

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROGRAMS

TITLE: Review of Instructional Materials  
by Parents/Guardians and Students

ADOPTED: January 19, 2017

REVISED:

## 105.1 REVIEW OF INSTRUCTIONAL MATERIALS BY PARENTS/GUARDIANS AND STUDENTS

### **Authority**

The School Reform Commission adopts this policy to ensure that parents/guardians and students have an opportunity to review instructional materials and have access to information about the curriculum, including academic standards to be achieved, instructional materials and assessment techniques.[1][2]

### **Definition**

Instructional material means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). For purposes of this policy, the term does not include academic tests or academic assessments.[1]

### **Guidelines**

Upon request by a parent/guardian or student, the school will make available existing information about the curriculum, including academic standards to be achieved, instructional materials and assessment techniques.[1][3][4]

The following conditions shall apply to any request:

1. To assist the school in providing the correct records to meet the needs of the requesting party, the request must be in writing, setting forth the specific material being sought for review.
2. The written request will be sent to the building principal.
3. The school will respond to the parent/guardian or student within ten (10) school days by designating the time and location for the review.
4. The school may take necessary action to protect its materials from loss, damage or alteration and to ensure the integrity of the files, including the provision of a designated employee to monitor the review of the materials.

5. No parent/guardian or student shall be permitted to remove the material provided for review or photocopy the contents of such file. The taking of notes by parents/guardians and students is permitted.

Under federal law, the rights provided to parents/guardians to inspect any instructional materials used as part of the student's educational curriculum transfer to the student when the student turns eighteen (18) years old or is an emancipated minor. These rights do not transfer under state law; therefore, parents/guardians retain their rights to access information about the curriculum and to review instructional materials.[1][2]

### **Delegation of Responsibility**

The Superintendent or designee shall notify parents/guardians and students of this policy and its availability. This notification shall be given at least annually, at the beginning of each school year, and within a reasonable time after any substantive changes regarding the contents of this policy.[1]

### **Legal References**

1. 20 U.S.C. 1232h
  2. 22 PA Code 4.4
  3. Pol. 105
  4. Pol. 127
- 22 PA Code 403.1  
Pol. 235

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROGRAMS

TITLE: ADOPTION OF PLANNED  
INSTRUCTION

ADOPTED:

REVISED: January 19, 2017

## 107. ADOPTION OF PLANNED INSTRUCTION

### **Purpose**

The School Reform Commission shall provide a comprehensive program of planned instruction to enable district students to achieve educational objectives and attain academic standards required for student achievement. Planned instruction shall consist of the following:[1][2]

1. Content, including materials, activities and instructional time.

### **Delegation of Responsibility**

The Superintendent or designee shall be responsible for continuous evaluation of the effectiveness of the district's planned instruction and shall recommend to the SRC new and altered planned instruction deemed to be in the best interests of district students.

The Superintendent or designee shall invite the participation of administrative and professional staff members at appropriate levels in the formulation of recommendations.

The Superintendent or designee shall maintain a current list of all planned instruction offered by this district and shall furnish each Commissioner with a copy.

### **Guidelines**

The Superintendent's or designee's recommendation may include the following information about the proposed planned instruction:

1. Applicability to students and an enumeration of the group of students affected.
2. Rationale in terms of district goals and academic standards and justification when it is proposed to take the place of an existing course.
3. Resources that its implementation will require, such as textbooks, materials, equipment, and personnel.

4. Assessment methods and criteria by which its effectiveness will be monitored and measured.

**Legal References:**

1. 22 PA Code 4.12
2. Pol. 105
- 22 PA Code 4.3
- 22 PA Code 4.11

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROGRAMS

TITLE: SPECIAL EDUCATION

ADOPTED: August 24, 2011

REVISED: January 19, 2017

## 113. SPECIAL EDUCATION

### Purpose

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 their nondisabled peers. The district shall provide a continuum of placement options to appropriately meet the needs of students with disabilities.[1][2][3][4][5][6][7]

### 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 in accordance with other law or School Reform Commission (SRC) policy.[8][9][10][11][12]

Individualized Education Program (IEP) - the written educational statement for each student with a disability that is developed, reviewed and revised by an IEP team in accordance with federal and state law and regulations.[13][14]

IEP team - a group of individuals who are knowledgeable about the student, the curriculum and resources of the district, the meaning of the evaluation data and the placement options for the student, who are responsible for developing, reviewing or revising an IEP. The team includes the student's parents/guardians; general education teacher; special education teacher; district administrator and/or designee; other district staff who can interpret the instructional needs of the student based on the evaluation results; other individuals requested by the parent/guardian who

have special knowledge of the student, including related services personnel; and, whenever appropriate, the student with a disability.[15][16]

Parent/Guardian - for purposes of this policy and SRC policies related to special education, parent/guardian shall have the definition of parent in the federal Individuals with Disabilities Education Act (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.[8][17]

Continuum of placement options - the educational placements available for identified students with disabilities. The members of the IEP team, including the parent/guardian, determine the least restrictive educational placement to provide the appropriate educational programs and services to the student with a disability; these include, but are not limited to, instruction in regular classes (with supplementary aids and services when necessary), special classes, special schools, instruction in hospitals and institutions, and instruction in the home.[3][18]

### **Authority**

The SRC 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 and administrative procedures.[1][5][7][19][20][21][22][23][24]

Notices to parents/guardians, including notices regarding placement and procedural safeguards, shall be in the parents'/guardians' native language or mode of communication.[25][26]

The School District of Philadelphia/IU 26 shall develop and submit a special education plan to the Department of Education and shall implement such plan as required by law and regulations. The special education plan shall include procedures for identifying and educating students with disabilities; specify the services and programs to be operated, including services to nonpublic students; and describe the elements required by state and federal law, regulations and SRC policy. Prior to approval by the SRC and submission to the Department of Education, the special education plan shall be made available for public inspection and comment in the administrative offices for a minimum of twenty-eight (28) days.[4][7][27][28][29]

The 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 School District of Philadelphia/IU 26 shall establish procedures to ensure the plan is updated and implemented as necessary. The special education plan shall address:[4][28][30]

1. Educational plans.
2. Core services.
3. Child find, including child find activities necessary to provide equitable services for parentally-placed nonpublic students.
4. Identification of special education programs that operate in the district and those operated by other agencies.
5. Auxiliary services.
6. Provision of personnel and technical assistance.
7. Interagency coordination and transition services.
8. Staff and parent/guardian training.
9. Assessments.
10. Screening.
11. Criteria used to identify specific learning disabilities.
12. Evaluation and re-evaluation.[31]
13. Individualized Education Programs (IEPs), including examples of supplementary aids and services provided.
14. Extended School Year services (ESY).
15. Behavior support.[32]
16. A full continuum of educational placements and evidence that placements in other than regular education settings are not based on lack of resources, facilities, staff or for administrative convenience.
17. Disciplinary placements.[33]
18. Facilities.
19. Early intervening services.
20. Procedural safeguards.

21. Confidentiality of information.

22. Highly qualified staff.

23. Maintenance of information concerning students with disabilities, services provided, performance and discipline data, and report information as required by the Department of Education.

The SRC shall determine the facilities, programs, services and staff that shall be provided for the instruction of students with disabilities, based upon the identified needs of the district's special education population.[4][7]

### **Delegation of Responsibility**

The Superintendent or designee is directed to annually recommend to the SRC 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 administrative procedures for evaluating the effectiveness of the special education plan and shall periodically report to the SRC the criteria and results of such evaluation.

### **Guidelines**

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 regulations.[5][34][35][36]

The district shall provide parents/guardians with opportunity for meaningful input and prior written notice each time it proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, in accordance with applicable law and regulations and administrative procedures.

The School District of Philadelphia/IU 26 shall initiate and conduct consultation meetings to develop, review and revise a service plan to provide equitable services to each parentally-placed nonpublic school student, in accordance with state and federal laws and regulations. The School District of Philadelphia/IU 26 shall ensure participation by representatives of nonpublic schools is included in such meetings.[3][4][27][37][38][39]

The district prohibits discrimination based on disability. Students with disabilities are entitled to receive services and accommodations that will permit them to participate in district programs, services and activities as required by law.[12][40]

If the district is identified with significant disproportionality, the special education plan shall include prevention measures for inappropriate overidentification and disproportionate representation by race or ethnicity of children with disabilities.[4]



### 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.

### 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 of the state.[37][41]

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, school calendars or brochures 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 School District of Philadelphia/IU 26 shall conduct child find activities necessary to provide equitable participation services to students with disabilities who are enrolled by their parents/guardians in private schools.[37][38][41]

The district shall conduct professional development activities and ongoing training for staff, organizations, agencies and individuals to ensure that child find, screening activities and referrals for special education evaluations are carried out in a manner consistent with the timelines and requirements established in applicable state and federal laws and regulations. Through its communication links with agencies that provide services to children with disabilities within the community, the district shall disseminate child find materials to hospitals, clinics, pediatricians, pediatric nurses, and social service professionals involved in family or child services.

### Screening

The School District of Philadelphia/IU 26 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.[42][43]

### 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.[44][45][46]

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

### Recording of Meetings

Except as specifically provided for within this policy, the district prohibits audio, video and electronic recording of meetings between parents/guardians and district teachers, paraprofessionals, program specialists, consultants or administrators.

An attempt to record a meeting by a parent/guardian after a verbal prohibition by district staff shall result in immediate termination of the meeting and may result in ejection from district property and possible prosecution.

The district shall permit audio recording of a meeting when a participant submits, at least five (5) days prior to the meeting, documentation that substantiates:

1. Participant has a disability or limited English proficiency that significantly limits his/her ability to meaningfully understand or participate in the meeting's intended decision-making and recording is the only feasible means of accommodating the limitation.
2. Individual has a legitimate interest in attending the meeting but for good cause is unable to do so, and recording is the only feasible means by which s/he can meaningfully understand and participate in the decision-making.

The district may permit video taping of a meeting when written consent is given by all participants at 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.

### **Legal References:**

1. 22 PA Code 12.1
2. 22 PA Code 12.4
3. 22 PA Code 14.102
4. 22 PA Code 14.104
5. 22 PA Code 4.28
6. 34 CFR 300.1
7. 24 P.S. 1372
8. 20 U.S.C. 1401
9. 22 PA Code 14.101
10. 24 P.S. 502
11. 34 CFR 300.8
12. Pol. 103.1
13. 22 PA Code 14.131
14. 34 CFR 300.320-300.324
15. 34 CFR 300.321

- 16. 34 CFR 300.23
  - 17. 34 CFR 300.30
  - 18. 34 CFR 300.114-300.117
  - 19. 20 U.S.C. 1400 et seq
  - 20. 22 PA Code 12.41
  - 21. 22 PA Code 14.101 et seq
  - 22. 29 U.S.C. 794
  - 23. 34 CFR Part 300
  - 24. 42 U.S.C. 12101 et seq
  - 25. 20 U.S.C. 1415
  - 26. Pol. 901
  - 27. 20 U.S.C. 1412
  - 28. 22 PA Code 4.13
  - 29. Pol. 100
  - 30. 34 CFR 300.201 et seq
  - 31. Pol. 113.3
  - 32. Pol. 113.2
  - 33. Pol. 113.1
  - 34. 20 U.S.C. 1414
  - 35. 22 PA Code 14.145
  - 36. 34 CFR 300.320-300.327
  - 37. 22 PA Code 14.121
  - 38. 34 CFR 300.130-300.144
  - 39. 34 CFR 300.37
  - 40. Pol. 103
  - 41. 34 CFR 300.111
  - 42. 22 PA Code 14.122
  - 43. Pol. 209
  - 44. 22 PA Code 15.9
  - 45. 34 CFR 300.611-300.627
  - 46. Pol. 113.4
  - 24 P.S. 1371
  - 24 P.S. 922.1-A
  - 24 P.S. 923.2-A
  - 24 P.S. 5711-5713
  - 55 PA Code 3270.17
- Pennsylvania Training and Technical Assistance Network (PaTTAN)



# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROGRAMS

TITLE: DISCIPLINE OF STUDENTS  
WITH DISABILITIES

ADOPTED: December 21, 2011

REVISED: January 19, 2017

## 113.1 DISCIPLINE OF STUDENTS WITH DISABILITIES

### Purpose

The district shall develop and implement positive Behavior Support Plans and programs for students with disabilities who require specific interventions to address behaviors that interfere with learning.[1][2][3]

Students with disabilities who violate the Code of Student Conduct, or engage in inappropriate behavior, disruptive or prohibited activities and/or actions that could injure themselves or others, which would typically result in discipline of students without disabilities, shall be disciplined in accordance with state and federal laws and regulations and School Reform Commission (SRC) policy and, if applicable, their Individualized Education Program (IEP) and Behavior Support Plan.[1][4][5][6][7]

### Definitions

Students with disabilities - school-aged children within the jurisdiction of the district who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services.[2]

Suspensions from school - disciplinary exclusions from school for a period of one (1) to ten (10) consecutive school days.[7][8]

Expulsions from school - disciplinary exclusions from school by the SRC for a period exceeding ten (10) consecutive school days and may include permanent exclusion from school.[7][8]

Interim alternative educational settings - 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 violations committed by students with disabilities. The IEP team shall determine the interim alternative educational setting; however, this does not constitute a change in placement for a student with a disability.[5][9]

Manifestation determination - within ten (10) school days of any decision to change the placement of a student with a disability because of a violation of the Code of Student Conduct or other inappropriate, disruptive or prohibited activities violating SRC policy or district rules, the student's parents/guardians; general education teacher; special education teacher; district administrator and/or designee; school psychologist; and other individuals requested by the parent/guardian who have special knowledge of the student must review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information provided by the parents/guardians to determine:[2][5]

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
2. If the conduct in question was the direct result of the district's failure to implement the IEP.

### **Authority**

The SRC 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 the Code of Student Conduct, SRC policy or district rules or procedures. 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.[4][5][9]

### **Guidelines**

#### **Changes in Educational Placement**

A suspension, expulsion, or disciplinary transfer to an alternative educational setting or another setting for either more than ten (10) consecutive school days or more than fifteen (15) cumulative school days in a school year is a change in placement. If a student has transportation included in his/her IEP, then bus suspensions are also counted.[4][5][9][10]

Suspensions that may total less than fifteen (15) cumulative school days in a school year may be a change in placement if they appear as part of a pattern of suspensions. A pattern of suspensions may be found if the student is suspended for behavior that is substantially similar to behavior for which the student has previously been suspended. Factors may include same type of behavior, same victim, same class, same day of the week or same time of day.

For students with an intellectual disability, any disciplinary suspension or expulsion is a change in educational placement, and requires a manifestation determination, permission from the parent/guardian or permission from the Pennsylvania Department of Education.[4]

### Manifestation Determinations

For disciplinary exclusions which create a change in educational placement, the district shall first determine whether the student's behavior is a manifestation of his/her disability by conducting a manifestation determination review in accordance with applicable law and regulations.[4][5]

A student with a disability whose behavior is not a manifestation of his/her disability may be disciplined in accordance with the Code of Student Conduct, SRC policy, district rules and procedures in the same manner and to the same extent as students without disabilities.[4][5][6][7]

### Suspension From School

A student with a disability may be suspended for five (5) 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. Also, use of interim alternative educational settings permitted by law does not constitute a change in educational placement for these purposes.[4][5][8][9][11]

EXCEPTION: For students with an intellectual disability, any disciplinary suspension or expulsion is a change in educational placement.

### Provision of Education During Disciplinary Exclusions

During any period of expulsion, or suspension from school for more than ten (10) cumulative days in a year, or placement in an interim alternative educational setting for disciplinary reasons, a student with a disability shall continue to receive a free and appropriate education, in accordance with law.[5][8][12]

### Parent/Guardian Appeals From Disciplinary Actions/Request for Hearing by District for Students Who are a Danger to Themselves or Others

A due process hearing may be requested by a parent/guardian of a student with a disability who disagrees with a disciplinary placement or manifestation determination, or by the district if the district believes that the current placement is substantially likely to result in injury to the student or others. On parent/guardian appeal, or when the district requests a due process hearing, the hearing officer may return the student to the placement from which s/he was removed or order his/her removal to an appropriate interim alternative educational setting for up to forty-five (45) school days if the hearing officer determines that maintaining the student's current placement is substantially likely to result in an injury to the student or others.[9][13]

Placement during appeals of disciplinary actions shall be in the interim alternative educational setting pending the decision of the hearing officer or expiration of the time period set for the disciplinary exclusion from the student's regular placement unless the district and the parent/guardian agree otherwise.[9][14]

Protections for Students Not Determined Eligible for Special Education and Related Services/Pending Evaluation

Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the district did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation shall be expedited.[9][15]

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated the Code of Student Conduct or other inappropriate, disruptive or prohibited activities violating SRC policy or district rules, may assert any of the protections provided for in law and regulations if the district had knowledge that the student was a student with a disability before the behavior that lead to the disciplinary action occurred.[9][15]

Administrative Removal to Interim Alternative Educational Setting for Certain Infractions

School personnel may remove a student with a disability, including an intellectual disability, to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student:[5][9]

1. Carries a weapon to or possesses a weapon at school, on school property, or at school functions under the jurisdiction of the district. For purposes of this provision, weapon is defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term (for purposes of this provision) does not include a pocket knife with a blade of less than two and one-half (2 1/2) inches in length.[5][9][16][17]
2. Knowingly possesses or uses illegal drugs, as defined by law, or sells or solicits the sale of a controlled substance, as defined by law, while at school, on school property, or at school functions under the jurisdiction of the district.[5][9][18][19]
3. Has inflicted serious bodily injury upon another person while at school, on school property, or at school functions under the jurisdiction of the district. For purposes of this provision, serious bodily injury means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.[5][9][20]

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term incident shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.[21][22][23]



The Superintendent, Office of School Safety, 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 SRC 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.[1][2][3][6][9][17][19][21][24][25][26][27][28][29][30][31][32][33][34][35]

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 SRC policies.[1][3][26][32]

When reporting an incident committed by a student with a disability to the appropriate authorities, the district shall provide the information required by state and federal laws and regulations and shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by these authorities. The district shall transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.[9][21][24][25][26][30][35][36][37]

In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.[22][35]

### **Legal References**

1. 22 PA Code 14.133
2. Pol. 113
3. Pol. 113.2
4. 22 PA Code 14.143
5. 34 CFR 300.530
6. Pol. 218
7. Pol. 233
8. 22 PA Code 12.6
9. 20 U.S.C. 1415
10. Pol. 810
11. 34 CFR 300.536
12. 20 U.S.C. 1412
13. 34 CFR 300.532

14. 34 CFR 300.533  
15. 34 CFR 300.534  
16. 18 U.S.C. 930  
17. Pol. 218.1  
18. 21 U.S.C. 812  
19. Pol. 227  
20. 18 U.S.C. 1365  
21. 22 PA Code 10.2  
22. 24 P.S. 1303-A  
23. 35 P.S. 780-102  
24. 22 PA Code 10.21  
25. 22 PA Code 10.22  
26. 22 PA Code 10.23  
27. 22 PA Code 10.25  
28. 22 PA Code 14.104  
29. 24 P.S. 1302.1-A  
30. 34 CFR 300.535  
31. Pol. 103.1  
32. Pol. 113.3  
33. Pol. 218.2  
34. Pol. 222  
35. Pol. 805.1  
36. Pol. 113.4  
37. Pol. 216  
24 P.S. 510  
20 U.S.C. 1232g  
20 U.S.C. 1400 et seq  
34 CFR Part 300  
34 CFR Part 99

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROGRAMS  
TITLE: BEHAVIOR SUPPORT  
ADOPTED: January 19, 2017  
REVISED:

## 113.2 BEHAVIOR SUPPORT

### Purpose

Students with disabilities shall be educated in the least restrictive environment and shall only be placed in settings other than the regular education class when the nature or severity of the student's disability is such that education in the regular education class with the use of appropriate supplementary aids and services cannot be achieved satisfactorily. The Individualized Education Program (IEP) team for a student with a disability shall develop a positive behavior support plan if the student requires specific intervention to address behavior that interferes with learning. The identification, evaluation, and plan or program shall be conducted and implemented in accordance with state and federal laws and regulations.[1][2][3][4][5][8]

### Authority

The School Reform Commission (SRC) directs that the district's behavior support programs shall be based on positive rather than negative behavior techniques to ensure that students shall be free from demeaning treatment and unreasonable use of restraints or other aversive techniques. The use of restraints shall be considered a measure of last resort and shall only be used after other less restrictive measures, including de-escalation techniques. Behavior support programs and plans shall be based on a functional behavioral assessment and shall include a variety of research-based techniques to develop and maintain skills that will enhance students' opportunity for learning and self-fulfillment.[1][3][5][6][7][8][9][10][11]

### Definitions

The following terms shall have these meanings, unless the context clearly indicates otherwise.

Aversive techniques - deliberate activities designed to establish a negative association with a specific behavior.[1]

Behavior support - development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.[1]

Behavior Support Plan or Behavior Intervention Plan - plan for students with disabilities who require specific intervention to address behavior that interferes with learning. A positive Behavior Support Plan shall be developed by the IEP team, be based on a functional behavioral assessment, and become part of the individual student's IEP. These plans must include methods that use positive reinforcements, other positive techniques and related services required to assist a student with a disability to benefit from special education.[1]

Functional behavioral assessment - a process to determine the underlying cause and behavior of a student with a disability that impede the learning of the student or the learning of the student's peers. A functional behavioral assessment may include a review of existing data or new data or evaluation, as determined by the Individualized Education Program (IEP) team.

Positive techniques - methods that utilize positive reinforcement to shape a student's behavior, ranging from the use of positive verbal statements as a reward for good behaviors to specific tangible rewards.

Restraints - application of physical force, with or without the use of any device, designed to restrain free movement of a student's body, excluding the following:[1]

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 positioning devices.

Seclusion - confinement of a student in a room, with a staff member in the room or immediately outside of the room with the student in view, in order to provide a safe environment to allow the student to regain self-control.

Students with disabilities - school-aged children within the jurisdiction of the district who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services.[8]

### **Delegation of Responsibility**

The Superintendent or designee shall ensure that this SRC policy is implemented in accordance with federal and state laws and regulations.

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

The Superintendent or designee shall provide regular training, and retraining as needed, of staff in the use of specific procedures, methods and techniques, including restraints and seclusions, that will be used to implement positive behavior supports or interventions in accordance with students' IEPs and SRC policy.[1]

The Superintendent or designee shall maintain and report data on the use of restraints, as required. Such report shall be readily available for review during the state's cyclical compliance monitoring. Procedures shall be established requiring reports to be made to the district by entities educating students with disabilities who attend programs or classes outside the district, including private schools, agencies, intermediate units and vocational schools.[1]

### **Guidelines**

Development of a separate Behavior Support Plan is not required when appropriate positive behavioral interventions, strategies and supports can be incorporated into a student's IEP.[1][5]

When an intervention is necessary to address problem behavior, the types of intervention chosen for a student shall be the least intrusive necessary.

### **Physical Restraints**

Restraints to control acute or episodic aggressive behavior may be used only when the student is acting in a manner that presents a clear and present danger to the student, other students or employees, and only when less restrictive measures and techniques have proven to be or are less effective.[1]

The building principal or designee shall notify the parent/guardian as soon as practicable, but no longer than twenty-four (24) hours following the incident, of the use of restraints to control the aggressive behavior of the student and shall convene a meeting of the IEP team within ten (10) school days of the use of restraints, unless the parent/guardian, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs a functional behavioral assessment, re-evaluation, a new or revised positive Behavior Support Plan, or a change of placement to address the inappropriate behavior. A restraint that results in an injury should be reported immediately.[1][10]

The use of restraints shall not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment. Restraints may be included in an IEP only if:[1]

1. The restraint is used with specific elements of a positive Behavior Support Plan.
2. The restraint is used in conjunction with teaching socially appropriate alternative skills or behaviors.

3. Staff are authorized to use the restraint and have received appropriate training.
4. Behavior Support Plan includes efforts to eliminate the use of restraints.

#### Mechanical Restraints

Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be used only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student's parents/guardians.[1]

#### 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 students in locked rooms, locked boxes and other structures or spaces from which the student cannot readily exit.[1]

#### Aversive Techniques

The following aversive techniques of handling behavior are considered inappropriate and shall not be used in educational programs:[1]

1. Corporal punishment.
2. Punishment for a manifestation of a student's disability.[9]
3. Locked rooms, locked boxes, other locked structures or spaces from which the student cannot readily exit.
4. Noxious substances.
5. Deprivation of basic human rights, such as withholding meals, water or fresh air.
6. Suspensions constituting a pattern as defined in state regulations.[12]
7. Treatment of a demeaning nature.
8. Electric shock.
9. Methods implemented by untrained personnel.
10. Prone restraints, which are restraints by which a student is held face down on the floor.

### Referral to Law Enforcement

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and SRC 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.[1][6][8][9][13][14][15][16][17][18][19][20][21][22][23][24][25][26][27]

Subsequent to notification to law enforcement, an updated functional behavioral assessment and Behavior Support Plan shall be required for students with disabilities who have Behavior Support Plans at the time of such referral.[1][10][17]

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 ensure that the responsible school district or intermediate unit is informed of the need to update the student's functional behavioral assessment and Behavior Support Plan.[1]

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 SRC policy.[1][17]

### Relations With Law Enforcement

The district shall provide a copy of its administrative 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 procedures for behavior support are revised by the district.[8][17][19][27]

The district shall invite representatives of each local police department that has jurisdiction over school property to participate in district training on the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require intervention, as included in the district's special education plan and positive behavior support program.[1][8][17][19][27]

### **Legal References**

1. 22 PA Code 14.133
2. 22 PA Code 14.145
3. 20 U.S.C. 1414
4. 34 CFR 300.114

5. 34 CFR 300.324

6. 20 U.S.C. 1415

7. 34 CFR 300.530

8. Pol. 113

9. Pol. 113.1

10. Pol. 113.3

11. 34 CFR 300.34

12. 22 PA Code 14.143

13. 24 P.S. 1302.1-A

14. 22 PA Code 10.2

15. 22 PA Code 10.21

16. 22 PA Code 10.22

17. 22 PA Code 10.23

18. 22 PA Code 10.25

19. 22 PA Code 14.104

20. 34 CFR 300.535

21. Pol. 103.1

22. Pol. 218

23. Pol. 218.1

24. Pol. 218.2

25. Pol. 222

26. Pol. 227

27. Pol. 805.1

24 P.S. 1303-A

20 U.S.C. 1400 et seq

34 CFR Part 300

Pennsylvania Training and Technical Assistance Network (PaTTAN), Questions and Answers on the Restraint Reporting Requirements and System, June 2009



# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROGRAMS

TITLE: Screening & Evaluations for  
Students with Disabilities

ADOPTED: August 24, 2011

REVISED: January 19, 2017

## 113.3 SCREENINGS & EVALUATIONS FOR STUDENTS WITH DISABILITIES

### Purpose

The School Reform Commission (SRC) 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.[1][2][3][4][5][6][7][8][9][10][11][12]

### Definition

Functional behavioral assessment - a process to determine the underlying cause and behavior of a student with a disability that impede the learning of the student or the learning of the student's peers. A functional behavioral assessment may include a review of existing data or new data or evaluation, as determined by the Individualized Education Program (IEP) team.

### Authority

The SRC 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 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.[1][7][13][14]

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services; and as such, parental consent is not required.[15]

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.[7]

The SRC 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:[5][10][11][12][16]

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.[16]
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.[16]
4. The school contacts law enforcement regarding a student who already has a positive Behavior Support Plan.[12]

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.[2][6][9][17][18]

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 general curriculum.

A student shall be assessed in all areas related to the suspected disability including, as appropriate, health; vision; hearing; social, emotional and behavioral status; general intelligence; academic performance; communicative status; and motor abilities.

A re-evaluation of a student who currently has an IEP shall be conducted as required by state and federal laws and regulations, and in accordance with applicable administrative procedures.[3][6][18][19]

### **Guidelines**

#### **Parent/Guardian Requests**

Parents/Guardians of students may request an evaluation at any time. Written requests from parents/guardians shall be directed to the building principal; the date received shall be

recorded on the request. 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.[1][2]

Within ten (10) calendar days of receiving the written or oral request, the district shall contact the parents/guardians to invite them to a meeting to review data and the parental request for evaluation/re-evaluation.

The district shall provide all required notices, procedural safeguards and information to parents/guardians in their native language or mode of communication, document all consents and responses of parents/guardians, and adhere to all established timelines, in accordance with applicable state and federal laws and regulations, and district administrative procedures.[1][2][3][6][17][18][20]

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.

#### Appropriate Evaluations

An appropriate evaluation shall use a variety of assessment tools and strategies to gather relevant functional, developmental, behavioral and academic information about a student, including information from parents/guardians; shall use technically sound instruments; and shall not use a single measure as the sole criterion for determining eligibility.[2][6][8][9]

An appropriate evaluation shall be conducted in accordance with applicable law and regulations and administrative procedures, and shall include but not be limited to the following elements:

1. Review of the following types of information prior to conducting testing and assessments:
  - a. Testing and assessment techniques required in light of information currently available from previous evaluations.
  - b. Information from parents/guardians and school staff familiar with the performance of the student.
  - c. The student's education records.
2. Review of assessments conducted by others that indicate how the student is responding to early intervening services and scientific research-based instruction and/or inclusion of such assessments as part of the evaluation.
3. 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 laws

and regulations.[4][21]

4. 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.
5. Testing and assessment procedures shall be administered 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.
6. All assessments and evaluation materials shall be selected and administered so as not to be discriminatory on a racial or cultural basis.
7. Where feasible, assessments and evaluations shall be administered in a language and form most likely to provide accurate information about the student.
8. Assessments and evaluation methods shall be administered by trained and knowledgeable personnel.
9. The student shall be assessed in all areas of suspected disability.
10. The evaluation shall include an observation of the student in an educational setting, unless the student is not currently in such a setting, and information concerning the performance of the student directly from at least one (1) current teacher of the student, unless s/he does not have a current teacher.

The evaluation report shall contain:

1. Clear explanation of the testing and assessment results, to include analysis of raw data and interpretation of results, and including the student's strengths and weaknesses.
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 other sources.
4. Identification of all special education and related services needs and relevant information that directly assists persons in determining the student's educational needs.
5. Specific, individualized recommendations for consideration by the IEP team for educational programming, placement and instructional and behavioral interventions to enable the student to participate as appropriate in the general education curriculum in the least restrictive environment, as defined by federal and state laws and regulations.[11]
6. Documentation of evaluation components that could not be completed and an explanation as to why they could not be completed.

### Re-Evaluations

Re-evaluations shall be conducted in accordance with applicable administrative procedures and within the timeframes required by state and federal laws and regulations unless the parent/guardian and the district agree in writing that a re-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.[3][22][23]

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. If the parent/guardian requests an independent educational evaluation prior to or during a district evaluation, the district shall issue written notice and procedural safeguards stating that the district has not provided an evaluation, or is currently evaluating the student, and initiate a due process hearing. 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.[9]

A written request for an independent educational evaluation at district expense shall be immediately forwarded to the Special Education Director, 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.

The district shall also provide an independent educational evaluation at public expense by order of a hearing officer.

The district shall be entitled to a copy of all results of independent educational evaluations conducted at public expense.

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 district shall either initiate a due process hearing to show that the district's evaluation is appropriate and notify the parent/guardian in writing that the district has done so or issue to the parent/guardian correspondence containing:

1. Information about where and how an independent educational evaluation may be obtained and the district's criteria for independent educational evaluations.
2. 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.
3. 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.
4. 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.
5. Directions that the parent/guardian is responsible for arranging for the evaluation and ensuring that the evaluator contacts the district to arrange for payment of the evaluation.

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 unredacted 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 district shall consider the results of all independent educational evaluations regardless of whether the evaluation is conducted at parent/guardian or district expense, as long as the evaluation meets district criteria.

The district 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 district 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.

**Legal References**

1. 22 PA Code 14.122

2. 22 PA Code 14.123

3. 22 PA Code 14.124

4. 22 PA Code 14.125

5. 22 PA Code 14.133

6. 20 U.S.C. 1414

7. 34 CFR 300.226

8. 34 CFR 300.301-300.311

9. 34 CFR 300.502

10. 34 CFR 300.530

11. Pol. 113

12. Pol. 113.2

13. Pol. 209

14. Pol. 236

15. 34 CFR 300.302

16. Pol. 113.1

17. 34 CFR 300.300-300.311

18. 34 CFR 300.503

19. 34 CFR 300.303-300.306

20. 20 U.S.C. 1415

21. 34 CFR 300.307-300.311

22. 34 CFR 300.303

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

20 U.S.C. 1400 et seq

34 CFR Part 300

Pennsylvania Training and Technical Assistance Network (PaTTAN)





# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROGRAMS

TITLE: Confidentiality of Special  
Education Student Information

ADOPTED: January 19, 2017

REVISED:

## 113.4 CONFIDENTIALITY OF SPECIAL EDUCATION STUDENT INFORMATION

### **Authority**

The School Reform Commission (SRC) recognizes the need to protect the confidentiality of personally identifiable information in the education records of students with disabilities.[1]

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 special education records, in accordance with SRC policy, state requirements, and federal and state law and regulations.[2]

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. Parental consent, or consent of an eligible student who has reached the age of majority under state law, must be obtained before personally identifiable information is released, except as permitted by the Family Educational Rights and Privacy Act (FERPA). The age of majority in Pennsylvania is twenty-one (21).[3][4][7]

### **Definitions**

Destruction shall mean the physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.[5]

Disclosure shall mean to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.[6]

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.[7][6][8]

Personally identifiable information includes, but is not limited to:[6][9]

1. The name of a student, the student's parents/guardians or other family members.
2. The address of the student or student's family.
3. A personal identifier, such as the student's social security number, student number, or biometric record.
4. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
5. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
6. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

### **Guidelines**

#### Parental Access Rights

The district shall permit parents/guardians to inspect and review any education records relating to their child(ren) that are collected, retained, or used by the district in connection with identification, evaluation and provision of special education services to the student.[10][11]

The district shall comply with a parental request to inspect and review education records without unnecessary delay and before any meeting regarding an Individualized Education Program (IEP); any impartial due process hearing relating to the identification, evaluation, educational placement, or the provision of a free and appropriate public education (FAPE) to a student; a hearing related to the discipline of the student; and a resolution meeting. The district shall comply with the parental request for review within forty-five (45) days following receipt of the request.[10][11]

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.[12][11]

A parent's/guardian's right to inspect and review education records includes the right to:

1. A response from the district to reasonable requests for explanations and interpretations of the records;
2. Request that the district provide copies of the records if failure to provide copies would effectively prevent the parent/guardian from exercising the right to inspect and

review the records; and

3. Have a representative inspect and review the records.

If an education record includes information on more than one (1) student, the parents/guardians shall have access only to the information relating to their child or shall be informed of the information in the record.[13][14]

The district shall provide parents/guardians, upon request, a list of the types and locations of education records collected, maintained, or used by the district.[15]

#### Fees

The district may charge a fee for copies of records that are made for parents/guardians so long as the fee does not effectively prevent parents/guardians from exercising their right to inspect and review those records.[16][17]

The district shall not charge a fee to search for or to retrieve information in response to a parental request.

#### Record of Access

The district shall keep a record of parties obtaining access to education records collected, maintained, or used in providing special education services to students with disabilities, except access by parents/guardians and authorized district employees.[18]

The district's record of access shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

#### Amendment of Records Upon Parental Request

If a parent/guardian believes that information in the student's education records is inaccurate, misleading or violates the privacy or other rights of the student, the parent/guardian may request that the district amend the information.[19][20]

The district shall decide whether to amend the information within a reasonable period of time from receipt of the request.

If the district declines to amend the information in accordance with a parental request, the district shall inform the parent/guardian in writing of the refusal and notify the parent/guardian of the right to a hearing.

#### Records Hearing

The district shall, on request, provide parents/guardians with an opportunity for a hearing to challenge information in the student's education records to ensure that the information is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. The

district recognizes that parents/guardians who believe that there is a due process violation relating to an alleged violation of confidentiality may also request a special education due process hearing.[21][22][23]

### Hearing Procedures

A hearing to challenge information in education records must meet the following requirements:[24][25]

1. The district shall hold the hearing within a reasonable time after receiving the request for a hearing.
2. The district shall give the parent/guardian reasonable advanced written notice of the date, time, and place of the hearing.
3. The hearing may be conducted by any individual, including a district official, who does not have a direct interest in the outcome of the hearing.
4. The district shall give the parent/guardian a full and fair opportunity to present relevant evidence. The parent/guardian may, at his/her own expense, be assisted or represented by one 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.

### 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.[21][26]

If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the district shall inform the parent/guardian of the parent's/guardian's right to place in the student's records a statement commenting on the information and/or providing any reasons for disagreeing with the district's decision.

Any statement placed in the student's records shall be:

1. Maintained by the district as part of the student's records as long as the record or contested portion is maintained by the district; and
2. Included with the record or contested portion if the record or contested portion are disclosed to any party.

Storage, Retention and Destruction of Information

The district shall store all education records and personally identifiable information of students receiving special education services in such a way as to protect the confidentiality and integrity of the records and information, prevent unauthorized access to and disclosure of records and information, and ensure compliance with other legal and regulatory requirements regarding records retention.[27]

The district shall maintain, for public inspection, a current listing of the names and positions of those district employees who have access to personally identifiable information.[27]

In order to comply with state compliance monitoring requirements, the district shall maintain education records for students receiving special education services for at least six (6) years.[8]

The district shall inform parents/guardians when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student. After notice, such information shall be destroyed upon parental request.[28]

No education record shall be destroyed if there is an outstanding request to inspect or review the record or if a litigation hold exists.[10]

The district may maintain a permanent record of the student's name, address, and phone number, his/her grades, attendance record, classes/programs attended, grade level completed, and year completed.[28]

The district shall ensure the destruction of education records in a manner that protects the confidentiality and privacy rights of the student and his/her family.[27]

Disclosure to Third Parties

The district shall obtain parental consent before disclosing personally identifiable information to parties other than school district officials with a legitimate educational interest or other educational institutions that provide special education services to the student for the purposes of meeting a requirement of law or regulation unless the information is contained in education records and the disclosure is permitted without parental consent under law and regulations.[8][29][30][31][32][33][34]

Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.[32]

If a student is enrolled, or is going to enroll in a private school that is not located in the district of the parent's/guardian's residence, parental consent must be obtained before any personally identifiable information about the student is released between officials in the district where the private school is located and officials in the district of the parent's/guardian's residence.[32]

**Delegation of Responsibility**

In order to maintain the confidentiality of the educational records and personally identifiable information of students with disabilities, the SRC designates the Superintendent or designee to coordinate the district's efforts to comply with this policy and applicable laws and regulations.[27]

All district employees collecting or using personally identifiable information shall receive training or instruction regarding SRC policy, administrative procedures, and state and federal law and regulations regarding confidentiality of education records and personally identifiable information.[27]

**Legal References**

1. Pol. 113
2. 34 CFR 300.611-300.627
3. 34 CFR 300.520
4. 34 CFR 300.625
5. 34 CFR 300.611
6. 34 CFR 99.3
7. 20 U.S.C. 1232g
8. Pol. 216
9. 34 CFR 300.32
10. 34 CFR 99.10
11. 34 CFR 300.613
12. 34 CFR 99.4
13. 34 CFR 99.12
14. 34 CFR 300.615
15. 34 CFR 300.616
16. 34 CFR 99.11
17. 34 CFR 300.617
18. 34 CFR 300.614
19. 34 CFR 99.20
20. 34 CFR 300.618
21. 34 CFR 99.21
22. 34 CFR 300.510-300.516
23. 34 CFR 300.619
24. 34 CFR 99.22
25. 34 CFR 300.621
26. 34 CFR 300.620
27. 34 CFR 300.623
28. 34 CFR 300.624
29. 34 CFR 99.30
30. 34 CFR 99.31

31. 34 CFR 300.154

32. 34 CFR 300.622

33. Pol. 113.1

34. Pol. 113.2

20 U.S.C. 1400 et seq

34 CFR Part 99

34 CFR Part 300

Bureau of Special Education Letter to School Entities on Retention of Records, Dated November 9, 2009

Pennsylvania Department of Education Individuals With Disabilities Education Act Part B LEA Policies and Procedures under 34 CFR §§300.101 - 300.176 (2009)

Pol. 113.3





# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROGRAMS

TITLE: Extracurricular Activities

ADOPTED: April 27, 1981

REVISED: January 19, 2017

## 122. EXTRA-CURRICULAR ACTIVITIES

### Purpose

The School Reform Commission believes that the goals and objectives of the district are best achieved by a diversity of learning experiences, some of which are more appropriately conducted outside the regular or required curricular program.

### Definitions

For purposes of this policy, extracurricular activities shall be those programs that are sponsored or approved by the SRC. Such activities shall:[1]

1. Ordinarily be conducted wholly or partly outside the regular school day.
2. Contribute to the attainment of district objectives.
3. Be marked by student participation in the processes of initiation, planning, organizing, and execution.
4. Be equally available to all students who voluntarily elect to participate, subject to the eligibility requirements of this policy.

For purposes of this policy, an athletic activity shall mean all of the following:[2][3]

1. An athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school, including cheerleading, club-sponsored sports activities and sports activities sponsored by school-affiliated organizations.
2. Noncompetitive cheerleading that is sponsored by or associated with a school.
3. Practices, interschool practices and scrimmages for all athletic activities.

### Authority

The SRC shall make school facilities, supplies and equipment available and shall assign staff members for the support of extracurricular activities for students. Such availability and assignment shall be in accordance with the Equal Access Act.[4][5][6]

The SRC encourages secondary level students to pursue clubs and interests that may not be related directly to any of the curriculum programs offered in the district. In pursuit of such goal and in compliance with law, the SRC maintains a limited open forum in which secondary students may meet for voluntary student-initiated activities unrelated directly to the curriculum, regardless of the religious, political, philosophical or other content of the speech related to such activities.

Any extracurricular activity shall be considered under the sponsorship of this district when it has been approved by the SRC upon recommendation of the Superintendent.

The SRC shall maintain the program of extracurricular activities at no cost to participating students, except that:

1. The district's responsibility for provision of supplies shall carry the same exemptions as listed in the SRC's policy on regular school supplies.[7]
2. Students may be required to assume all or part of the costs for travel and attendance at extracurricular events and trips.

The SRC directs that no student may participate in extracurricular activities who has not:

1. Met the requirements for academic eligibility.
2. Adhered to applicable attendance and discipline standards of the district.[8][9]

### Transgender Participation

Keeping in accordance with the SRC Policy 252 (Transgender and Gender Non-Conforming Students), the principal will serve as the primary point of contact for any questions or concerns regarding Pennsylvania Interscholastic Athletic Association (PIAA) matters. All students and employees must adhere to SRC policy.[15]

### Bullying and Hazing

All students and employees must adhere to SRC Policy 247 (Hazing) and SRC Policy 249 (Bullying/Cyberbullying).[16][17]

### Off-Campus Activities

This policy shall also apply to student conduct that occurs off school property and would otherwise violate the Code of Student Conduct if any of the following circumstances exist:

1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, whether or not via school district

furnished transportation.

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

### **Delegation of Responsibility**

Per Pennsylvania Interscholastic Athletic Association (PIAA) rules, all student athletes must have their PIAA CIPPE Form filled out by a physician, and signed by both the student-athlete and his/her parent/guardian.

Each school year, prior to participation in an athletic activity, every student athlete and his/her parent/guardian shall sign and return the acknowledgement of receipt and review of the following:[10][11][12][13]

1. Concussion and Traumatic Brain Injury Information Sheet.
2. Sudden Cardiac Arrest Symptoms and Warning Signs Information Sheet.

The Superintendent or designee shall be responsible for the administration of the extracurricular activities program, and shall develop administrative procedures to implement the program. All student groups shall adhere to SRC policy and administrative procedures.

### **Guidelines**

Guidelines shall ensure that the program of extracurricular activities:

1. Assesses the needs and interests of and is responsive to district students.
2. Invites the participation of parents/guardians and community in developing extracurricular activities. Such participation shall be in accordance with the Equal Access Act.[4]
3. Involves students in developing and planning extracurricular activities.

4. Ensures provision of competent guidance and supervision by staff.
5. Guards against exploitation of students.
6. Provides a variety of experiences and diversity of organizational models.
7. Provides for continuing evaluation of the program and its components.
8. Ensures that all extracurricular activities are open to all students and that all students are fully informed of the opportunities available to them.[14][1]

### Equal Access Act

The district shall provide secondary students the opportunity for noncurriculum-related student groups to meet on the school premises during noninstructional time for the purpose of conducting a meeting within the limited open forum on the basis of religious, political, philosophical, or other content of the speech at such meetings. Such meetings must be voluntary, student-initiated, and not sponsored in any way by the school, its agents or employees.[4]

Non-instructional time is the time set aside by the school before actual classroom instruction begins, after actual classroom instruction ends, or during the lunch hour.

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

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

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

### **Legal References**

1. 22 PA Code 12.1
2. 24 P.S. 5322
3. 24 P.S. 5332
4. 20 U.S.C. 4071 et seq
5. Pol. 103
6. Pol. 103.1
7. Pol. 110
8. Pol. 204
9. Pol. 218
10. 24 P.S. 5323
11. 24 P.S. 5333
12. Pol. 123.1

13. Pol. 123.2

14. 22 PA Code 12.4

15. Pol. 252

16. Pol. 247

17. Pol. 249

24 P.S. 511

24 P.S. 5321 et seq

24 P.S. 5331 et seq

Philadelphia Home Rule Charter - 12-300

Pol. 123



# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROGRAMS

TITLE: Interscholastic Athletics

ADOPTED:

REVISED: January 19, 2017

## 123. INTERSCHOLASTIC ACTIVITIES

### **Purpose**

The School Reform Commission recognizes the value of a program of interscholastic athletics as an integral part of the total school experience for all district students and as a conduit for community involvement. The program fosters the growth of school loyalty within the student body as a whole and stimulates community interest. The game activities and practice sessions provide opportunities to teach the values of competition, sportsmanship, and teamwork.

### **Definition**

For purposes of this policy, the program of interscholastic athletics shall include all activities relating to competitive or exhibition sport contests, games or events involving individual students or teams of students when such activities occur between schools within this district or outside this district.

### **Authority**

It shall be the policy of the SRC to offer opportunities for participation in interscholastic athletic programs to male and female students on as equal a basis as is practicable and without discrimination, in accordance with law and regulations.[1][2][3][4][5]

The SRC shall approve a program of interscholastic athletics and require that all facilities utilized in that program properly safeguard both players and spectators and are kept free from hazardous conditions.

The SRC shall determine the standards of eligibility to be met by all students participating in an interscholastic program. Such standards shall require that each student, before participating in any interscholastic activity, be covered by student accident insurance; be free of injury; and undergo a Pennsylvania Interscholastic Athletic Association (P.I.A.A.) Comprehensive Initial Pre-Participation Physical Evaluation by a licensed physician.

The SRC further adopts those eligibility standards set by the Constitution of the P.I.A.A.

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

1. Met the requirements for academic eligibility.
2. Adhered to applicable attendance and discipline standards of the district.[6][7]

#### Transgender Participation

Keeping in accordance with the SRC Policy 252 (Transgender and Gender Non-Conforming students), the principal will serve as the primary point of contact for any questions or concerns regarding Pennsylvania Interscholastic Athletic Association (PIAA) matters. All students and employees must adhere to SRC policy.[15]

#### Bullying and Hazing

All students and employees must adhere to SRC Policy 247 (Hazing) and SRC Policy 249 (Bullying/Cyberbullying).[16][17]

#### Off-Campus Activities

This policy shall also apply to student conduct that occurs off school property and would otherwise violate the Code of Student Conduct if any of the following circumstances exist:[7]

1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, whether or not via school district furnished transportation.
2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, for example, a transaction conducted outside of school pursuant to an agreement made in school, that would violate the Code of Student Conduct if conducted in school.
5. The conduct involves the theft or vandalism of school property.
6. There is otherwise a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.

#### Delegation of Responsibility

Per Pennsylvania Interscholastic Athletic Association (PIAA) rules, all student athletes must have their PIAA CIPPE Form filled out by a physician, and signed by both the student-athlete and his/her parent/guardian.



Each school year, prior to participation in an interscholastic athletic activity, every student athlete and his/her parent/guardian shall sign and return the acknowledgement of receipt and review of the following:[10][11][8][9]

1. Concussion and Traumatic Brain Injury Information Sheet.

2. Sudden Cardiac Arrest Symptoms and Warning Signs Information Sheet.

The Superintendent or designee shall annually prepare, approve and present to the SRC for its consideration a program of interscholastic athletics, which shall include a complete schedule of events. S/He shall inform the SRC of changes in that schedule as they occur.

Interscholastic athletic activities shall not be scheduled to conflict with any educational activity necessary for meeting the requirements of the approved curriculum, nor scheduled to begin for at least two (2) hours after the completion of the College Entrance Examinations.

A coach, faculty member, or district representative from each school involved shall be present at each game or contest and shall remain with his/her group or team until it leaves the building or grounds where the event is held.

The direct control of athletics in each school may be delegated to authorized staff within the school in accordance with procedures established by the Superintendent or designee.

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

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

The Superintendent or designee shall ensure that interscholastic athletics are open to all eligible students and that all students are fully informed of the opportunities available to them.[12][13]

### **Guidelines**

#### Male/Female Athletic Opportunities Report

By October 15 of each year, on the designated disclosure form, the Superintendent or designee shall report to the PA Department of Education the interscholastic athletic opportunities and treatment for male and female secondary school students for the preceding school year.[14]

By November 1 of each year, the completed disclosure form shall be made available for public inspection during regular business hours and posted on the district's website.[14]

The availability of the completed disclosure form shall be announced by posting a notice on school bulletin boards, in the school newspaper, on any electronic mailing list or list serve, and by any other reasonable means.[14]

**Legal References**

1. 24 P.S. 1601-C et seq
2. 22 PA Code 4.27
3. 34 CFR 106.41
4. Pol. 103
5. Pol. 103.1
6. Pol. 204
7. Pol. 218
8. 24 P.S. 5323
9. 24 P.S. 5333
10. Pol. 123.1
11. Pol. 123.2
12. 22 PA Code 12.1
13. 22 PA Code 12.4
14. 24 P.S. 1603-C
- 24 P.S. 511
- 24 P.S. 5321 et seq
- 24 P.S. 5331 et seq
- Philadelphia Home Rule Charter - 12-300
- PIAA Constitution and Bylaws
- Pol. 211
15. Pol. 252
16. Pol. 247
17. Pol. 249

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROGRAMS

TITLE: Concussion Management

ADOPTED: January 17, 2019

REVISED:

## 123.1 CONCUSSION MANAGEMENT

### Purpose

The School Reform Commission recognizes the importance of ensuring the safety of students participating in the district's athletic programs. This policy has been developed to provide guidance for prevention, detection and treatment of concussions sustained by students while participating in an athletic activity.

### Definitions

Appropriate medical professional shall mean all of the following:[1]

1. A licensed physician who is trained in the evaluation and management of concussions.
2. A licensed or certified health care professional trained in the evaluation and management of concussions and designated by a licensed physician trained in the evaluation and management of concussions.
3. A licensed psychologist neuropsychologically trained in the evaluation and management of concussions or who has postdoctoral training in neuropsychology and specific training in the evaluation and management of concussions.

Athletic activity shall mean all of the following:[1]

1. Interscholastic athletics.[2]
2. An athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school, including cheerleading, club-sponsored sports activities and sports activities sponsored by school-affiliated organizations.[3]
3. Noncompetitive cheerleading that is sponsored by or associated with a school.[3]
4. Practices, interschool practices and scrimmages for all athletic activities.[3][2]

### **Delegation of Responsibility**

Per Pennsylvania Interscholastic Athletic Association (PIAA) rules, all student athletes must have their PIAA CIPPE Form filled out by a physician, and signed by both the student-athlete and his/her parent/guardian.

Each school year, prior to participation in an athletic activity, every student athlete and his/her parent/guardian shall sign and return the acknowledgement of receipt and review of the Concussion and Traumatic Brain Injury Information Sheet.[4]

The Superintendent or designee shall develop administrative procedures to implement this policy, which shall include protocols for concussion management.

### **Guidelines**

The school may hold an informational meeting prior to the start of each athletic season for all competitors regarding concussions and other head injuries, the importance of proper concussion management, and how preseason baseline assessments can aid in the evaluation, management and recovery process. In addition to the student athletes, such meetings may include parents/guardians, coaches, other appropriate school officials, physicians, neuropsychologists, athletic trainers and physical therapists.[4]

### **Removal from Play**

A student who, as determined by a game official, coach from the student's team, certified athletic trainer, licensed physician, licensed physical therapist or other official designated by the district, exhibits signs or symptoms of a concussion or traumatic brain injury while participating in an athletic activity shall be removed by the coach from participation at that time.[4]

### **Return to Play**

The coach shall not return a student to participation until the student is evaluated and cleared for return to participation in writing by an appropriate medical professional. The SRC may designate a specific appropriate medical professional(s) to provide written clearance for return to participation.[4]

### **Training**

All coaches shall annually, prior to coaching an athletic activity, complete a concussion management certification training course offered by the Centers for Disease Control and Prevention, the National Federation of State High School Associations or another provider approved by the Department of Health.[4]

Penalties

A coach found in violation of the provisions of this policy related to removal from play and return to play shall be subject to the following penalties:[4]

1. For a first violation, suspension from coaching any athletic activity for the remainder of the season.
2. For a second violation, suspension from coaching any athletic activity for the remainder of the season and for the next season.
3. For a third violation, permanent suspension from coaching any athletic activity.

**Legal References**

1. 24 P.S. 5322
2. Pol. 123
3. Pol. 122
4. 24 P.S. 5323  
24 P.S. 5321 et seq



# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROGRAMS

TITLE: Sudden Cardiac Arrest

ADOPTED: January 19, 2017

REVISED:

## 123.2 SUDDEN CARDIAC ARREST

### Authority

The School Reform Commission recognizes the importance of ensuring the safety of students participating in the district's athletic programs. This policy has been developed to provide guidance for prevention and recognition of sudden cardiac arrest in student athletes.[1]

### Definition

Athletic activity shall mean all of the following:[2]

1. Interscholastic athletics.[3]
2. An athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school, including cheerleading, club-sponsored sports activities and sports activities sponsored by school-affiliated organizations.[4]
3. Noncompetitive cheerleading that is sponsored by or associated with a school.[4]
4. Practices, interschool practices and scrimmages for all athletic activities.[4][3]

### Delegation of Responsibility

Per Pennsylvania Interscholastic Athletic Association (PIAA) rules, all student athletes must have their PIAA CIPPE Form filled out by a physician, and signed by both the student-athlete and his/her parent /guardian.

Each school year, prior to participation in an athletic activity, every student athlete and his/her parent/guardian shall sign and return the acknowledgement of receipt and review of the Sudden Cardiac Arrest Symptoms and Warning Signs Information Sheet.[5]

## **Guidelines**

The school may hold an informational meeting prior to the start of each athletic season for all competitors regarding the symptoms and warning signs of sudden cardiac arrest. In addition to the student athletes, such meetings may include parents/guardians, coaches, other appropriate school officials, physicians, pediatric cardiologists, and athletic trainers.[5]

### **Removal from Play**

A student who, as determined by a game official, coach from the student's team, certified athletic trainer, licensed physician, or other official designated by the district, exhibits signs or symptoms of sudden cardiac arrest while participating in an athletic activity shall be removed by the coach from participation at that time.[5]

Any student known to have exhibited signs or symptoms of sudden cardiac arrest prior to or following an athletic activity shall be prevented from participating in athletic activities.

### **Return to Play**

The coach shall not return a student to participation until the student is evaluated and cleared for return to participation in writing by a licensed physician, certified registered nurse practitioner or cardiologist.[5]

### **Training**

All coaches shall annually, prior to coaching an athletic activity, complete the sudden cardiac arrest training course offered by a provider approved by the PA Department of Health.[5]

### **Penalties**

A coach found in violation of the provisions of this policy related to removal from play and return to play shall be subject to the following penalties:[5]

1. For a first violation, suspension from coaching any athletic activity for the remainder of the season.
2. For a second violation, suspension from coaching any athletic activity for the remainder of the season and for the next season.
3. For a third violation, permanent suspension from coaching any athletic activity.

### **Legal References**

1. 24 P.S. 5331 et seq
2. 24 P.S. 5332
3. Pol. 123
4. Pol. 122
5. 24 P.S. 5333



Pol. 822



# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: OPERATIONS

TITLE: Relations with Law Enforcement  
Agencies

ADOPTED: January 19, 2017

REVISED:

## 805.1 RELATIONS WITH LAW ENFORCEMENT AGENCIES

### **Purpose**

The School Reform Commission recognizes that cooperation with law enforcement agencies is considered essential for protecting students and staff, maintaining a safe environment in schools, and safeguarding district property.

### **Authority**

It shall be the policy of the SRC to establish and maintain a cooperative relationship between the school district and local police departments in the reporting and resolution of incidents that occur on school property, at any school-sponsored activity, or on any conveyance providing transportation to or from a school or school-sponsored activity.[1][2]

The SRC directs the Superintendent to execute and update, on a biennial basis, a memorandum of understanding with each local police department that has jurisdiction over school property in accordance with state law and regulations.[1][3]

### **Definition**

Incident - an instance involving an act of violence; the possession of a weapon by any person; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco by any person on school property; or conduct that constitutes an offense listed under the Safe Schools Act.[1][4][5]

### **Guidelines**

#### **Memorandum of Understanding**

In accordance with state law and regulations, the Superintendent shall execute and update, every two (2) years, a memorandum of understanding with each local police department that has

jurisdiction over school property. The memorandum of understanding shall be signed by the Superintendent, Chief of Police of the police department with jurisdiction over the relevant school property, and principals of each school building of the school entity, and be filed with the Office of Safe Schools. [1][3]

In developing and updating the memorandum of understanding, the district shall consult and consider the State Board of Education model memorandum of understanding. If the district's memorandum of understanding with local law enforcement contains substantive differences from the State Board of Education model memorandum of understanding, the Superintendent shall provide a written statement which identifies the differences and the reasons for the differences as part of the biennial filing with the Office for Safe Schools.[1][3]

The memorandum of understanding shall comply with state law and regulations and set forth procedures to be followed regarding incidents that include, but are not limited to, acts of violence, weapons, terroristic threats, controlled substances, alcohol and tobacco.[6][7][8][9][10]

The memorandum of understanding may specify other matters related to crime prevention mutually agreed upon by the Superintendent and the local police department that has jurisdiction over the school property.[1]

#### Students with Disabilities

The district shall provide a copy of its administrative 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 procedures for behavior support are revised by the district.[11][12][13][14]

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.[11][12][15][13][14]

#### Referral to Law Enforcement

The Superintendent, Office of School Safety, or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity, to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and SRC policies.[16][1][4][17][18][19][20][14][6][7][8][9][10][21][22][23]

#### Safe Schools Report

Annually, by July 31, the Superintendent shall report on the designated form, to the Office for Safe Schools, all new incidents as required by state law.[1]

Prior to submitting the Safe Schools report, the Superintendent and each police department having jurisdiction over school property shall do all of the following:

1. No later than thirty (30) days prior to the deadline for submitting the Safe Schools report to the Office for Safe Schools, the Superintendent shall submit the report to the police department that has jurisdiction over the relevant school property. The police department shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects police incident data.
2. No later than fifteen (15) days prior to the deadline for the Superintendent to submit the report to the Office for Safe Schools, the police department shall notify the Superintendent, in writing, whether the report accurately reflects police incident data. Where the police department determines that the report accurately reflects police incident data, the chief of police shall sign the report. Where the police department determines that the report does not accurately reflect police incident data, the police department shall indicate any discrepancies between the report and police incident data.
3. Where a police department fails to take action as required above, the Superintendent shall submit the report to the Office for Safe Schools and indicate that the police department failed to take the required action.

**Legal References:**

1. 24 P.S. 1303-A
2. 22 PA Code 10.1
3. 22 PA Code 10.11
4. 22 PA Code 10.2
5. 35 P.S. 780-102
6. Pol. 218
7. Pol. 218.1
8. Pol. 218.2
9. Pol. 222
10. Pol. 227
11. 22 PA Code 10.23
12. 22 PA Code 14.104
13. Pol. 113
14. Pol. 113.2
15. 22 PA Code 14.133
16. 24 P.S. 1302.1-A
17. 22 PA Code 10.21
18. 22 PA Code 10.22

19. Pol. 103.1  
20. Pol. 113.1  
21. Pol. 323  
22. Pol. 351  
23. Pol. 904  
22 PA Code 10.24  
Pol. 805  
Pol. 909