

GENERAL EXHIBITS

TUESDAY, NOVEMBER 1, 2022

Book	Policy Manual
Section	200 Pupils
Title	Student Discipline
Code	218 Vol I 2022
Status	Second Reading

EXHIBIT - G 1

Legal

1. 22 PA Code 12.3
2. 22 PA Code 12.4
3. 24 P.S. 510
4. Pol. 103
5. Pol. 103.1
6. 22 PA Code 12.2
7. Pol. 113.1
8. Pol. 235
9. Pol. 832
10. Pol. 146.1
11. 22 PA Code 12.5
12. Pol. 233
13. 22 PA Code 10.23
14. 20 U.S.C. 1400 et seq
15. Pol. 113.2
16. Pol. 805.1
17. 24 P.S. 1317
18. 24 P.S. 1318
19. 22 PA Code 10.2
20. 24 P.S. 1303-A
21. 35 P.S. 780-102
22. 22 PA Code 10.21
23. 22 PA Code 10.22
24. 24 P.S. 1302.1-A
25. 22 PA Code 10.25
26. Pol. 218.1
27. Pol. 218.2
28. Pol. 222
29. Pol. 227
30. 24 P.S. 1302-E
31. Pol. 236.1
- 20 U.S.C. 7114
- 22 PA Code 12.1 et seq
- 22 PA Code 403.1
- 34 CFR Part 300
- Mahanoy Area School District v. B.L., 594 U.S. _____ (2021)
- Pol. 122
- Pol. 123
- Pol. 805

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EXHIBIT - G I**Purpose**

The Board **recognizes** that student conduct is closely related to learning. An effective educational program requires a safe and orderly school environment.

Authority

The Board shall establish fair, reasonable and nondiscriminatory rules and regulations regarding the conduct of all students in the district.[1][2][3][4][5]

The Board shall adopt a Code of Student Conduct to govern student discipline, and students shall not be subject to disciplinary action because of race, sex, color, religion, sexual orientation, national origin or handicap/disability. Each student must adhere to Board policies and the Code of Student Conduct governing student discipline.[1][2][4][5][6][7][8][9]

{X} The Board shall approve the inclusion of restorative practices in the Code of Student Conduct to address violations where applicable.[9][10]

The Board prohibits the use of corporal punishment by district staff to discipline students for violations of Board policies, **the Code of Student Conduct** and district rules and regulations.[11]

Any student disciplined by a district employee shall have the right to **be informed of the nature of the infraction and the applicable rule or rules violated.**[12]

When suspensions and expulsions **are imposed, they** shall be carried out in accordance with Board policy.[7][12]

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[5][7][13][14][15][16]

On and Off-Campus Activities

This policy and the Code of Student Conduct apply to the behavior of students at all times during the time they are under the supervision of the school or at any time while on school property, while present at school-sponsored activities, and while traveling to or from school and school-sponsored activities or at other times while riding in school-provided means of transportation ("on-campus"). This policy and the Code of Student Conduct also apply to student behavior that occurs at other times and places ("off-campus") when:[3]

1. The conduct **involves, threatens or makes more likely violence, use of force or other serious harm directed at students, staff or the school environment;**
2. **The** conduct materially and substantially disrupts **or interferes with** the school **environment or the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions;**
3. **The conduct interferes with or threatens to interfere with the rights of students or school staff or the safe and orderly operation of the schools and their programs;**
4. The conduct involves the theft or vandalism of school property; **or**

5. The proximity, timing **or motive for the conduct in question or other factors pertaining to the conduct** otherwise **establish** a direct **connection** to attendance at school, **to the school community**, or **to** a school-sponsored activity. **This would include**, for example, **but not be limited to, conduct** that would violate the Code of Student Conduct if **it occurred** in school **that is committed in furtherance of a plan made or agreed to** in school, **or acts of vandalism directed at the property of school staff because of their status as school staff.**

Delegation of Responsibility

The Superintendent or designee shall ensure that reasonable and necessary rules and regulations are developed to implement Board policy governing student conduct.

The Superintendent or designee shall publish and distribute to all staff, students and parents/guardians the rules and regulations for student behavior contained in the Code of Student Conduct, the sanctions that may be imposed for violations of those rules, and a listing of students' rights and responsibilities. A copy of the Code of Student Conduct shall be available in each school library and school office and may be **included** in student handbooks **and on the district website.**
[1][8]

The building principal shall have the authority to assign discipline to students, subject to **Board** policies, **administrative** regulations, **the Code of Student Conduct and school** rules, and to the student's due process right to notice, hearing, and appeal.[7][12][17][18]

Teaching staff and other district employees responsible for students shall have the authority to take reasonable actions necessary to control the conduct of students in all situations and in all places where students are within the jurisdiction of this Board, and when such conduct interferes with the educational program of the schools or threatens the health and safety of others, **in accordance with Board policy, administrative regulations, the Code of Student Conduct and school rules.**[17]

Reasonable force may be used by teachers and school authorities under any of the following circumstances: to quell a disturbance, obtain possession of weapons or other dangerous objects, for the purpose of self-defense, and for the protection of persons or property.[11]

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.[19][20][21]

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[16][19][20][22][23][24]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[16][19][25]

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In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the Office for Safe Schools on the required form.[16][20][26][27][28][29]

When a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy.[30][31]

The Superintendent shall report to the Board the methods of discipline imposed by administrators and incidences of student misconduct, in the degree of specificity required by the Board.

NOTES:

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

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EXHIBIT - G

Book	Policy Manual
Section	200 Pupils
Title	Student Expression/Dissemination of Materials
Code	220 Vol I 2022
Status	Second Reading
Legal	<ol style="list-style-type: none"> 1. 22 PA Code 12.9 2. 22 PA Code 12.2 3. 24 P.S. 510 4. 24 P.S. 511 5. Pol. 219 6. Pol. 113.1 7. Pol. 218 <p>Pol. 816</p> <p>Mahanoy Area School District v. B.L., 594 U.S. ____ (2021)</p>

Purpose

The right of public school students to freedom of speech is guaranteed by the Constitution of the United States and the constitution of the Commonwealth. The Board respects the right of students to express themselves in word or symbol and to **disseminate nonschool materials to others** as a part of that expression. The Board also recognizes that the exercise of that right **is not unlimited and must be balanced with** the district's responsibility to maintain a safe and orderly school environment and to protect the rights of all members of the school community.[1]

This policy addresses student expression in general **as well as dissemination of expressive materials** that are not part of district-sponsored activities (**nonschool materials**).

This policy does not apply to materials sought to be **disseminated** as part of the curricular or extracurricular programs of the district, **which** shall be regulated **separately** as part of the school district's educational program.

Definitions

For the purposes of this policy, dissemination shall mean students distributing or publicly displaying nonschool materials to others:

1. **On school property or during school-sponsored activities by placing such materials upon desks, tables, on or in lockers, walls, doors, bulletin boards, or easels; by handing out such materials to other persons; or by any other manner of delivery to others; or**
2. **At any time or location when creating or sending information using email, websites, online platforms, social media channels or other technological means that are owned, provided or sponsored by the school district.**

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Expression means verbal, written, technological or symbolic representation or communication.

Nonschool materials means any printed, technological or written materials, **regardless of form, source or authorship**, that are not prepared as part of the curricular or approved extracurricular programs of the district. This includes, but is not limited to, fliers, invitations, announcements, pamphlets, posters, **online discussion areas and digital** bulletin boards, personal websites and the like.

Authority

Limitations on Student Expression

Students have the right to express themselves unless such expression is likely to or does materially **and** substantially **disrupt or** interfere with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights.

Student expression is prohibited to the extent that it: [1]

1. Violates federal, state or local laws, Board policy or district rules or procedures;
2. Is defamatory, obscene, lewd, vulgar or profane; [2]
3. Advocates the use or advertises the availability of any substance or material that may reasonably be believed to constitute a direct and serious danger to the health or welfare of students, such as tobacco/**vaping products**, alcohol or illegal drugs;
4. Incites violence, advocates use of force or threatens serious harm to the school or community;
5. Materially **and** substantially **disrupts or** interferes with the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions;
6. Interferes with, or advocates interference with, the rights of any individual or the safe and orderly operation of the schools and their programs; **or**
7. Violates written district procedures on time, place and manner for **dissemination** of otherwise protected expression.

Student expression that occurs on school property or at school-sponsored events, **or occurs at any time or place when created or communicated using district-provided equipment, email, websites or other technological resources**, is **subject to** this policy. **The limitations, prohibitions and requirements of this policy shall apply to** expression **that occurs outside the foregoing circumstances only when and to the extent that the out-of-school expression:**

[1][2][3][4]

1. **Incites violence, advocates use of force or otherwise threatens serious harm directed at students, staff or the school environment;**
2. **Materially and substantially disrupts or interferes with the educational process, such as school activities, school work, discipline, safety and order on school property or at school functions; or**
3. **Interferes with, or advocates interference with, the rights of any individual or the**

safe and orderly operation of the schools and their programs.

Dissemination of Nonschool Materials

The Board requires that **dissemination** of nonschool materials shall occur only at the places and during the times set forth in written procedures. Such procedures shall be written to permit the safe and orderly operation of schools, while recognizing the rights of students to engage in protected expression.[1][3]

The Board requires that students who wish to **disseminate** nonschool materials on school property shall **obtain approval by submitting** them at least one (1) school day in advance to the building principal or designee, who shall forward a copy to the Superintendent.[1]

If the nonschool materials **include matters prohibited by** this policy, the building principal or designee shall **promptly** notify the students **of the nature of the violation and** that they may not **disseminate** the materials **until the violation is corrected and the materials are resubmitted for approval.**

If notice of **disapproval** is not given during the period between submission and the time for the planned **dissemination**, students may **consider the request approved and** proceed with dissemination **as requested, subject to all other established procedures and requirements relating to** time, place and manner of **dissemination.** Students may **nonetheless be directed to cease or suspend dissemination if it is later determined that** the materials **or the dissemination of them are in violation of** this policy **or implementing rules and procedures.**

Students who **disseminate** printed **nonschool** materials shall be responsible for clearing any litter that results from their activity and shall schedule the event so that they do not miss instructional time themselves.

Printed nonschool materials displayed in a fixed location of a school building shall bear the date when placed in each location. The district may remove the materials within ten (10) days of the posting or other reasonable time as stated in **applicable** procedures.

Review of Student Expression

Review of **nonschool materials proposed for dissemination** shall be **conducted promptly so as to avoid unreasonable delay in dissemination.**

School officials shall not censor or restrict nonschool materials or other student expression for the sole reason that it is critical of the school or its administration, or because the views espoused are unpopular or may make people uncomfortable.

Student-initiated religious expression is permissible, **and apart from regarding** time, place and manner, shall not be **restricted unless** the expression violates some other **aspect** of this policy, e.g., because it is independently determined to be **in violation** of this policy **for reasons other than the religious nature of the content.**

Appeal of the reviewer's decision may be made to the Superintendent and then to the Board, in accordance with Board policy and district procedures.[5]

Delegation of Responsibility

The Superintendent shall assist the building principal in determining the designation of the places and times nonschool materials may be **disseminated** in each school building. Such designations may take into account maintenance of the flow of student traffic throughout the school and shall limit

dissemination of nonschool materials to noninstructional times.

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When student dissemination of nonschool materials or other student expression violates this policy, the building principal may determine what if any disciplinary or other consequences should be imposed. Disciplinary actions shall be **in accordance with applicable Board policy and** the Code of Student Conduct.[6][7]

The Superintendent shall ensure that building principals and other staff involved in reviewing nonschool materials proposed for dissemination and evaluating whether violations of this policy have occurred receive training regarding applicable standards and procedures. Special emphasis shall be given to understanding the limitations on school officials' authority to regulate off-campus student expression, as well as the need to articulate in detail the nature and extent of disruption to or interference with the school environment thought to be caused by on or off-campus student expression and the specific manner by which the student expression involved is thought to have caused it.

This Board policy and any procedures written to implement this policy shall be referenced in student handbooks so that students can access them for further information.

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STUDENT EXPRESSION/DISSEMINATION OF MATERIALS

These procedures address the **dissemination by students** of nonschool materials that are not part of the curricular or extracurricular program of the district. Materials sought to be **disseminated** as part of the curricular or extracurricular program of the district will be regulated as part of the district's educational program and are not subject to the time, place and manner provisions set forth herein.

Students may **disseminate** nonschool materials, provided that the form of expression and/or the use of public school facilities and equipment is/are in accordance with Board Policy 220 (**Student Expression/Dissemination of Materials**), the **Code of Student Conduct**, these procedures and the school dress code, if applicable. **It is the responsibility of students intending to disseminate nonschool materials to become familiar with the provisions of Board Policy 220 and pertinent provisions of the Code of Student Conduct.**

The district has no responsibility to assist students in or to provide facilities for the **dissemination** of nonschool materials.

Dissemination of Nonschool Materials

The **dissemination** by students of all nonschool materials will be governed by the following procedures:

1. All nonschool materials, together with a copy of the plan of **dissemination**, must be submitted to the building principal no later than

10 a.m.

_____ **(Other)**

on the school day prior to the **requested dissemination**. **The building principal** will forward such information to the Superintendent or designee for approval. The plan will set forth in detail the desired time, place and manner of **dissemination**, as well as **the individuals involved**.

2. Identification of the individual student or at least one (1) responsible person in a student group will be required upon submission for approval. The person wishing to **disseminate** such material must provide in writing **their** name, address, telephone number and organization, if any. This information will be filed in the building principal's office.
3. The Superintendent or designee will review the material, determine if it constitutes expression **that is prohibited by Board policy**, and inform the building principal or designee of **the** decision. The building principal or designee will notify the student(s) planning to **disseminate** nonschool materials of the decision to grant or deny permission. If the decision is to not permit the **dissemination**, the building principal or designee will specify the reasons for the decision **as well as** the changes in the content of the material or in the plan of **dissemination** which must be made, if any, in order to secure such permission. If

the student(s) desiring to **disseminate** such material make(s) such changes in a manner satisfactory to the Superintendent or designee prior to the planned **dissemination**, the building principal or designee may then grant permission to **disseminate**.

Time -

When permission has been granted, students may disseminate approved nonschool materials only at the following times [option(s) selected should align with language in policy]:

_____ minutes before the official start of school;

during regularly scheduled lunch periods;

_____ minutes after the official end of school;

at school-sponsored activities;

_____ (Other).

Place - [option(s) selected should align with language in policy]

Dissemination of approved nonschool materials on school property will be permitted only in locations that allow for the normal flow of traffic within the school and its exterior doors, including on sidewalks located on school property paralleling school driveways. Building entrance walkways and building lobbies will not be utilized for such **dissemination**.

Dissemination of approved nonschool materials will be permitted in the following locations:

_____.

Nonschool materials may not be **disseminated** during any regularly scheduled class unless specifically authorized by the Superintendent or designee.

Dissemination of approved nonschool materials will be permitted on the following district-owned technology sites or platforms:

_____.

Manner - [option(s) selected should align with language in policy]

Materials approved to be **disseminated** may be required to display the appropriate district disclaimer, as directed by the building principal or designee.

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{ X} All nonschool materials must bear the district disclaimer.

DISCLAIMER: THE HANOVER AREA SCHOOL DISTRICT IS NOT RESPONSIBLE FOR, AND DOES NOT ENDORSE, ANY STATEMENT, SENTIMENT OR OPINION PUBLISHED OR EXPRESSED IN THIS DOCUMENT. THIS DOCUMENT IS NOT PART OF, AND HAS NOT BEEN DISTRIBUTED AS PART OF, THE DISTRICT'S CURRICULAR OR EXTRACURRICULAR PROGRAMS.

{X} All approved **nonschool materials displayed in a fixed location shall be officially dated and the district shall remove the materials within**

{X} **ten (10) school days.**

{ } _____ **(Other).**

Any student who **disseminates** materials will be responsible for cleaning any **resulting** litter, including any discarded pamphlets, fliers or other documents.

No student will harass or otherwise interfere with the **dissemination** of approved nonschool materials by student(s), nor may a student in any way compel or coerce a student to accept any materials.

Disciplinary Consequences

Any student who violates any provision of Board Policy 220 or these procedures will be subject to disciplinary action, **in accordance with Board policy and the Code of Student Conduct**, which may **in appropriate cases** include suspension and/or expulsion from school.

Student Handbook

A copy of this procedure will be published in student handbooks.

Book	Policy Manual
Section	200 Pupils
Title	Controlled Substances/Paraphernalia
Code	227 Vol I 2022
Status	Second Reading

EXHIBIT - G /

Legal

1. 35 P.S. 780-102
2. 21 U.S.C. 812
3. Pol. 210
4. Pol. 210.1
5. 24 P.S. 510
6. 24 P.S. 511
7. 22 PA Code 12.3
8. 20 U.S.C. 1400 et seq
9. 22 PA Code 10.23
10. Pol. 103.1
11. Pol. 113.1
12. Pol. 113.2
13. Pol. 805.1
14. Pol. 218
15. 24 P.S. 1302.1-A
16. 24 P.S. 1303-A
17. 42 Pa. C.S.A. 8337
18. Pol. 233
19. Pol. 236
20. 22 PA Code 10.2
21. 22 PA Code 10.21
22. 22 PA Code 10.22
23. 22 PA Code 10.25
24. 35 P.S. 807.1
25. 35 P.S. 807.2
- 22 PA Code 403.1
- 35 P.S. 780-101 et seq
- 35 P.S. 807.1 et seq
- 20 U.S.C. 7114
- 20 U.S.C. 7118
- 21 U.S.C. 801 et seq
- 34 CFR Part 300
- Pol. 122
- Pol. 805

EXHIBIT - G /

Purpose

The Board recognizes that the abuse of controlled substances is a serious problem with legal, physical and social implications for the whole school community. As an educational institution, the

schools shall strive to prevent abuse of controlled substances.

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Definitions

For purposes of this policy, **controlled substances** shall include all:[1][2]

1. Controlled substances prohibited by federal and state laws.
2. Look-alike drugs.
3. Alcoholic beverages.
4. Anabolic steroids.
5. Drug paraphernalia.
6. Any volatile solvents or inhalants, such as but not limited to glue and aerosol products.
7. Substances that when ingested cause a physiological effect that is similar to the effect of a controlled substance as defined by state or federal law.
8. Prescription or nonprescription (over-the-counter) medications, except those for which permission for use in school has been granted pursuant to Board policy.[3][4]

For purposes of this policy, **under the influence** shall include any consumption or ingestion of controlled substances by a student.

For purposes of this policy, **look-alike drug** shall include any pill, capsule, tablet, powder, plant matter or other item or substance that is designed or intended to resemble a controlled substance prohibited by this policy, or is used in a manner likely to induce others to believe the material is a controlled substance.

Authority

The Board prohibits students from using, possessing, distributing, and being under the influence of any controlled substances during school hours, at any time while on school property, at any school-sponsored activity, and during the time spent traveling to and from school and to and from school-sponsored activities.[5][6][7]

The Board may require participation in drug counseling, rehabilitation, testing or other programs as a condition of reinstatement into the school's educational, extracurricular or athletic programs resulting from violations of this policy.

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[8][9][10][11][12][13]

Off-Campus Activities

This policy shall also apply to student conduct that occurs off school property **or during nonschool hours to the same extent as provided in Board policy on student discipline.**[14]

Delegation of Responsibility

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The Superintendent or designee shall develop administrative regulations to identify and control substance abuse in the schools which:

1. Establish procedures to appropriately manage situations involving students suspected of using, possessing, being under the influence, or distributing controlled substances.[15][16][17]
2. Disseminate to students, parents/guardians and staff the Board policy and administrative regulations governing student use of controlled substances.
3. { } Provide education concerning the dangers of abusing controlled substances.
4. { } Establish procedures for education and readmission to school of students convicted of offenses involving controlled substances.

Guidelines

Violations of this policy may result in disciplinary action up to and including expulsion and referral for prosecution.[14][18][19]

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents involving possession, use or sale of controlled substances on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[13][15][16][20][21][22]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use or sale of controlled substances as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[13][20][23]

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of controlled substances to the Office for Safe Schools.[13][16]

In all cases involving students and controlled substances, the need to protect the school community from undue harm and exposure to drugs shall be recognized.

{X} No student may be admitted to a program that seeks to identify and rehabilitate the potential abuser without the intelligent, voluntary and aware consent of the student and parent/guardian.

Anabolic Steroids

The Board prohibits the use of anabolic steroids by students involved in school-related athletics, except for a valid medical purpose. Body building and muscle enhancement, increasing muscle bulk or strength, or the enhancement of athletic ability are not valid medical purposes. Human Growth Hormone (HGH) shall not be included as an anabolic steroid.[24]

Students shall be made aware of the dangers of steroid use; that anabolic steroids are classified as controlled substances; and that their use, unauthorized possession, purchase, or sale could subject

students to suspension, expulsion and/or criminal prosecution.[18][25]

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Reasonable Suspicion/Testing

If based on the student's behavior, medical symptoms, vital signs or other observable factors, the building principal has reasonable suspicion that the student is under the influence of a controlled substance, the student may be required to submit to drug or alcohol testing. The testing may include but is not limited to the analysis of blood, urine, saliva, or the administration of a Breathalyzer test.

NOTES:

Off-Campus Activities - Content related to off-campus conduct is now located in Policy 218 Student Discipline.

Maintenance – make sure any drug testing policy has been reviewed by district solicitor. See Andrews & Price memo for guidance.

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EXHIBIT - G

Book	Policy Manual
Section	200 Pupils
Title	Electronic Devices
Code	237 Vol I 2022
Status	Second Reading
Legal	1. 24 P.S. 510 2. Pol. 103.1 3. Pol. 113 4. Pol. 218 5. Pol. 815 6. Pol. 235 7. Pol. 226 8. Pol. 233

Purpose

The Board adopts this policy in order to **support** an educational environment that is **orderly**, safe and secure for district students and employees.

{ } , while also recognizing that electronic devices may provide a positive contribution when used for educational purposes.

Definition

Electronic devices shall include all devices that can take photographs; record, **play or edit** audio or video data; store, transmit or receive **calls**, messages, **text, data** or images; **operate online applications**; or provide a wireless, unfiltered connection to the Internet.

Authority

[Select this section for general prohibitions of electronic devices and remove italicized section below.]

The Board prohibits use of electronic devices by students during the school day in district buildings; on district property; on district buses and vehicles; **and** during the time students are under the supervision of the district.[1]

The Board prohibits use of electronic devices in locker rooms, bathrooms, health suites and other changing areas at any time.

Exceptions

The building **principal** may grant approval for possession and use of an electronic device by a student for the following reasons:

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1. Health, safety or emergency reasons.
2. An Individualized Education Program (IEP) or Section 504 Service Agreement.[2][3]
3. Classroom or instructional-related activities, under the supervision of the classroom teacher.
4. Other reasons determined appropriate by the building principal.

[Select this italicized section for general authorized use of electronic devices with specific prohibitions and select/modify appropriate option(s) based on rules established by the district; remove section above.]

{ } Authorized Use of Electronic Devices

{X} The Board authorizes use of electronic devices in the classroom, in education-related activities and in approved locations under the supervision of the classroom teacher or staff for educational purposes. All use shall be in compliance with the Code of Student Conduct and Board policy, or as designated in an Individualized Education Program (IEP) or Section 504 Service Agreement.[2][3][4][5]

{ } The Board authorizes silent use of electronic devices by district students during the school day in district buildings, on district property, while students are attending school-sponsored activities and during the times students are under the supervision of the district, when they are in compliance with this policy, other Board policies, administrative regulations and rules, so long as such use does not interfere with the students' educational requirements, responsibilities, duties, performance, the rights and education of others, and the operation and services of the district.[4][5][6]

{ } Students may use their personal electronic devices, in accordance with Board policy, only with written parental consent on a form provided by the district.

{X} Building principals, in consultation with the Superintendent and in compliance with Board policy, administrative regulations and rules, are authorized to determine the extent of the use of electronic devices within their buildings and programs, on district property, and/or while students are attending school-sponsored activities. Use of electronic devices at the elementary level may be different than at the middle school and/or high school levels or may be different between programs. Building principals shall establish rules and notify students, staff and parents/guardians of all applicable rules for use of electronic devices within their buildings and programs.

{ } The Board directs that electronic devices may be used in authorized areas or as determined by the building principal as follows:

1. For educational or instructional purposes, as determined and supervised by the classroom teacher.
2. Before and after school, in the cafeteria at lunchtime, in the hallways during the passing of classes, on the bus or other vehicles if authorized by the driver, and in the library and study hall if authorized by the classroom teacher.
3. When the educational, safety, emergency, medical or security use of the electronic device is approved by the building principal or designee, or the student's Individualized Education Program (IEP) or Section 504 team. In such cases, the student's use must be supervised by a classroom teacher or district staff.[2][3]

The Board prohibits use of electronic devices in locker rooms, bathrooms, health suites and other changing areas at any time.

The district shall not be liable for the loss, damage or misuse of any electronic device.

Electronic Images and Photographs

The Board prohibits the taking, storing, disseminating, transferring, viewing, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or other means, including but not limited to texting and emailing.

Because such violations may constitute a crime under state and/or federal law, the district may report such conduct to state and/or federal law enforcement agencies.

Delegation of Responsibility

The Superintendent or designee shall annually notify students, parents/guardians and employees about the Board's electronic device policy.

The Superintendent or designee shall develop administrative regulations to implement this policy.

Guidelines

Violations of this policy by a student shall result in disciplinary action and

{ } may

{X} shall

result in confiscation of the electronic device.[4][7][8]

{X} The confiscated item shall not be returned until a conference has been held with a parent/guardian.

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EXHIBIT - G /

Book	Policy Manual
Section	800 Operations
Title	School Bus Drivers and School Commercial Motor Vehicle Drivers
Code	810.1 Vol I 2021
Status	Second Reading

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Legal

1. 49 CFR 382.107
2. 49 CFR 392.80
3. 75 Pa. C.S.A. 1621
4. 75 Pa. C.S.A. 1622
5. 75 Pa. C.S.A. 102
6. 49 CFR Part 382
7. 49 CFR Part 40
8. 49 U.S.C. 31306
9. 67 PA Code 229.14
10. Pol. 818
11. 49 CFR 392.82
12. 75 Pa. C.S.A. 3316
13. 49 CFR 40.15
14. 49 CFR 382.105
15. 49 CFR 382.701
16. 49 CFR 40.3
17. 49 CFR 382.401
18. 49 CFR 382.601
19. 23 Pa. C.S.A. 6344
20. 23 Pa. C.S.A. 6344.3
21. 24 P.S. 111
22. 24 P.S. 111.1
23. Pol. 304
24. 49 CFR 382.413
25. 49 CFR 382.703
26. 49 CFR 40.25
27. 49 U.S.C. 31303
28. 75 Pa. C.S.A. 1604
29. 75 Pa. C.S.A. 1606
30. 67 PA Code 71.3
31. 49 CFR 391.25
32. 49 U.S.C. 31304
33. 49 CFR 391.41
34. Pol. 317
35. 49 CFR 382.213
36. 75 Pa. C.S.A. 1613
37. 49 CFR 382.205
38. 75 Pa. C.S.A. 1612
39. 75 Pa. C.S.A. 1603

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40. 75 Pa. C.S.A. 3802
41. 49 CFR 382.207
42. 49 CFR 382.209
43. 49 CFR 382.211
44. 49 CFR 40.191
45. 49 CFR 382.215
46. 49 CFR 40.23
47. 49 CFR 382.201
48. 49 CFR 382.505
49. 49 CFR 40.289
50. 49 CFR 382.705
51. 49 CFR 40.333
52. Pol. 800
53. 49 CFR 382.405
54. 49 CFR 382.723
55. 49 CFR 40.321
56. 49 CFR 382.403
57. 24 P.S. 1517
58. 49 CFR 382.603
- 24 P.S. 510
- 75 Pa. C.S.A. 1601 et seq
- Pol. 351

Note: This policy refers to school bus and commercial motor vehicle drivers only. Policy 810.3 applies to drivers of school vehicles used to transport students which do not qualify as a school bus or commercial motor vehicle.

Purpose

The Board recognizes that an employee must be fit to operate a school bus and commercial motor vehicle to ensure the health and safety of students being transported. The Board also recognizes that an employee impaired by drugs or alcohol who operates district vehicles or transports students poses significant risks to the safety of students and others.

Definitions

The following words and phrases, when used in this policy, shall have the meaning given to them in this section:

A **covered driver** shall include any district employee who drives, operates or is in the actual physical control or movement of a school bus or a commercial motor vehicle owned, leased or operated by the school district. The term includes drivers and mechanics who operate such vehicles, including full-time, regularly employed individuals; leased drivers; and independent owner-operator contractors who are directly employed by or under lease to the district or who operate a bus or commercial motor vehicle owned or leased by the district.[1]

Commercial motor vehicle - a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:[1]

1. Has a gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, inclusive of towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater;
2. Has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater;
3. Is designed to transport sixteen (16) or more passengers, including the driver; or
4. Is transporting hazardous materials and is required to be placarded.

Driving - operating a commercial motor vehicle or motor carrier vehicle on a highway, with the motor running, including while the commercial motor vehicle or motor carrier vehicle is temporarily stationary because of traffic, a traffic control device or other momentary delay. The term does not include operating a commercial motor vehicle or motor carrier vehicle with or without the motor running if the driver moved the vehicle to the side of or off of a highway and halted in a location where the vehicle can safely remain stationary.[2][3][4]

Electronic device - an electronic device includes, but is not limited to, a cellular telephone, personal digital assistant, pager, computer or any other device used to input, write, send, receive or read text.[3]

Mobile telephone - a mobile communication device which uses a commercial mobile radio service.[4]

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until **the driver** is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; and performing other requirements related to accidents.[1]

School bus means a motor vehicle that is designed to carry eleven (11) passengers or more, including the driver, and is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.[5]

Texting - manually entering alphanumeric text into or reading text from an electronic device. The following shall apply:[3]

1. The term includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access an Internet web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone or engaging in any other form of electronic text retrieval or entry, for present or future communication.
2. The term does not include:
 - a. Inputting, selecting or reading information on a global positioning system or navigation system.
 - b. Pressing a single button to initiate or terminate a voice communication using a mobile telephone.
 - c. Using a device capable of performing multiple functions, including, but not limited to, fleet management systems, dispatching devices, citizens band radios and music players, for a

purpose that is not prohibited by law.

Use a handheld mobile telephone or other electronic device -[4]

1. Using at least one (1) hand to hold a mobile telephone to conduct a voice communication.
2. Dialing or answering a mobile telephone by pressing more than a single button.
3. Reaching for a mobile telephone in a manner that requires a driver to maneuver so that the driver is no longer in a seated driving position, restrained by a seat belt.

Authority

The Board shall implement a drug use and alcohol misuse prevention program for employees who are required to hold a commercial driver's license and who perform safety-sensitive functions in accordance with federal and state laws and regulations.[6][7][8][9]

All contracted transportation providers shall implement a drug use and alcohol misuse prevention program in accordance with federal law and regulations.[10]

Covered drivers shall observe all state and federal laws and Pennsylvania Department of Transportation regulations governing traffic safety and school bus and commercial motor vehicle operation.

The Board prohibits covered drivers from texting and from using a handheld mobile telephone or other electronic device while driving a school bus or commercial motor vehicle except when it is necessary to communicate with law enforcement officials or other emergency services.[2][3][11][12]

Delegation of Responsibility

The Superintendent or designee shall develop administrative regulations to implement this policy and the requirements of law, which include the following components:

1. Selecting and contracting with a qualified medical review officer, substance abuse professional, a certified laboratory and other service agents as necessary.[13]
 2. Establishment of procedures for required testing of covered drivers.[14]
 3. Maintenance of the confidentiality of all aspects of the testing process.[8]
 4. Delegation of responsibility for monitoring employee compliance with the provisions of Board policy and administrative regulations, including, but not limited to, an annual query of the Federal Motor Carrier Safety Administration's Commercial Driver's License Drug and Alcohol Clearinghouse.[15]
 5. Designation of an employee responsible for receiving and handling results of drug and alcohol tests.[16]
 6. Implementation of procedures for the query, preparation, maintenance, reporting, retention and disclosure of records, as required by law.[15][17]
 7. Distribution to affected employees of information and materials relevant to Board policies and administrative regulations regarding drug and alcohol testing.[18]
 8. Distribution to affected employees of information and materials relevant to individuals or organizations that can provide counseling and treatment for drug and/or alcohol problems.
- The Superintendent or designee shall provide each driver, upon hire or transfer, with:
1. This policy and its accompanying administrative regulations; and[18]

2. Educational materials that explain the state and federal requirements related to misuse of alcohol and use of controlled substances.[18]

The Superintendent or designee shall also provide notice to representatives of employee organizations of the availability of this information.[18]

The Board designates the

Superintendent

Assistant Superintendent

Director of Transportation

Director of Human Resources

Other _____

to be the contact person for questions about the drug use and alcohol misuse program.[18]

Guidelines

Employment Requirements

All covered drivers shall comply with the requirements for background checks/certifications and employment history reviews in accordance with applicable law, Board policy and administrative regulations. These requirements are addressed separately in Board policy 304 for drivers employed by the district and Board policy 818 for drivers employed by an independent contractor.[10][19][20][21][22][23]

Prior to employment by the district as a covered driver or transfer to a covered driver position, the district shall obtain the following information in accordance with federal and state laws and regulations:

1. Alcohol and drug testing information from previous U.S. Department of Transportation-regulated employers during the past three (3) years with the covered driver's written consent. [15][24][25][26]
2. Commercial motor vehicle employment information for the past ten (10) years.[27][28]

Additional Documentation -

Prior to employment by the district as a covered driver or transfer to a covered driver position, and at least once each school year, the Superintendent or designee shall:

1. Obtain a copy of a valid commercial driver's license indicating the appropriate endorsements from the covered driver, **or authorize the applicable legal exemption in cases of emergency**.[29]
2. Obtain a copy of a Commonwealth of Pennsylvania School Bus Driver's Physical Examination Form from the covered school bus driver;[30]
3. Obtain a copy of a current Pennsylvania School Bus Endorsement card from the covered school bus driver;[30]
4. Review each covered driver's driving record to determine whether the driver meets the minimum requirements for safe driving and is not disqualified to operate a commercial motor vehicle.[31][32]

Prior to employment by the district as a covered driver or transfer to a covered driver position, and

every two (2) years, the Superintendent or designee shall obtain a valid Medical Examiner's Certificate, if applicable.[33]

Reporting Requirements -

Covered drivers shall report misconduct in accordance with Board policy 317 for drivers employed by the district and Board policy 818 for drivers employed by an independent contractor.[10][20][21][34]

Covered drivers using controlled substances prescribed for therapeutic purposes by a licensed medical practitioner shall submit the practitioner's written statement that the prescribed substance will not adversely affect the employee's ability to safely operate a school bus or commercial motor vehicle.[35]

Covered drivers shall also inform their supervisors of any use of drug(s) or medication(s) for which the packaging includes warnings that, "marked drowsiness may occur and/or be careful when driving a motor vehicle or operating machinery." [35]

A covered driver **arrested**, charged with or issued a citation for violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify the Superintendent or designee

{X} and the contract carrier

in writing

{ } before the end of the next business day

{X} within seventy-two (72) hours

{ } within thirty (30) days

following the driver's arrest, charge or receipt of citation. Notice is required no matter what type of vehicle the driver was driving.[28]

An employee who has provided timely notification of an arrest, citation or charge shall not be terminated or otherwise disciplined by the district

{X} or contract carrier

based solely on the allegations underlying the arrest, citation or charge reported by the employee. Termination or other disciplinary action based on the underlying misconduct may be taken only where there has been a conviction of the violation, or where there is independent evidence of the underlying misconduct warranting termination or other discipline. This shall not preclude suspension, reassignment or other action pending resolution of the charges reported by the employee, nor disciplinary action up to and including termination for failure to provide timely notice of an arrest, citation or charge. [10][28][34]

A covered driver who is convicted of violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify the Superintendent or designee

{ } and the contract carrier

in writing of the conviction within **fifteen (15)** days of the date of conviction. Notice is required no matter what type of vehicle the driver was driving.[27][28]

Any covered driver whose operating privilege is suspended, revoked or canceled by any state, who loses the privilege to drive a school bus or commercial motor vehicle in any state for any period, or who is disqualified from driving a school bus or commercial motor vehicle for any period, shall notify the Superintendent or designee

{X} and the contract carrier

immediately upon reporting to work for the next scheduled shift following the notice of the suspension, revocation, cancellation, loss or disqualification.[27][28]

Failure to comply with the reporting requirements may result in disciplinary action, up to and including termination, **in accordance with applicable law, regulations and Board policy.** [10][34]

Controlled Substances and Alcohol

Drug and Alcohol Testing -

The district shall require covered drivers to submit to the following drug and alcohol tests in accordance with state and federal laws and regulations: pre-employment, random, post-accident, reasonable suspicion, return-to-work and follow-up.[6][7][8][14][36]

Prohibited Conduct -

Covered drivers shall not use medical marijuana products.

Covered drivers shall not ingest hemp products or otherwise use hemp products in a way that may result in absorption of hemp or hemp residue into the body.

A covered driver shall not report for duty, drive, operate or be in the actual physical control of the movement of a school bus or commercial motor vehicle under the following circumstances:

1. While using or while having any amount of alcohol present in the body, including medications containing alcohol.[30][37][38]
2. While under the influence of a controlled substance or combination of controlled substances, or the combined influence of alcohol and a controlled substance or substances.[35][39][40]
3. After consuming alcohol or a controlled substance within the previous eight (8) hours for school bus drivers and within the previous four (4) hours for commercial motor vehicle drivers.
[30][41]

An exception shall be made for therapeutic use of prescribed controlled substances used by a covered driver when the driver has submitted in advance a licensed medical practitioner's written statement that the prescribed substance will not adversely affect the driver's ability to safely operate a school bus or commercial motor vehicle.[35]

A covered driver required to take a post-accident test shall not use alcohol for eight (8) hours following the accident, or until **the driver** undergoes a post-accident test, whichever occurs first.[42]

A covered driver shall not refuse to submit to a required test for drugs or alcohol.[1][36][43][44]

Consequences/Discipline -

The district shall remove a covered driver from performing safety-sensitive functions under the following circumstances:

1. A verified positive drug test result;[45][46]
2. A verified adulterated or substituted drug test result;[45][46]
3. An alcohol test result of 0.04 or higher; or[46][47]
4. A refusal to submit to a post-accident, random, reasonable suspicion, return-to-duty or follow-up test.[43]

The district shall place a school bus driver who drives, operates or is in physical control of a school bus out of service for thirty (30) days if the school bus driver has any detectable amount of alcohol in **their** system.[36][38]

The district shall remove a commercial motor vehicle driver who is tested and is found to have an alcohol concentration of 0.02 or greater but less than 0.04 until the start of the driver's next regularly scheduled duty period that is at least twenty-four (24) hours following administration of the test.[48]

A covered driver employed by the district who violates Board policy or administrative regulations and tests positive for drugs or alcohol shall be subject to disciplinary action, up to and including termination, and shall be provided with a list of qualified substance abuse professionals.

Consistent with contractual and legal requirements, a determination shall be made as to the appropriate disciplinary action for a covered driver who violates Board policy or administrative regulations. Nothing in this policy shall limit the Board's authority to impose discipline, including discharge.

If the district permits a covered driver who has been removed from performing safety-sensitive functions to return to a safety-sensitive function, the district shall ensure that the covered driver has been evaluated by a qualified substance abuse professional and has successfully completed the return-to-duty process before returning to a safety-sensitive function.[46][49]

Maintenance of Records

The district shall maintain records of its drug use and alcohol misuse prevention program in compliance with federal regulations, and in accordance with the district's records retention schedule. [15][17][50][51][52]

Drug and alcohol records shall be confidential and shall only be released in accordance with applicable law.[53][54][55]

Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations.[53][56]

Acknowledgment of Receipt

Each covered driver shall sign a statement certifying that **they have** received a copy of this policy and its accompanying administrative regulations.[18]

The district shall keep the original signed statement in the personnel file of the covered driver employed by the district and provide a copy to the driver.[18]

Training

Covered drivers shall attend orientation and training sessions, as appropriate to the nature of their service. When training is provided for other school employees relating to the legal obligations of employers and educational institutions, consideration shall be given to which covered drivers should also receive that training.[57]

The district shall ensure that employees who supervise covered drivers receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. Such training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.[58]

NOTES:

The Department of Transportation's Drug and Alcohol Testing Regulation – 49 CFR Part 40, at 40.151(e) – does not authorize “medical marijuana” under a state law to be a valid medical explanation for a transportation employee's positive drug test result.

Qualifications of bus drivers – 1361, 1365, Title 67 Sec. 71.1 et seq.

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