board Policy – 113, 113.1, 113.2, 216</p>	<p>34 CFR 300.623</p> <p>34 CFR 300.623</p>
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# Policy Guide



Policy No. 828

Section OPERATIONS

Title CONFLICT OF INTEREST

Adopted \_\_\_\_\_

Revised \_\_\_\_\_

<b>POLICY NO. 828 CONFLICT OF INTEREST</b>	
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>This policy shall affirm 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.</p>
<b>Section 2</b>	<p><b><u>Definitions</u></b></p> <p><b>Confidential information</b> shall mean information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.</p> <p><b>Conflict or Conflict of interest</b> shall mean use by a Board member or 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.</p>

65 Pa. C.S.A. 1101 et seq.

65 Pa. C.S.A. 1101 et seq.

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CONFLICT OF INTEREST**

**De minimis economic impact** shall mean an economic consequence which has an insignificant effect.

65 Pa. C.S.A. 1101 et seq.

**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.

65 Pa. C.S.A. 1101 et seq.

**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.

65 Pa. C.S.A. 1101 et seq.

**Immediate family** shall mean a person's spouse, parent, stepparent, foster parent, child, stepchild, foster child, brother, stepbrother, foster brother, sister, stepsister, foster sister, grandparent, grandchild, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin. The term also includes any other person who shares the same residence and who is generally regarded within the family as being an immediate family member, such as a domestic partner.

65 Pa. C.S.A. 1101 et seq.

**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.

**Section 3**

**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.

<p><b>Section 4</b></p>	<p><b>POLICY NO. 828 CONFLICT OF INTEREST</b></p>	
	<p><b><u>Guidelines</u></b></p>	
	<p>The Superintendent or his/her designee will provide a review of this policy each year to all employees and Board Members.</p>	
	<p><u>Disclosure of Financial Interests</u></p>	
	<p>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.</p>	<p>Pol. 004</p>
	<p>The district solicitor and designated district employees shall file a statement of financial interests as required by law and regulations.</p>	<p>51 PA Code 15.2 65 Pa. C.S.A. 1104</p>
<p><u>Standards of Conduct</u></p>		
<p>The 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.</p>	<p>2 CFR 200.318</p>	
<p>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.</p>	<p>2 CFR 200.318</p>	
<p>The 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</p>	<p>65 Pa. C.S.A. 1101 et seq.</p>	

**POLICY NO. 828  
CONFLICT OF INTEREST**

not have any supervisory or overall responsibility for the implementation or administration of the contract.

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.
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 memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken.[1]

65 Pa. C.S.A. 1101 et seq.

No public official or public employee shall accept an honorarium.

65 Pa. C.S.A. 1101 et seq.

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.

2 CFR 200.318  
Pol. 322, 422, 623

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.

65 Pa. C.S.A. 1101 et seq.

**POLICY NO. 828  
CONFLICT OF INTEREST**

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.

65 Pa. C.S.A. 1101  
et seq.

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.

2 CFR 200.318

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.
4. The Board has determined that contracting with the related organization is in the best interests of the program involved.

**POLICY NO. 828  
CONFLICT OF INTEREST**

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 Solicitor.

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 Superintendent or 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 and potential conflict of interest related to a federal award, in accordance with federal awarding agency policy.

2 CFR 200.112

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.

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.

**POLICY NO. 828  
CONFLICT OF INTEREST**

The School Solicitor will collaborate with the Superintendent on the proper form of discipline. If the Superintendent was to be the subject of the discipline, then the School Solicitor would collaborate with the Board.

Violations of this policy may result in disciplinary action up to and including discharge, fines and possible imprisonment. Any individual Board Member or school employee who violates this Standard of Conduct will be subject to disciplinary action per the State Ethics Commission, local, state, and/or federal laws.

65 Pa. C.S.A. 1101 et seq.  
Pol. 317, 417, 517

References:

Title 65 Ethics Standard and Financial Disclosure – 65 Pa. C.S.A. 1101 et seq., 1104

PA Code – 51 PA Code 15.2

Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards – 2 CFR Part 200.318

Board Policy – 004, 317, 417, 517, 623