

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROGRAMS
 TITLE: Nondiscrimination in Employment Practices
 ADOPTED: April 27, 1981
 REVISED: To be Considered for Adoption at the March 16, 2017 SRC Action Meeting

104 NONDISCRIMINATION IN EMPLOYMENT PRACTICES

Authority

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

The district seeks to recruit, hire and place into available jobs the most qualified persons and to administer personnel matters such as compensation, benefits, promotion, transfer, training, layoffs, discipline, termination and district sponsored educational, social and recreational programs in accordance with law and SRC policy.

The SRC encourages employees and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

The SRC directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of discrimination or participation in an investigation.

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the SRC designates the Chief Talent Officer and Office of General Counsel as the district's Compliance Officers.

The Compliance Officer(s) shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors,

and the public. The publication shall include the name, position, office address, telephone number and email address of the Compliance Officer(s).

The Compliance Officer(s) are responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Development of position qualifications, job descriptions and essential job functions.
2. Recruitment materials and practices.
3. Procedures for screening, interviewing and hiring.
4. Promotions.
5. Disciplinary actions, up to and including terminations.

The building principal/immediate supervisor or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the employee or third party of the right to file a complaint and the complaint procedure.
2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer(s) if the building principal/immediate supervisor is the subject of the complaint.
4. Take interim action, as necessary, to address prohibited conduct prior to the completion of the investigation.

Guidelines

Complaint Procedure – Employee/Third Party

Step 1 – Reporting

An employee or third party who believes s/he has been subject to conduct by an employee or third party that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal/immediate supervisor.

If the building principal/immediate supervisor is the subject of a complaint, the employee or third party shall report the incident directly to a Compliance Officer.

The complainant is encouraged to use the report form available from the building principal/immediate supervisor, but oral complaints shall be acceptable.

Step 2 – Investigation

Upon receiving a complaint of discrimination, the building principal/immediate supervisor shall immediately notify the Compliance Officer(s). The Compliance Officer(s) shall authorize the building principal/immediate supervisor to investigate the complaint, unless the building principal/immediate supervisor is the subject of the complaint or is unable to conduct the investigation.

The building principal/immediate supervisor or designee shall conduct an adequate, reliable and impartial investigation and shall provide the opportunity for each party to present witnesses and other evidence.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The investigator shall attempt to secure statements from all participants in and witnesses to the complaint. The accused shall have the right of representation during his/her interview as required by the applicable collective bargaining agreement or district practice.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded. The investigator should coordinate with any other ongoing school or criminal investigation of the incident.

All investigations shall be completed by the assigned investigator within sixty (60) days from the filing date of the complaint. Extenuating circumstances for not being able to comply with the deadline must be approved by the Compliance Officer(s). The extension must be a specified period of time not exceeding twenty-five (25) days, and must be communicated to the complainant.

Step 3 – Investigative Report

The building principal/immediate supervisor shall prepare and submit a written report to the Compliance Officer(s), which shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, basis for the determination and a recommended disposition of the complaint.

The complainant and the accused shall be provided written notice of the outcome of the investigation, including the recommended disposition. The accused shall not be notified of the individual remedies offered or provided to the complainant.

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases.

The district shall take steps to prevent the recurrence of prohibited conduct and to correct the discriminatory effect on the complainant and others, if appropriate. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with SRC policies, administrative procedures, applicable collective bargaining agreements, and state and federal laws.

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer(s) within fifteen (15) days.
2. The Compliance Officer(s) shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer(s) shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal/immediate supervisor who conducted the initial investigation.

Legal References:

1. 43 P.S. 336.3
2. 43 P.S. 951 et seq
3. 20 U.S.C. 1681 et seq
4. 29 U.S.C. 206
5. 29 U.S.C. 621 et seq
6. 29 U.S.C. 794
7. 42 U.S.C. 12101 et seq
8. 42 U.S.C. 1981 et seq
9. 42 U.S.C. 2000e et seq
10. 42 U.S.C. 2000ff et seq
11. Pol. 348 - Unlawful Harassment

Related Information:

16 PA Code 44.1 et seq

28 CFR 35.140

28 CFR Part 41

29 CFR Parts 1600-1691

Philadelphia Code of Ordinances (Fair Practices Ordinance) - 9-1101 et seq

REPORT FORM FOR COMPLAINTS OF DISCRIMINATION

Complainant: _____
Home Address: _____
Home Phone: _____
School Building: _____
Date of Alleged Incident(s): _____

Alleged discrimination was based on: _____

Name of person you believe violated the district's nondiscrimination policy:

If the alleged discrimination was directed against another person, identify the other person:

Describe the incident as clearly as possible, including any verbal statements (i.e. threats, derogatory remarks, demands, etc.) and any actions or activities. Attach additional pages if necessary: _____

When and where incident occurred: _____

List any witnesses who were present: _____

This complaint is based on my honest belief that _____ has discriminated against me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PUPILS

TITLE: Attendance

ADOPTED: September 22, 2010

REVISED: To be Considered for Adoption at
the March 16, 2017 SRC Action
Meeting

204 ATTENDANCE

Purpose

The School Reform Commission requires that school age students enrolled in district schools attend school regularly, in accordance with state laws. The educational program offered by the district is predicated upon the presence of the student and requires continuity of instruction and classroom participation in order for students to achieve academic standards and consistent educational progress.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)

Authority

Attendance shall be required of all students enrolled in district schools during the days and hours that school is in session, except that a principal may excuse a student for temporary absences upon receipt of satisfactory evidence of mental, physical, or other urgent reasons that may reasonably cause the student's absence. Urgent reasons shall be strictly construed and does not permit irregular attendance.[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[3\]](#)[\[7\]](#)[\[9\]](#)

All efforts to eliminate truancy are to be consistent with the law and are to support students in a non-punitive manner.

The SRC considers the following conditions to constitute reasonable cause for absence from school:

1. Illness.[\[12\]](#)
2. Quarantine.
3. Recovery from accident.
4. Required court attendance.
5. Death in family.
6. Educational tours and trips, with prior approval, specifically to include only college tours, trade school tours, career and technical training program tours, community college tours

or tours of other non-school district schools.[\[13\]\[9\]](#)

7. Authorized school activities, including athletic events.
8. Excused religious holiday.[\[27\]](#)
9. Out of school suspension. [\[39\]](#)

All absences shall be treated as unlawful/unexcused until the district receives a written excuse explaining the reason(s) for the absence, to be submitted within three (3) calendar days of the absence. Failure to provide a written excuse within three (3) days will result in the absence being counted permanently as unlawful/unexcused.

All absences of three (3) or more consecutive school days shall be supported by a physician's statement verifying the illness.

All absences of nine (9) or more cumulative school days shall be supported by a physician's statement verifying the illness.

The SRC shall report to appropriate authorities' infractions of the law regarding the attendance of students below the age of seventeen (17). The SRC shall issue notice to those parents/guardians who fail to comply with the requirements of compulsory attendance that such infractions will be prosecuted according to law.[\[14\]\[15\]\[7\]](#)

Attendance need not always be within school buildings. A student shall be considered in attendance if present at any place where school is in session by authority of the SRC; the student is receiving approved tutorial instruction, or health or therapeutic services; the student is engaged in an approved and properly supervised independent study, work-study or career education program; or the student is receiving approved homebound instruction.[\[11\]\[16\]\[17\]\[18\]\[19\]\[20\]\[21\]\[3\]](#)

The SRC shall permit a student to be excused for participation in a project sponsored by a statewide or countywide 4-H, Future Farmers of America (FFA) or combined 4-H and FFA group upon written request prior to the event.[\[6\]\[9\]](#)

The SRC will recognize other justifiable absences for part of the school day. These shall include medical or dental appointments, court appearances, family emergencies, authorized school activities, and other legitimate reasons determined by the building principal.[\[11\]\[12\]](#)

The absence and/or early dismissal of students shall not be granted for private instruction in activities such as music, dancing, etc.

The SRC shall excuse the following students from the requirements of attendance at district schools, upon request and with the required approval:

1. On certification by a physician or submission of other satisfactory evidence and on approval of the Pennsylvania Department of Education, children who are unable to attend

school or apply themselves to study for mental, physical or other reasons that preclude regular attendance.[\[10\]](#)[\[22\]](#)[\[9\]](#)

2. Students enrolled in nonpublic or private schools in which the subjects and activities prescribed by law are taught.[\[23\]](#)[\[3\]](#)
3. Students attending college who are also enrolled part-time in district schools, to include dual enrollment and middle college.[\[24\]](#)
4. Students attending a home education program in accordance with law.[\[25\]](#)[\[26\]](#)
5. Students fifteen (15) or sixteen (16) years of age whose enrollment in private trade or business schools has been approved.[\[3\]](#)
6. Students fifteen (15) years of age, and fourteen (14) years of age who have completed the highest elementary grade, engaged in farm work or private domestic service under duly issued permits.[\[10\]](#)
7. Students sixteen (16) years of age regularly employed during the school session and holding a lawfully issued employment certificate.[\[10\]](#)[\[17\]](#)

The SRC may excuse the following students from the requirements of attendance at district schools:

1. Students receiving tutorial instruction in a field not offered in the district's curricula from a properly qualified tutor approved by the Superintendent, when the excusal does not interfere with the student's regular program of studies.[\[16\]](#)[\[19\]](#)[\[3\]](#)
2. Homebound children unable to attend school on the recommendation of the school physician and the school psychologist or a psychiatrist and approval of the Secretary of Education of the Pennsylvania Department of Education.[\[22\]](#)

Religious Holidays and Religious Instruction

Upon written request by a parent/guardian, an absence for observance of a student's religion on a day approved by the SRC as a religious holiday shall be excused.[\[27\]](#)

The SRC shall, upon written request of the parents/guardians, release from attendance a student participating in a religious instruction program acknowledged by the SRC. Such instruction shall not require the child's absence from school for more than thirty-six (36) hours per school year, and its organizers must inform the SRC or their designee of the child's attendance record. The SRC shall not provide transportation to religious instruction.[\[27\]](#)[\[28\]](#)

No student so excused shall be deprived of an award, eligibility to compete for an award, the opportunity to make up a test or work missed, or penalized in any way due to an absence for a religious holiday or religious instruction.[\[27\]](#)

Educational Tours/Trips

The SRC may excuse a student from school attendance to participate in an educational tour or trip not sponsored by the district if the following conditions are met:[\[13\]](#)[\[9\]](#)

1. The parent/guardian submits a written request for excusal prior to the absence.
2. The student's participation has been approved by the Superintendent or the Principal.
3. The adult directing and supervising the tour or trip is acceptable to the parents/guardians and the Superintendent.
4. Educational tours and trips may only include college tours, trade school tours, career and technical training program tours, community college tours or tours of other non-school district schools.

The SRC may limit the number and duration of tours or trips for which excused absences may be granted to a student during the school term.

Delegation of Responsibility

The Superintendent or designee shall annually notify students, parents/guardians and staff about the district's attendance policy by publishing such policy in student/parent handbooks, on the district web site and through other efficient methods.[\[6\]](#)

The Superintendent or designee shall develop administrative procedures necessary for the implementation of this policy which:

1. Ensure a school session that conforms with requirements of state law and regulations.[\[29\]](#)[\[30\]](#)[\[31\]](#)[\[32\]](#)[\[33\]](#)[\[34\]](#)
2. Govern the keeping of attendance records in accordance with law.[\[35\]](#)[\[36\]](#)
3. Distribute annually to staff, students, and parents/guardians SRC policies and school rules and regulations governing student attendance, absences and excusals.[\[6\]](#)
4. Impose on truant students appropriate incremental disciplinary measures for infractions of school rules, but no penalty may have an irredeemably negative effect on the student's record beyond that which naturally follows absence from classroom learning experiences.[\[14\]](#)[\[15\]](#)[\[37\]](#)[\[38\]](#)[\[39\]](#)
5. Identify the habitual truant, investigate the causes of truant behavior, and consider modification of the student's educational program to meet particular needs and interests. Habitually truant refers to a student who has six (6) or more unexcused absences within a school year.

6. Ensure that students legally absent have an opportunity to make up work.
7. Issue written notice to any parent/guardian who fails to comply with the compulsory attendance law, within three (3) days of any proceeding brought under that law. Such notice shall inform the parent/guardian of the date(s) the absence occurred; that the absence was unexcused and in violation of law; that the parent/guardian is being notified and informed of his/her liability under law for the absence of the student; and that further violations during the school term will be prosecuted without notice.[\[14\]](#)[\[15\]](#)

Students may be referred to attendance improvement and truancy prevention and intervention initiatives established by the district. Students of compulsory school age may not be removed from district enrollment until they are first referred to regional truancy court.[\[38\]](#)[\[39\]](#)[\[40\]](#)[\[41\]](#)[\[42\]](#)

Legal References:

1. [24 P.S. 1301](#)
2. [24 P.S. 1326](#)
3. [24 P.S. 1327](#)
4. [22 PA Code 11.12](#)
5. [22 PA Code 11.13](#)
6. [22 PA Code 11.41](#)
7. [22 PA Code 12.1](#)
8. Pol. 200 - Enrollment of Students
9. [24 P.S. 1329](#)
10. [24 P.S. 1330](#)
11. [22 PA Code 11.23](#)
12. [22 PA Code 11.25](#)
13. [22 PA Code 11.26](#)
14. [24 P.S. 1333](#)
15. [24 P.S. 1354](#)
16. [22 PA Code 11.22](#)
17. [22 PA Code 11.28](#)
18. Pol. 115 - Career and Technical Education
19. Pol. 116 - Tutoring
20. Pol. 117 - Homebound Instruction
21. Pol. 118 - Independent Study
22. [22 PA Code 11.34](#)
23. [22 PA Code 11.32](#)
24. [22 PA Code 11.5](#)
25. [24 P.S. 1327.1](#)
26. Pol. 137 - Home Education Programs
27. [22 PA Code 11.21](#)
28. [24 P.S. 1546](#)
29. [24 P.S. 1501](#)

30. 24 P.S. 1504
31. 22 PA Code 11.1
32. 22 PA Code 11.2
33. 22 PA Code 11.3
34. 22 PA Code 4.4
35. 24 P.S. 1332
36. 24 P.S. 1339
37. 24 P.S. 1338
38. Pol. 218 - Student Discipline
39. Pol. 233 - Suspension and Expulsion
40. 24 P.S. 1318
41. 24 P.S. 2103
42. Pol. 236 - Student Assistance Program

Related Information:

24 P.S. 510

Philadelphia Home Rule Charter - 12-300

22 PA Code 11.24

22 PA Code 11.8

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PUPILS

TITLE: Unlawful Harassment of Students

ADOPTED: September 22, 2010

REVISED: To be Considered for Adoption at
the March 16, 2017 SRC Action
Meeting

248 UNLAWFUL HARASSMENT OF STUDENTS

Purpose

The School Reform Commission strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the district to maintain an educational environment in which harassment in any form is not tolerated.

Authority

The SRC prohibits all forms of unlawful harassment of students and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The SRC encourages students and third parties who have been harassed, or parents/guardians of students who have been harassed, to promptly report such incidents to the school principal or designee, or to any other member of the school staff, including teachers, guidance counselors, coaches and administrators.[\[1\]](#)[\[2\]](#)[\[3\]](#)

The SRC directs that complaints of harassment shall be investigated promptly, and corrective action taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. All parties will be treated with dignity and due process.

No reprisals nor retaliation shall occur as a result of good faith charges of harassment or participation in an investigation.

In the event that the district fails to investigate a complaint of harassment, fails to document the outcome of an investigation of harassment, or if harassment continues after an investigation has concluded, individuals may report the incident to the district's bullying line at 215-400-4000 and/or submit a complaint to bullying@philasd.org.

Definitions

For purposes of this policy, harassment shall consist of verbal, nonverbal, written, graphic or physical conduct relating to an individual's gender, age, race, color, sexual orientation (known or

perceived), gender identity expression (known or perceived), national origin, religion, disability, English language proficiency, socioeconomic status and/or political beliefs when such conduct:

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment.
2. Has the purpose or effect of substantially or unreasonably interfering with a student's education.
3. Otherwise adversely affects an individual's learning opportunities, safety or well-being.

For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, graphic or physical conduct of a sexual nature when:[\[5\]](#)

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status.
2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual.
3. Such conduct deprives a student of educational aid, benefits, services or treatment.
4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive educational environment.

Examples of sexual harassment, as defined above, include but are not limited to, sexual propositions; touching of a sexual nature; graffiti of a sexual nature; displaying or distributing sexually explicit drawings, pictures or written material; sexual gestures or touching oneself sexually in front of others; telling sexual or dirty jokes; spreading sexual rumors or rating other students as to sexual activity or performance; circulating or showing emails or websites of a sexual nature.

For purposes of this policy, the term sexual harassment includes sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.[\[2\]\[5\]](#)

Delegation of Responsibility

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the SRC shall designate a district Compliance Officer to coordinate the district's efforts to comply with this policy and applicable laws and regulations. [\[6\]](#)

The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the name, position, office address, telephone number and email address of the Compliance Officer.

The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of his/her fellow students and district employees and to ensure an atmosphere free from all forms of unlawful harassment.

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

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.
5. Take interim action, as necessary, to address prohibited conduct prior to the completion of the investigation.

Guidelines

The Code of Student Conduct, which shall incorporate this policy, shall be disseminated annually to students.

This policy shall be accessible in every classroom, posted in a prominent location within each school building and posted on the district website. The policy shall be made available in English and all other languages necessary to facilitate understanding by district residents.

This policy shall be reviewed with every district student within ninety (90) days after the initial adoption or a revision by the SRC, and annually on the first day of school thereafter.

Complaint Procedure – Student/Third Party

Step 1 – Reporting

A student or third party who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy, or the parent/guardian of a student, is encouraged to immediately report the incident to the building principal or designee, or to any other member of the school staff, including teachers, guidance counselors, coaches and administrators.

A school employee who witnesses, suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal or designee.

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

The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

Step 2 – Investigation

Upon receiving a complaint of unlawful harassment, the building principal or designee shall investigate the complaint, unless the building principal or designee is the subject of the complaint or is unable to conduct the investigation.

The building principal or designee shall conduct an adequate, reliable and impartial investigation and shall provide the opportunity for each party to present witnesses and other evidence.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The investigator shall attempt to secure statements from all participants in and witnesses to the complaint. The complainant shall not be required to meet face-to-face with the accused.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded. The investigator should coordinate with any other ongoing school or criminal investigations of the incident.

All investigations shall be completed by the assigned investigator within fourteen (14) days from the filing date of the complaint. Extenuating circumstances for not being able to comply with the deadline must be approved by the Compliance Officer. The extension must be a specified period of time not exceeding fourteen (14) days, and must be communicated to the complainant.

Step 3 – Investigative Report

The building principal or designee shall prepare and submit a written report to the Compliance Officer, which shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, the basis for the determination, and a recommended disposition of the complaint.

The complainant and the accused shall be provided written notice of the outcome of the investigation, including the recommended disposition of the complaint. The accused shall not be notified of the individual remedies offered or provided to the complainant.[\[7\]](#)

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases. The district shall take steps to prevent the recurrence of prohibited conduct and to correct the discriminatory effect on the complainant and others, if appropriate. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.[\[7\]](#)

Disciplinary actions shall be consistent with the Code of Student Conduct, SRC policies and administrative procedures, and state and federal laws, and may include educational activities and/or counseling services.

If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.
4. The Compliance Officer may confirm, refuse or modify any finding or corrective action as part of the appeal procedure.

Legal References:

1. 43 P.S. 951 et seq - 1955 Act 222 PENNSYLVANIA HUMAN RELATIONS ACT

2. 20 U.S.C. 1681 et seq - 20 U.S. Code Chapter 38 - DISCRIMINATION BASED ON SEX OR BLINDNESS
3. 29 CFR 1606.8 - 29 CFR 1606.8 - Harassment
4. 29 CFR 1604.11 - 29 CFR 1604.11 - Sexual harassment
5. Office for Civil Rights - Questions and Answers on Title IX and Sexual Violence
6. Pol. 103 - Nondiscrimination In School And Classroom Practices
7. 20 U.S.C. 1232g - 20 U.S. Code § 1232g - Family educational and privacy rights

Related Information:

Office for Civil Rights – Revised Sexual Harassment Guidance: Harassment of Students By

School Employees, Other Students, or Third Parties

Philadelphia Commission on Human Relations Guidance

Pol. 103.1 - Nondiscrimination – Qualified Students With Disabilities/Protected Handicapped Students

Pol. 249 - Bullying/Cyberbullying

Pol. 806 - Child Abuse

THE SCHOOL DISTRICT OF PHILADELPHIA
BULLYING AND HARASSMENT REPORTING AND INVESTIGATION FORM

Definitions: Bullying, harassment, and intimidation are taken seriously by the School District and will not be tolerated. For complete definitions of what constitutes these behaviors, please see SRC Policies 248 and 249.

Directions: This form should be used to report acts of bullying harassment, and intimidation that occurred in the school, on school grounds, in school vehicles, at a designated bus stop, in transit to and from school or at any off-site activity sponsored, supervised or sanctioned by the school. If you are a student victim, the parent/guardian of a student victim, or a school staff or community member that witnessed an act of bullying, harassment, or intimidation and wish to report the incident, **complete Sections I and II of this form and return it to the Principal at the student victim's school. All investigations must begin at the school.** Principals or their designee are required to: 1.) **investigate** all reports within two (2) school days after receipt of the form, 2.) **complete Sections III and IV** of the Reporting and Investigation Form, and 3.) **submit the completed form** to (215) 400-4223 (fax) or sdpbullyingprevention@philasd.org (email) **within five (5) school days of the completion of the investigation.**

SECTION I. GENERAL INFORMATION

Today's Date: _____ / _____ / _____ School: _____
Month Day Year

Name: _____ Telephone: _____ Email: _____

Place an X in the appropriate box to describe your role

Student	<input type="checkbox"/>	Student - Witness	<input type="checkbox"/>	Parent/Guardian	<input type="checkbox"/>
School Staff	<input type="checkbox"/>	Other (specify): _____			

Bullying, Harassment, or Intimidation based on (check all that apply)

Race	<input type="checkbox"/>	Ethnicity	<input type="checkbox"/>	National Origin	<input type="checkbox"/>
Gender/Sex	<input type="checkbox"/>	Color	<input type="checkbox"/>	Disability	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	Disability	<input type="checkbox"/>	Other (specify): _____	

Alleged Victim: <small>(complete separate report for each victim)</small>	Name: _____	Grade: _____	Age: _____	Race: _____	Sex: _____	School (if known): _____	Is he/she a student? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Name: _____	Grade: _____	Age: _____	Race: _____	Sex: _____	School (if known): _____	Is he/she a student? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Name: _____	Grade: _____	Age: _____	Race: _____	Sex: _____	School (if known): _____	Is he/she a student? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Name: _____	Grade: _____	Age: _____	Race: _____	Sex: _____	School (if known): _____	Is he/she a student? <input type="checkbox"/> Yes <input type="checkbox"/> No

If identity of accused person(s) is unknown, explain: _____

Parent/Guardian Contact Name: _____ Home Phone: _____ Daytime Phone: _____

Information for Alleged Victim: _____

Interpreter Services Needed: Yes No If yes, describe: _____

THE SCHOOL DISTRICT OF PHILADELPHIA

BULLYING AND HARASSMENT REPORTING AND INVESTIGATION FORM

SECTION II. DESCRIBE THE INCIDENT(S)

When did the incident(s) occur? Date: Time: Location:

Place an X next to the statement(s) that best describes what happened (choose all that apply):

- Any bullying, harassment, or intimidation that involves physical aggression
Demeaning and making the victim of jokes
Intimidating, extorting, or exploiting
Spreading harmful rumors or gossip
Getting another person to hit or harm the student
Making rude and/or threatening gestures
Electronic Communication (specify):
Teasing, name-calling, making critical remarks, or threatening, in person or by other means
Excluding or rejecting the student
Other (specify):

Did a physical injury result from this incident?
Was the student victim absent from school as a result of the incident?
Did a psychological injury result from this incident?

Witness Information: Name: Grade: Race: Sex: Student School Staff Other (specify):

Please describe the incident(s): (attach additional pages if necessary)

THE SCHOOL DISTRICT OF PHILADELPHIA

BULLYING AND HARASSMENT REPORTING AND INVESTIGATION FORM

SECTION III. INVESTIGATION OF REPORT (To be completed by the Principal or Principal's Designee)

Name of person who conducted the investigation: _____ Title/Position: _____ Telephone: _____ Email: _____

Start of Investigation: _____ / _____ / _____ End of Investigation: _____ / _____ / _____
Month Day Year Month Day Year

Describe investigation and evidence collected and considered, including witness statements:
(attach additional pages if necessary)

SECTION IV. FINDINGS AND ACTIONS TAKEN (To be completed by the Principal or Principal's Designee)

After investigation of the incident, for the following reasons I conclude:
(attach additional pages if necessary)

Do you believe the accused person's conduct was based on gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, English language proficiency, socioeconomic status and/or political beliefs? Yes No

Basis for this belief: (please note if there are multiple incidents involving the same students)

Actions taken (interventions) regarding alleged victim(s): (attach additional pages if necessary)

Actions taken (interventions and/or disciplinary action) regarding accused person(s): (attach additional pages if necessary)

THE SCHOOL DISTRICT OF PHILADELPHIA
BULLYING AND HARASSMENT REPORTING AND INVESTIGATION FORM

Date of Disciplinary Action (if applicable): _____ / _____ / _____
Month Day Year

Actions taken (interventions and/or disciplinary action) regarding witness/bystander student(s): (attach additional pages if necessary)

Date of Disciplinary Action (if applicable): _____ / _____ / _____
Month Day Year

If no disciplinary action was taken, please explain:

Was Intervention Plan(s) completed in Schoolnet? Yes No Completed by: _____ Title/Position: _____

If necessary, was incident reported in SIMS? Yes No Reported by: _____ Title/Position: _____

If necessary, was incident reported to PPD? Yes No Reported by: _____ Title/Position: _____

If Yes, date of report: _____ / _____ / _____ Report received by: _____ Title/Position: _____
Month Day Year

Follow-up meeting with principal or principal's designee: Yes No Date of meeting: _____ / _____ / _____
Month Day Year

Did alleged victim(s) or their parent(s) ask to meet with principal or principal's designee? Yes No Date of meeting: _____ / _____ / _____
Month Day Year

List all those present at the meeting and state outcome of meeting and follow-up if any:

Report Preparer's Signature: _____ Title/Position: _____ Date Report Completed: _____
Month Day Year

SECTION V. ADDENDUM TO INITIAL FINDINGS AND ACTIONS TAKEN

Completed By: _____ Title/Position: _____ Date Addendum Completed: _____
Month Day Year

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: EMPLOYEES
 TITLE: Employment of Substitutes
 ADOPTED: To be Considered for Adoption at
 the March 16, 2017 SRC Action
 Meeting
 REVISED:

305 EMPLOYMENT OF SUBSTITUTES

Authority

This policy applies only to district employed substitutes.

Substitutes with the required level of skills and competencies shall be employed by the district in order to provide continuity in the educational programs, operations and services of the schools.

The district shall maintain a list of the names of potential substitute employees and the positions in which they may substitute. Additional names may be added to the list of substitutes on an as-needed basis.

A candidate's misstatement of fact material to qualifications for employment or determination of salary shall constitute grounds for dismissal by the School Reform Commission.

Pre-Employment Requirements

The district shall conduct an employment history review in compliance with state law prior to issuing an offer of substitute employment to a candidate. The employment history review shall remain valid as long as the substitute continues to be employed by the district or remains on the approved substitute list. Failure to accurately report required information shall subject the candidate to discipline up to, and including, denial of employment or termination if already hired, and may subject the candidate to civil and criminal penalties. The district may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment and may report the information as permitted by law.[\[1\]](#)

A candidate shall not be employed until the individual has complied with the mandatory background check requirements for criminal history and child abuse and the district has evaluated the results of that screening process.[\[2\]](#)[\[3\]](#)

Each candidate shall report, on the designated form, arrests and convictions as specified on the form. Candidates shall likewise report arrests and/or convictions that occur subsequent to initially submitting the form. Failure to accurately report such arrests and convictions may subject the individual to denial of employment, termination if already hired, and/or criminal prosecution.[\[3\]](#)

A candidate for employment in the district or with designated substitute services providers shall be ineligible to commence employment without evidence of his/her certification, when such certification is required. [\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)

Compensation

Substitutes shall be paid on a per diem basis at a rate set periodically by the SRC for the various classes of employees or as required by an applicable collective bargaining agreement.

Delegation of Responsibility

The Superintendent or designee shall develop administrative procedures regarding employment of substitutes.

The administration may seek recommendations from former employers and others to assess the candidate's qualifications. Such recommendations and references shall be retained confidentially and for official use only.

The Superintendent or designee shall recommend retention on the approved substitute list only for those substitutes who have satisfactorily performed their duties.

The Superintendent or designee shall prepare a written statement for all approved substitutes informing them of their pay rate, employee status, work schedule, and other matters that enable them to perform their duties to the best of their ability. A copy of this statement shall be placed in the employee's personnel file.

Legal References:

1. [24 P.S. 111.1](#)
2. [23 Pa. C.S.A. 6344](#)
3. [24 P.S. 111](#)
4. [22 PA Code 49.1 et seq](#)
5. [24 P.S. 1109](#)
6. [24 P.S. 1201](#)
7. [24 P.S. 2070.2](#)

Related Information:

[24 P.S. 108](#)

[24 P.S. 406](#)

[24 P.S. 1101](#)

[24 P.S. 1106](#)

[24 P.S. 1148](#)

[Philadelphia Home Rule Charter - 12-308](#)

[Philadelphia Home Rule Charter - 12-401](#)

22 PA Code 8.1 et seq

23 Pa. C.S.A. 6301 et seq

Pol. 104 - Nondiscrimination in Employment Practices

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: EMPLOYEES
 TITLE: Evaluation of Employees
 ADOPTED: April 27, 1981
 REVISED: To be Considered for Adoption at
 the March 16, 2017 SRC Action
 Meeting

313 EVALUATION OF EMPLOYEES

Purpose

Evaluation is a continuing process in which the administrative, professional and support employees and the respective supervisors cooperatively identify strengths and weaknesses in an individual's job performance. Employee evaluations shall be used to assess and improve performance, encourage professional growth, promote positive behavior, and facilitate attainment of district goals and objectives.

Authority

The School Reform Commission shall approve plans for regular, periodic evaluations of administrative, professional and support employees consistent with law, applicable administrative compensation plans, individual contracts, collective bargaining agreements, and SRC resolutions. Central office administrative staff are not covered by this policy.[\[1\]\[2\]](#)

Delegation of Responsibility

The Superintendent or designee shall develop plans for the evaluation of district employees and shall ensure that evaluation plans are reviewed periodically and updated as necessary.

Evaluations shall be performed by the Superintendent or by an assistant administrator, supervisor, or principal who has supervision over the work of the employee being evaluated and is designated by the Superintendent to perform the evaluation.

Guidelines

Evaluation plans shall:

1. Be clear and unambiguous in intent and language.
2. Establish reasonable standards.
3. Apply in a consistent and uniform manner to all employees in the same class.

4. Place emphasis on the identification and development of the knowledge, skills and attitudes which improve employee competency.

Efforts shall be made to involve the employee in developing specific performance goals and methods for attaining such goals, to the greatest extent possible.

Findings of an evaluation shall be objective and shall cite observable and verifiable data.

The evaluation plan for professional employees and temporary professional employees shall utilize the appropriate state-approved rating form or an alternative rating tool approved by the SRC and the Pennsylvania Department of Education.[\[1\]\[2\]](#)

All completed evaluation materials shall be confidential and disclosed only as the law may provide.

Legal References:

1. 24 P.S. 1108
2. 24 P.S. 1123

Related Information:

24 P.S. 1122

Philadelphia Home Rule Charter - 12-300

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: EMPLOYEES

TITLE: Conduct/Disciplinary Procedures

ADOPTED: To be Considered for Adoption at
the March 16, 2017 SRC Action
Meeting

REVISED:

317 CONDUCT/DISCIPLINARY PROCEDURES

Authority

All administrative, professional and support employees are expected to conduct themselves in a manner consistent with appropriate and orderly behavior. Effective operation of district schools requires the cooperation of all employees working together and complying with a system of School Reform Commission policies, administrative procedures and rules, applied fairly and consistently.

The SRC requires employees to maintain professional, moral and ethical relationships with students at all times. [1]

The SRC directs that all district employees shall be informed of conduct that is required and is prohibited during work hours and the disciplinary actions that may be applied for violation of SRC policies, administrative procedures and rules, the School District of Philadelphia Employee Code of Ethics, and the Pennsylvania Code of Professional Practice and Conduct for Educators, where applicable. [2][3]

When demotion or dismissal charges are filed against a certificated administrative or professional employee, a hearing shall be provided as required by applicable law and collective bargaining agreements. Non-certificated administrative and support employees may be entitled to a hearing, at the employee's request. [4][5][6][7][8][9]

All district employees shall comply with state and federal laws and regulations, SRC policies, administrative procedures and rules, and the School District of Philadelphia Employee Code of Ethics and rules; endeavor to maintain order; perform assigned job functions; and carry out directives issued by supervisors.

When engaged in assigned duties, district employees shall not participate in activities that include but are not limited to the following:

1. Physical or verbal abuse, or threat of harm, to anyone.
2. Nonprofessional relationships with students.[1]

3. Causing intentional damage to district property, facilities or equipment.
4. Forceful or unauthorized entry to or occupation of district facilities, buildings or grounds.
5. Use, possession, distribution, or sale of alcohol, drugs or other illegal substances.[10]
6. Use of profane or abusive language.
7. Breach of confidential information.
8. Failure to comply with directives of district officials, security officers, or law enforcement officers.[4]
9. Carrying onto or possessing a weapon on school grounds without authorization from the appropriate school administrator.
10. Violation of SRC policies, administrative procedures and rules, and the School District of Philadelphia Employee Code of Ethics.[4]
11. Violation of federal, state, or applicable municipal laws or regulations.[4]
12. Conduct that may obstruct, disrupt, or interfere with teaching, research, service, operations, administrative or disciplinary functions of the district, or any activity sponsored or approved by the SRC.

Guidelines

Head Start Program Staff

District employees providing services in the Prekindergarten Head Start program shall comply with the policies and procedures and standards of conduct for program staff.[11][12][13]

Decisions to dismiss any person who works primarily for the Prekindergarten Head Start program shall be made in accordance with the policies and procedures approved by the Prekindergarten Head Start Policy Council and the SRC.

Delegation of Responsibility

The Superintendent or designee shall develop and disseminate disciplinary rules for violations of SRC policies, administrative procedures and rules, and the School District of Philadelphia Employee Code of Ethics that provide progressive penalties including, but not limited to, verbal warning, written warning, reprimand, suspension, demotion, dismissal, and/or pursuit of civil and criminal sanctions.

Arrest or Conviction Reporting Requirements

Employees shall use the designated form to report to the Superintendent or designee, within seventy-two (72) hours of the occurrence, an arrest or conviction required to be reported by law.[\[14\]](#)[\[15\]](#)

Employees shall also report to the Superintendent or designee, in writing, within seventy-two (72) hours of notification, that the employee has been named as a perpetrator in a founded or indicated report pursuant to the Child Protective Services Law.[\[16\]](#)

An employee shall be required to submit new criminal history background checks if the Superintendent or designee has a reasonable belief that the employee was arrested or has been convicted of an offense required to be reported by law, and the employee has not notified the Superintendent or designee.[\[14\]](#)

An employee shall be required immediately to submit a new child abuse history certification if the Superintendent or designee has a reasonable belief that the employee was named as a perpetrator in a founded or indicated report or has provided written notice of such occurrence.[\[16\]](#)

Failure to accurately report such occurrences may subject the employee to disciplinary action, up to and including termination and criminal prosecution.[\[14\]](#)[\[16\]](#)

Legal References:

1. Pol. 824 - Maintaining Professional Adult/Student Boundaries
2. 22 PA Code 235.1 et seq
3. Pol. 317.1 - Educator Misconduct
4. 24 P.S. 1122
5. 24 P.S. 1126
6. 24 P.S. 1127
7. 24 P.S. 1128
8. 24 P.S. 1129
9. 24 P.S. 1130
10. Pol. 351 - Alcohol, Drug and Substance Abuse
11. 42 U.S.C. 9837
12. 45 CFR 1301.31
13. 45 CFR 1304.50
14. 24 P.S. 111
15. 24 P.S. 2070.9a
16. 23 Pa. C.S.A. 6344.3

Related Information:

24 P.S. 2070.1a et seq

Philadelphia Home Rule Charter - 12-300

Philadelphia Home Rule Charter - 12-308

2 Pa. C.S.A. 551 et seq

23 Pa. C.S.A. 6301 et seq

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: EMPLOYEES

TITLE: Educator Misconduct

ADOPTED: To be Considered for Adoption at
the March 16, 2017 SRC Action
Meeting

REVISED:

317.1 EDUCATOR MISCONDUCT

Purpose

The School Reform Commission adopts this policy to promote the integrity of the education profession and to create a climate within district schools that fosters ethical conduct and practice.

Authority

The SRC requires certificated district employees to comply with the Code of Professional Practice and Conduct and the requirements of the Educator Discipline Act.[\[1\]\[2\]](#)

Definitions

Educator - shall mean a person who holds a certificate.[\[3\]](#)

Certificate - shall mean any Commonwealth of Pennsylvania certificate, commission, letter of eligibility or permit issued under the School Code.[\[3\]](#)

Sexual Abuse or Exploitation - shall mean any of the following:[\[4\]](#)

1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:
 - a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
 - b. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
 - c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.

- d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.
2. Any of the following offenses committed against a child: rape; statutory sexual assault; involuntary deviate sexual intercourse; sexual assault; institutional sexual assault; aggravated indecent assault; indecent assault; indecent exposure; incest; prostitution; sexual abuse; unlawful contact with a minor; or sexual exploitation.

Sexual Misconduct - any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student, such acts include but are not limited to:[\[3\]](#)

1. Sexual or romantic invitation.
2. Dating or soliciting dates.
3. Engaging in sexualized or romantic dialog.
4. Making sexually suggestive comments.
5. Self-disclosure or physical disclosure of a sexual or erotic nature.
6. Any sexual, indecent, romantic or erotic contact with a child or student.

Delegation of Responsibility

Duty to Report

The Superintendent or designee shall report to the Pennsylvania Department of Education on the required form, within fifteen (15) days of receipt of notice from an educator or discovery of the incident, any educator:[\[5\]](#)

1. Who has been provided with notice of intent to dismiss or remove for cause, notice of removal from eligibility lists for cause, or notice of intent not to reemploy for cause;
2. Who has been arrested or convicted of any crime that is graded a misdemeanor or felony;
3. Against whom there are any allegations of sexual misconduct or sexual abuse or exploitation involving a child or student;
4. Where there is reasonable cause to suspect that s/he has caused physical injury to a child or student as the result of negligence or malice;
5. Who has resigned or retired or otherwise separated from employment after a school entity has received information of alleged misconduct under the Educator Discipline Act;

6. Who is the subject of a report filed by the school entity under 23 Pa. C.S. Ch. 63 (relating to child protective services); and[6]
7. Who the school entity knows to have been named as a perpetrator of an indicated or founded report under 23 Pa. C.S. Ch. 63.

An educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Superintendent and his/her immediate supervisor, within fifteen (15) days of discovery of such misconduct.[5]

All reports submitted to the Pennsylvania Department of Education shall include an inventory of all information, including: documentary and physical evidence in possession or control of the school relating to the misconduct resulting in the report.[5]

An educator who is arrested or convicted of a crime shall report the arrest or conviction to the Superintendent or designee, within seventy-two (72) hours of the occurrence, in the manner prescribed in SRC policy.[5][7][8]

Failure to comply with the reporting requirements may result in professional disciplinary action.[9]

Guidelines

Investigation

School officials shall cooperate with the Pennsylvania Department of Education during its review, investigation, or prosecution, and shall promptly provide the Pennsylvania Department of Education with any relevant information and documentary and physical evidence upon request.[10]

Upon receipt of notification in writing from the Pennsylvania Department of Education, the Superintendent or designee shall investigate the allegations of misconduct as directed by the Department and may pursue its own disciplinary procedure as established by law or by collective bargaining agreement.[10]

Within ninety (90) days of receipt of notification from the Pennsylvania Department of Education directing the school district to conduct an investigation (extensions may be requested), the Superintendent or designee shall report to Department the outcome of its investigation and whether it will pursue local employment action. The Superintendent or designee may make a recommendation to the Department concerning discipline. If the district makes a recommendation concerning discipline, it shall notify the educator of such recommendation.[10]

Confidentiality Agreements

The district shall not enter into confidentiality or other agreements that interfere with the mandatory reporting requirement.[\[10\]](#)

Confidentiality

Except as otherwise provided in the Educator Discipline Act, all information related to any complaint, any complainant, or any proceeding related to discipline shall remain confidential unless or until public discipline is imposed.[\[11\]](#)

Immunity

Any person who, in good faith, files a complaint or report, or who provides information or cooperates with the Pennsylvania Department of Education or Professional Standards and Practices Commission in an investigation or proceeding shall be immune from civil liability. The district also is immune from civil liability for the disclosure of information about the professional conduct of a former or current employee to a prospective employer of that employee.[\[12\]](#)

Legal References:

1. 22 PA Code 235.1 et seq
2. 24 P.S. 2070.1a
3. 24 P.S. 2070.1b
4. 23 Pa. C.S.A. 6303
5. 24 P.S. 2070.9a
6. Pol. 806 - Child Abuse
7. 24 P.S. 111
8. Pol. 317 - Conduct/Disciplinary Procedures
9. 24 P.S. 2070.9c
10. 24 P.S. 2070.11
11. 24 P.S. 2070.17b
12. 24 P.S. 2070.17a

Related Information:

23 Pa. C.S.A. 6301 et seq

24 P.S. 2070.1a et seq

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: EMPLOYEES

TITLE: Sick Leave

ADOPTED: To be Considered for Adoption at
the March 16, 2017 SRC Action
Meeting

REVISED:

334 SICK LEAVE

Authority

School Reform Commission policy for certificated and non-certificated administrative, professional and support employees shall ensure that eligible employees receive paid sick leave days annually, in accordance with law, an administrative compensation plan, individual contract, applicable collective bargaining agreement, provisions of the employee handbook, or SRC resolution. Unused leave shall be cumulative.[\[1\]](#)

Misuse of sick leave shall be considered a serious infraction subject to disciplinary action.[\[2\]](#)

The SRC shall consider the application of any eligible employee for an extension of sick leave, pursuant to law where applicable, when the employee's own accumulated sick leave is exhausted.[\[1\]](#)

Guidelines

Whatever the claims of disability, no day of absence shall be considered a sick leave day if the employee has engaged in or prepared for other gainful employment, or has engaged in any activity that would raise doubts regarding the validity of the sick leave request.

An employee on sick leave who wishes to leave the employee's primary residence for a continuous period of time must obtain approval from the Director of Employee Health Services.

Proof of Disability

An employee absent on sick leave is required to present a physician's signed certification of illness or disability if absent for more than three (3) consecutive days.[\[1\]](#)

A physician's statement may not be presumed to conclusively establish the employee's disability. This statement will be reviewed by the district's Medical Doctor.

Records

Records of attendance shall be maintained for each employee. Absences and reasons for the absences shall be noted on absence cards (SEH-3 and SEH-86).[\[1\]](#)

A record shall be made of the unused sick leave days accumulated by each district employee.[\[1\]](#)

Upon termination of service, employees whose services were not terminated for intentional misconduct shall be reimbursed for twenty-five percent (25%) of their unused sick leave days.

Legal References:

1. 24 P.S. 1154
2. Pol. 317 - Conduct/Disciplinary Procedures

Related References:

Philadelphia Home Rule Charter - 12-300

Philadelphia Home Rule Charter - 12-308

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: EMPLOYEES

TITLE: Unlawful Harassment

ADOPTED: October 15, 1996

REVISED: To be Considered for Adoption at
the March 16, 2017 SRC Action
Meeting

348 UNLAWFUL HARASSMENT

Authority

The School Reform Commission strives to provide a safe, positive working climate for its administrative, professional and support employees. Therefore, it shall be the policy of the district to maintain an employment environment in which harassment in any form is not tolerated.

The SRC prohibits all forms of unlawful harassment of employees and third parties by all district students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools. The SRC encourages employees and third parties who have been harassed to promptly report such incidents to the designated administrators.[\[1\]\[2\]\[3\]\[4\]\[5\]](#)

While unlawful harassment will not be tolerated by any employee, supervisors shall be held to the highest of conduct standards and shall be subject to a higher level of discipline when engaging in unlawful harassment.

The SRC directs that complaints of harassment shall be investigated promptly, and corrective action taken when allegations are substantiated, in accordance with the provisions of any applicable collective bargaining agreement and state and federal laws. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. Only those with a "need to know" will be apprised of the complaint, and staff participants in the complaint process shall be informed of their duty of confidentiality to the process as well.

The basic rights of all concerned shall be respected at all times. No reprisals nor retaliation shall occur as a result of good faith charges of harassment or participation in an investigation.

Definitions

For purposes of this policy, harassment shall consist of verbal, nonverbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, sex, age, disability, sexual orientation, religion or genetic information when such conduct:[\[4\]\[5\]](#)

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to perform job functions or creates an intimidating, threatening or abusive work

environment.

2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance.
3. Otherwise adversely affects an individual's employment opportunities.

For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, graphic or physical conduct of a sexual nature when:[\[6\]](#)

1. Acceptance of such conduct is made, explicitly or implicitly, a term or condition of an individual's continued employment.
2. Submission to or rejection of such conduct is the basis for employment decisions affecting the individual.
3. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive work environment.

Examples of sexual harassment, as defined above, include but are not limited to, sexual propositions; touching of a sexual nature; graffiti of a sexual nature; displaying or distributing sexually explicit drawings, pictures or written material; sexual gestures or touching oneself sexually in front of others; telling sexual or dirty jokes; spreading sexual rumors or rating other students as to sexual activity or performance; circulating or showing emails or websites of a sexual nature.

For purposes of this policy, the term sexual harassment includes sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.[\[2\]\[7\]](#)

Delegation of Responsibility

In order to maintain a work environment that discourages and prohibits unlawful harassment, the SRC designates the Chief Talent Officer and Office of General Counsel as the district's Compliance Officers. [\[8\]](#)

The Compliance Officer(s) shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the name, position, office address, telephone number and email address of the Compliance Officer(s).

The administration shall be responsible to provide training for students and district employees regarding unlawful harassment and the district's policy prohibiting unlawful harassment,

including procedures for the filing and investigation into unlawful harassment complaints.
[9][10]

Each employee shall be responsible to maintain a working environment free from all forms of unlawful harassment.

Any supervisor who receives a harassment complaint or who has reason to believe harassment is occurring shall refer to SRC policy and the procedures for processing harassment complaints.

The building principal/immediate supervisor or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the employee or third party of the right to file a complaint and the complaint procedure.
2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer(s) if the building principal/immediate supervisor is the subject of the complaint.
4. Take interim action, as necessary, to address prohibited conduct prior to the completion of the investigation.

Guidelines

An employee or third party may utilize either the informal or formal complaint procedure.

Informal Complaint Procedure – Employee/Third Party

Where behaviors may be offensive and the offended party has a desire to stop the behavior(s) without resorting to the formal procedure, the employee or third party may notify the offending party directly, but is not required to do so. The employee or third party may also request a supervisor to intervene by notifying the alleged offender that the specific offensive behavior(s) will not be tolerated in the workplace. In such case, the supervisor must discuss the matter with the alleged offender, and, if warranted, require that s/he participate in nondisciplinary counseling. The supervisor shall document actions taken and inform the Chief Talent Officer in writing. Copies will also be forwarded to the Law Department of the School District of Philadelphia. The accused shall have the right of representation during his/her interview with the supervisor as required by the applicable collective bargaining agreement.

If the complainant is not satisfied with the result of the informal process, s/he may submit a formal complaint in accordance with this policy.

Formal Complaint Procedure – Employee/Third Party

Step 1 – Reporting

An employee or third party who believes s/he has been subject to conduct by any employee or third party that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal/immediate supervisor.

If the building principal/immediate supervisor is the subject of a complaint, the employee or third party shall report the incident directly to a Compliance Officer.

The complainant is encouraged to use the report form available from the building principal/immediate supervisor.

Step 2 – Investigation

Upon receiving a written complaint of unlawful harassment, the building principal/immediate supervisor shall immediately notify the Compliance Officer(s). The Compliance Officer(s) shall authorize the building principal/immediate supervisor to investigate the complaint, unless the building principal/immediate supervisor is the subject of the complaint or is unable to conduct the investigation.

The building principal or designee shall conduct an adequate, reliable and impartial investigation and shall provide the opportunity for each party to present witnesses and other evidence.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

The investigator shall attempt to secure statements from all participants in and witnesses to the complaint. The accused shall have the right of representation during his/her interview as required by the applicable collective bargaining agreement or district practice.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded. The investigator should coordinate with any other ongoing school or criminal investigations of the incident.

The failure of the accused to participate in the investigation into a written complaint shall be grounds for discipline, up to and including possible discharge for cause.

All investigations shall be completed by the assigned investigator within sixty (60) days from the filing date of the complaint. Extenuating circumstances for not being able to comply with the deadline must be approved by the Compliance Officer(s). The extension must be a specified period of time not exceeding twenty-five (25) days, and must be communicated to the complainant.

Step 3 – Investigative Report

The building principal/immediate supervisor shall prepare and submit a written report to the Compliance Officer(s), which shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, the basis for the determination, and a recommended disposition of the complaint.

The complainant and the accused shall be provided written notice of the outcome of the investigation, including the recommended disposition of the complaint. The accused shall not be notified of the individual remedies offered or provided to the complainant.

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases. The district shall take steps to prevent the recurrence of prohibited conduct and to correct the discriminatory effect on the complainant and others, if appropriate. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with SRC policies, administrative procedures, applicable collective bargaining agreements, and state and federal laws.

If it is concluded that an employee has knowingly made a false complaint under this policy, such employee shall be subject to disciplinary action, up to and including possible discharge.[11]

Appeal Procedure

1. If the complainant or accused is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Compliance Officer(s) within fifteen (15) days of her/his receipt of written notice of final disposition/action taken.
2. The Compliance Officer(s) shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer(s) shall prepare a written response to the appeal within fifteen (15) days. This time period may be extended by the Compliance Officer(s) under circumstances where winter, spring or summer break coincides with the investigatory period or for other reasonable cause. Copies of the response shall be provided to the complainant, the accused and the building principal/immediate supervisor who conducted the initial investigation.

Legal References:

1. 43 P.S. 951 et seq
2. 20 U.S.C. 1681 et seq
3. 42 U.S.C. 2000e et seq
4. 42 U.S.C. 2000ff et seq
5. 29 CFR 1606.8

6. 29 CFR 1604.11
7. Office for Civil Rights - Questions and Answers on Title IX and Sexual Violence
8. Pol. 104 - Nondiscrimination in Employment Practices
9. Pol. 248 - Unlawful Harassment (Students)
10. Pol. 348 - Unlawful Harassment (Employees)
11. Pol. 317 - Conduct/Disciplinary Procedures

Related Information:

Philadelphia Code of Ordinances (Fair Practices Ordinance) - 9-1101 et seq

REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT

Complainant: _____
Home Address: _____
Home Phone: _____
School Building: _____
Date of Alleged Incident(s): _____

Alleged harassment was based on: _____

Name of person you believe violated the district's unlawful harassment policy:

If the alleged discrimination was directed against another person, identify the other person:

Describe the incident as clearly as possible, including what force, if any, was used; verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved. Attach additional pages if necessary: _____

When and where incident occurred: _____

List any witnesses who were present: _____

This complaint is based on my honest belief that _____ has harassed me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: OPERATIONS

TITLE: Public Records

ADOPTED: April 27, 1981

REVISED: To be Considered for Adoption at
the March 16, 2017 SRC Action
Meeting

801 PUBLIC RECORDS

Purpose

The School Reform Commission recognizes the importance of maintaining public records as the record of the district's activities and the repository of information about the district. The public has the right to inspect and procure copies of public records, with certain exceptions, subject to law.

Definitions

Business day - Monday through Friday during regular business hours, except those days when the district administrative office is closed for all or part of the day due to a federal/state/city holiday; a natural or other disaster; or due to the request or direction of local, state or federal law enforcement agencies or officials.

Business hours - for purposes of assessing the date of receipt of a request, the regular business hours are 8:00 a.m. to 5:00 p.m.

Financial record - any account, voucher or contract dealing with the receipt or disbursement of funds or acquisition, use or disposal of services, supplies, materials, equipment or property; or the salary or other payments or expenses paid to an officer or employee, including the individual's name and title; and a financial audit report, excluding the audit's underlying work papers.[\[1\]](#)

Interim response - the district's notice informing a requester that the district is extending its deadline to respond to a request for records.[\[14\]](#)

Public record - a record, including a financial record, that is not protected by a defined privilege or is not exempt from being disclosed under one of the exemptions set forth in Pennsylvania's Right-to-Know Law or under any other federal or state law or regulation, or judicial decree or order.

Record - information, regardless of physical form or characteristics, that documents a district transaction or activity and is created, received or retained pursuant to law or in connection with a district transaction, business or activity, including: a document; paper; letter; map; book; tape;

photograph; film or sound recording; information stored or maintained electronically; and a data-processed or image-processed document.

Response - the district's notice informing a requester of a granting of access to a record or the district's written notice to a requester granting, denying, or partially granting and partially denying access to a requested record.

Requester - a legal resident of the United States, or an agency, who requests access to a record.

Authority

The SRC shall make the district's public records available for inspection and duplication to a requester during the regular business hours, in accordance with law.[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

The SRC has the discretion to adopt any other written policies, consistent with law, that the SRC deems to be necessary or prudent.[\[4\]](#)

Delegation of Responsibility

The District shall designate an employee of the district to serve as the Open Records Officer, who shall be responsible to:[\[6\]](#)

1. Receive written requests for access to records submitted to the district.
2. Review and respond to written requests in accordance with law.
3. Direct requests to other appropriate individuals in the district or in another agency.
4. Track the district's progress in responding to requests.
5. Issue interim and final responses to submitted requests.

The district may designate a Deputy or Secondary Open Records Officer to act in the absence or unavailability of the Open Records Officer.

Upon receiving a request for access to a record, the Open Records Officer shall:[\[6\]](#)[\[7\]](#)[\[8\]](#)

1. Note the date of receipt on the written request.
2. Compute and note on the written request the day on which the five-day period for response will expire.
3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled.

4. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

Guidelines

Requesters may access and procure copies of the public records of the district during regular business hours.[\[5\]](#)

A requester's right of access does not include the right to remove a record from the control or supervision of the Open Records Officer or custodian.

When responding to a request for access, the district is not required to create a record that does not exist nor to compile, maintain, format or organize a record in a manner which the district does not currently use.[\[9\]](#)

The district shall post the following information at the district administrative office and on the district's website:[\[10\]\[4\]](#)

1. Contact information for the Open Records Officer.
2. Contact information for the state's Office of Open Records or other applicable appeals officer.
3. The form to be used to file a request, with a notation that the state Office of Open Records form may also be used if the district decides to create its own form.
4. SRC policy and administrative procedures governing requests for access to the district's public records.

Request for Access

A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer.[\[10\]\[11\]\[4\]](#)

Written requests may be submitted to the district in person, by mail, to a designated facsimile machine, and to a designated email address.

Any request for access to a public record that is received after the close of business hours or on a day the administrative offices are closed shall be deemed to have been received by the Open Records Officer on the following business day.

The standard request form from the Pennsylvania Office of Open Records shall be accepted for submission of requests.

It is within the district's discretion to determine whether a written request for access to a public record that is not addressed to the district's Open Records Officer and is not submitted on an acceptable request form is a request requiring the district's response pursuant to law.

Each request must include the following information:[\[11\]](#)[\[5\]](#)

1. Identification or description of the requested record, with sufficient specificity for the district to understand what record is being requested.[\[11\]](#)
2. Medium in which the record is requested (electronic or hard copy).
3. Name and address of the individual to receive the district's response.

The district shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.[\[11\]](#)

The district may but is not required to respond to verbal or anonymous requests; however, if a requester wishes to pursue the relief and remedies provided for in law, the request for access to records must be a written request.[\[13\]](#)

Fees

A requester may obtain copies of public records upon payment to the district of the established fee. Duplication fees are established by the state Office of Open Records.[\[12\]](#)

No fee may be imposed for review of a record to determine whether the record is subject to access under law, unless otherwise provided by law.[\[12\]](#)

Prior to granting access, the district may require prepayment of estimated fees as permitted by law.[\[12\]](#)

The district may waive duplication fees when the requester duplicates the record or the district deems it is in the public interest to do so.[\[12\]](#)

Response to Request

District employees shall be directed to immediately forward misdirected requests for access to public records to the Open Records Officer.[\[13\]](#)[\[6\]](#)

Upon receipt of a written request for access to a record, the Open Records Officer shall make a good faith effort to determine if the requested record is a public record and if the district has possession, custody or control of that record.[\[7\]](#)

The Open Records Officer shall respond as promptly as possible under the existing circumstances, and the initial response time shall not exceed five (5) business days from the date the written request is received by the Open Records Officer.[\[7\]](#)

The initial response shall grant access to the requested record; deny access to the requested record; partially grant and partially deny access to the requested record; or notify the requester of the need for an extension of time to fully respond.

If the district fails to respond to a request within five (5) business days of receipt, the request for access shall be deemed denied.[\[7\]](#)

Extension of Time

If the Open Records Officer determines that an extension of time is required to respond to a request, in accordance with the factors stated in law, written notice shall be sent within five (5) business days of receipt of request. The notice shall indicate that the request for access is being reviewed, the reason that the review requires an extension, a reasonable date when the response is expected, and an estimate of applicable fees owed when the record becomes available.[\[14\]\[7\]](#)

Up to a thirty-day extension for one (1) of the listed reasons permitted by law does not require the consent of the requester. If the response is not given by the specified date, it shall be deemed denied on the day following that date.

A requester may consent in writing to an extension that exceeds thirty (30) days, in which case the request shall be deemed denied on the day following the date specified in the notice if the Open Records Officer has not provided a response by that date.

Granting of Request

If the Open Records Officer determines that the request will be granted, the response shall inform the requester that access is granted and either include the requested records with its response, provide electronic access, inform the requester that the records are available for inspection at the administrative office subject to the scheduling of a time for inspection, direct the requester to a publicly accessible electronic website to access the information, or advise the requester that a duplication fee must be paid prior to receipt of the records.

A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. However, the district is not required to permit access to its computers or computers of individual employees.[\[5\]](#)

The Open Records Officer may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means or that the district shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the district's notice, submits a written request to have the record converted to paper, the district shall provide access in printed form within five (5) days of receipt of the request for conversion to paper and upon payment of any applicable duplication fees.[\[15\]\[5\]](#)

A public record that the district does not possess but is possessed by a third party with whom the district has contracted to perform a non-ancillary governmental function and which directly

relates to that governmental function shall be considered a public record of the district. When the district contracts with such a third party, the district shall require the contractor to agree in writing to comply with requests for such records and to provide the district with the requested record in a timely manner to allow the district to comply with law.[\[16\]](#)

If the Open Records Officer determines that a public record contains information both subject to and not subject to access, the Open Records Officer shall grant access to the information subject to access and deny access to the information not subject to access. The Open Records Officer shall redact from the record the information that is not subject to access. The Open Records Officer shall not deny access to a record if information is able to be redacted.[\[17\]](#)

If the Open Records Officer responds to a requester that a copy of the requested record is available for delivery at the administration office and the requester does not retrieve the record within sixty (60) days of the district's response, the district shall dispose of the copy and retain any fees paid to date.[\[18\]](#)

Notification to Third Parties

When the district produces a record that is not a public record in response to a request, the Open Records Officer shall notify any third party that provided the record to the district, the person that is the subject of the record, and the requester.[\[19\]](#)

The Open Records Officer shall notify a third party of a request if the third party provided the record to the district and included a written statement signed by a representative of the third party that the requested record contains a trade secret or confidential proprietary information, in accordance with law and administrative procedures. The third party shall have five (5) business days from receipt of notification to provide input on the release of the record.[\[19\]](#)

Denial of Request

If the Open Records Officer denies a request for access to a record, whether in whole or in part, a written response shall include the following:[\[20\]\[7\]](#)

1. Description of the record requested.
2. Specific reasons for denial, including a citation of supporting legal authority.
3. Name, title, business address, business telephone number, and signature of the Open Records Officer on whose authority the denial is issued.
4. Date of the response.
5. Procedure for the requester to appeal a denial of access.

The Open Records Officer may deny a request for access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the district.[\[16\]](#)

The Open Records Officer may deny a request for access to a record when timely access is not possible due to a disaster, or when access may cause physical damage or irreparable harm to the record. To the extent possible, a record's contents shall be made accessible even when the record is physically unavailable.[\[16\]](#)

Information that is not subject to access and is redacted from a public record shall be deemed a denial.[\[17\]](#)[\[20\]](#)

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Pennsylvania Office of Open Records within the time period established by law of the mailing date of the Open Records Officer's response or deemed denial.[\[8\]](#)

Legal References:

1. [65 P.S. 67.102](#)
2. [65 P.S. 67.302](#)
3. [65 P.S. 67.305](#)
4. [65 P.S. 67.504](#)
5. [65 P.S. 67.701](#)
6. [65 P.S. 67.502](#)
7. [65 P.S. 67.901](#)
8. [65 P.S. 67.1101](#)
9. [65 P.S. 67.705](#)
10. [65 P.S. 67.505](#)
11. [65 P.S. 67.703](#)
12. [65 P.S. 67.1307](#)
13. [65 P.S. 67.702](#)
14. [65 P.S. 67.902](#)
15. [65 P.S. 67.704](#)
16. [65 P.S. 67.506](#)
17. [65 P.S. 67.706](#)
18. [65 P.S. 67.905](#)
19. [65 P.S. 67.707](#)
20. [65 P.S. 67.903](#)

Related Information:

[24 P.S. 518](#)

[65 P.S. 67.101 et seq](#)

[42 U.S.C. 12101 et seq](#)

[28 CFR Part 35](#)

Pol. 800 - Records Management

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: OPERATIONS

TITLE: Copyright Material

ADOPTED: April 27, 1981

REVISED: To be Considered for Adoption at
the March 16, 2017 SRC Action
Meeting

814 COPYRIGHT MATERIAL

Authority

The School Reform Commission emphasizes that federal law makes it illegal for anyone to duplicate copyrighted materials without permission. The SRC acknowledges that severe penalties are provided for unauthorized copying of audio, visual, software, online or printed materials unless the copying falls within the bounds of the fair use doctrine.[\[1\]](#)

Definition

Under the fair use doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. In order for the duplication or alteration of a product to fall within the bounds of fair use, four (4) standards must be met:

1. *Purpose And Character Of The Use* – The use must be for such purposes as teaching or scholarship and must be nonprofit.
2. *Nature Of The Copyrighted Work* – Staff may make single copies of: book chapters for use in research, instruction or preparation for teaching; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals or newspapers.
3. *Amount And Substantiality Of The Portion Used* – Copying the whole of a work cannot be considered fair use; copying a small portion may be considered fair use if appropriate guidelines are followed.
4. *Effect Of The Use Upon The Potential Market For Or Value Of The Copyrighted Work* – If resulting economic loss to the copyright holder can be shown, making even a single copy of certain materials may be an infringement; and making multiple copies presents the danger of greater penalties.

Delegation of Responsibility

Staff may make copies of copyrighted school district materials that fall within the established administrative procedures. Where there is reason to believe the material to be copied does not fall within the administrative procedures, prior permission shall be obtained from the principal.

Staff members who fail to adhere to this policy and administrative procedures may be held personally liable for copyright infringement.

Staff members shall be responsible for instructing students in fair copyright practices and academic integrity, including guidance on citing resources appropriately.

Guidelines

It is the policy of the district that all professional materials produced by district employees, in execution of official duties, shall be protected by copyright. The copyright shall be in the name of the School District of Philadelphia. [2]

It is the policy of the district to deny requests for copies of documents that are marked as protected by a copyright of a third party. However, those documents may be available for inspection subject to any applicable law restricting access to exempt, privileged or confidential information. [3]

Legal References:

1. 17 U.S.C. 101 et seq
2. Pol. 319 - Outside Activities
3. Ali v. City of Philadelphia, 1335 C.D. 2014 (Cmwlth. Ct, Oct. 1, 2015)

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: OPERATIONS

TITLE: Acceptable Use of Internet,
Technology, and Network
Resources

ADOPTED: March 15, 2012

REVISED: To be Considered for Adoption at
the March 16, 2017 SRC Action
Meeting

815 ACCEPTABLE USE OF INTERNET, TECHNOLOGY, AND NETWORK RESOURCES

Purpose

The School District of Philadelphia provides students, staff, parents/guardians and other authorized individuals with access to technology, computing equipment, electronic communication systems and network resources, which includes Internet access, whether wired or wireless, or by any other means. This access has a limited education purpose for students and is to facilitate employees' work productivity.

For instructional purposes, the use of Internet, technology and network resources shall be consistent with the curriculum adopted by the district, as well as the varied instructional needs, learning styles, abilities and developmental levels of students.

Definitions

The term child pornography is defined under both federal and state law.

Child pornography - under federal law, is any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:[\[1\]](#)

1. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
2. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct;
or
3. Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

Child pornography - under state law, is any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of eighteen (18) years engaging in a prohibited sexual act or in the simulation of such act.[\[2\]](#)

The term harmful to minors is defined under both federal and state law.

Harmful to minors - under federal law, is any picture, image, graphic image file or other visual depiction that:[\[3\]](#)[\[4\]](#)

1. Taken as a whole, with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
2. Depicts, describes or represents in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or lewd exhibition of the genitals; and
3. Taken as a whole lacks serious literary, artistic, political or scientific value as to minors.

Harmful to minors - under state law, is any depiction or representation in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:[\[5\]](#)

1. Predominantly appeals to the prurient, shameful, or morbid interest of minors;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
3. Taken as a whole lacks serious literary, artistic, political, educational or scientific value for minors.

Obscene - any material or performance, if:[\[5\]](#)

1. The average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest;
2. The subject matter depicts or describes in a patently offensive way, sexual conduct described in the law to be obscene; and
3. The subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

Technology protection measure - a specific technology that blocks or filters Internet access to visual depictions that are obscene, child pornography or harmful to minors.[\[4\]](#)

Authority

The district has the right to place restrictions on the use of equipment, resources and material users access or disclose through the district's Internet, computers and network resources. Users are expected to follow School Reform Commission policies and administrative procedures governing conduct and discipline, and law and regulations, in their use of the district's Internet, technology and network resources. This access has not been established as a public access service or a public forum.

All district employees and students shall have access to the Internet through the district's private network. Parents/Guardians may specifically request that their children not be provided such access by notifying the district in writing.

The district makes no guarantee that the functions or the services provided by or through the district Internet, computers or network resources will be error-free or without defect. The district is not responsible for any damage suffered, including, but not limited to, loss of data or interruptions of service.

The district is not responsible for the accuracy or quality of the information obtained through or stored on the Internet or network resources. The district shall not be responsible for financial obligations arising through the unauthorized use of the Internet or network resources.

The SRC declares that computer and network use is a privilege, not a right. The district's computer and network resources are the property of the district. Users shall have no expectation of privacy in anything they create, store, send, delete, receive or display on or over the district's Internet, computers or network resources, including personal files or any use of the district's Internet, computers or network resources. The district reserves the right to monitor, track, and log network access and use; monitor filespace utilization by district users; or deny access to prevent unauthorized, inappropriate or illegal activity and may revoke access privileges and/or administer appropriate disciplinary action. The district shall cooperate to the extent legally required with the Internet Service Providers (ISPs), local, state and federal officials in any investigation concerning or related to the misuse of the district's Internet, computers and network resources. [6][7][8]

Users must utilize the district's wired and wireless networks for access to the Internet when operating in or attending district schools and facilities. No other method or means of network access (e.g., modem, WiFi hotspot, personal Internet access, open WiFi networks, etc.) is permitted while connected to a district network or while using a district technology resource.

The SRC requires all users to fully comply with this policy and to immediately report any violations or suspicious activities to the Superintendent or designee.

The Superintendent and Chief Information Officer shall, by mutual agreement be permitted to make an exception to any provision contained within this policy, provided that such exception is:

1. In full compliance with all state and federal laws and regulations; and
2. Required to ensure the safety or security of district students, staff, parents/guardians, associates, technology systems or services; or
3. Deemed a critical operational necessity.

Filtering/Inappropriate Material

The district reserves the right to restrict access to any Internet sites or functions it deems inappropriate through established policy, or the use of software and/or online server blocking. Specifically, as required by law and in recognition of the need to establish a safe environment, the district operates and enforces a technology protection measure(s) that blocks or filters access to inappropriate matter by minors on its computers used and accessible to adults and students. The technology protection measure shall be enforced during use of computers and other electronic devices with Internet access. [\[3\]](#)[\[4\]](#)[\[9\]](#)

The SRC authorizes the Superintendent or designee to establish a list of materials that are inappropriate for access by users, which shall include but not be limited to: [\[4\]](#)

1. Obscene.
2. Child pornography.
3. Harmful to minors.
4. Other materials prohibited by law or this policy.

Upon request by staff, the Filtering Review Committee shall expedite review and may authorize the adjusting of Internet blocking/filtering software to enable access to material that is blocked through technology protection measures, in accordance with applicable law. [\[10\]](#)[\[3\]](#)[\[9\]](#)

Delegation of Responsibility

The district shall make every effort to ensure that students and staff use this resource responsibly.

The district shall inform staff, students, parents/guardians and other users about this policy through posting on the district website and by other appropriate methods. A copy of this policy shall be provided to parents/guardians, upon written request. [\[9\]](#)

By accessing the district's Internet, technology and network resources, users acknowledge awareness of the provisions of this policy, and awareness that the district uses monitoring systems to monitor and detect inappropriate use and may use tracking systems to track and recover lost or stolen equipment. [11]

The Chief Information Officer shall be responsible for the development, publication, implementation and ongoing administration and enforcement of the procedures, processes and techniques required to protect the district's technology systems and services from unauthorized access, loss or misuse.

School principals have the responsibility to establish a plan to ensure adequate supervision of students and are also responsible for interpreting and enforcing this policy at the local level.

Administrators, teachers and staff have a professional responsibility to work together to help students develop the intellectual skills necessary to discern among information sources, to

identify information appropriate to their age and developmental levels, and to evaluate and use the information to meet their educational goals.

Students, staff and other authorized individuals have the responsibility to respect and protect the rights of every other user in the district and on the Internet.

The Superintendent or designee shall be responsible for recommending technology and developing procedures and plans used to determine whether the district's computers are being used for purposes prohibited by law or for accessing sexually explicit materials. The procedures shall include, but not be limited to:[\[12\]](#)[\[3\]](#)[\[4\]](#)

1. Utilizing a technology protection measure that blocks or filters Internet access for minors and adults to certain visual depictions that are obscene, child pornography, harmful to minors with respect to use by minors, or determined inappropriate for use by minors by the SRC.
2. Maintaining and securing a usage log.
3. Monitoring online activities of minors.

The Superintendent or designee shall develop and implement administrative procedures that ensure students are educated on network etiquette and other appropriate online behavior, including:[\[4\]](#)

1. Interaction with other individuals on social networking websites and in chat rooms.
2. Cyberbullying awareness and response.[\[13\]](#)[\[14\]](#)

Guidelines

Email

The district-provided email is the official email of record for the district and must be used by employees for all official district business, including but not limited to email communication with district staff, students, parents/guardians, family members, associates, and external agencies and service providers.

Users shall not post, advertise or disclose for public viewing in either print or electronic form, the email address of any person or persons without their explicit permission.

Students may be given access to district-provided email with the explicit approval of the Superintendent or designee.

Guests/Contractors are not automatically eligible for a district email account. Email or network access accounts may be granted if directly sponsored by a district administrator and it has been determined by the Superintendent or designee that a technical need exists.

Users shall not utilize district-provided email or network accounts to register for any online service or social media platform that is not specifically authorized or sanctioned by the district. Additionally, users shall not utilize email to transmit sensitive information including, but not limited to, social security numbers, credit card numbers, bank account numbers, or passwords.

All electronic systems, hardware, software, temporary or permanent files and any related systems or devices used in the transmission, receipt or storage of email are the property of the district. Email messages are considered to be district property and may be retrieved, if necessary, from servers or individual computers even though deleted by the sender and receiver. Email communications that qualify as district records shall be maintained in accordance with applicable policy, administrative procedures and/or record retention schedule(s).[15]

Use of the district email system is subject to all applicable laws, regulations, SRC policies and district administrative procedures.

Safety

It is the district's goal to protect users of the network from harassment and unwanted or unsolicited electronic communications. Any network user who receives threatening, unwelcome or inappropriate electronic communications or inadvertently visits or accesses an inappropriate site shall report such immediately to a teacher or administrator.

Users shall not reveal personal information to other users on the network, including chat rooms, email, social networking websites, etc. Personal information includes, but is not limited to, name, email address, home address, telephone number, school address, work address, pictures or video clips.

Internet safety measures and administrative procedures shall effectively address the following:[\[12\]](#)[\[4\]](#)

1. Control of access by minors to inappropriate matter on the Internet and World Wide Web.
2. Safety and security of minors when using email, chat rooms, and other forms of direct electronic communications.
3. Prevention of unauthorized online disclosures or access by minors, including "hacking" and other unlawful activities.
4. Unauthorized disclosure, use, and dissemination of personal information regarding minors.
5. Restriction of minors' access to materials harmful to them.

Prohibitions

Users are expected to act in a responsible, ethical and legal manner in accordance with SRC policy and district administrative procedures, accepted rules of network etiquette, and federal and state laws and regulations. Specifically, the following uses are prohibited:

1. Users shall not use the district's Internet, technology or network resources to access, send, receive, transfer, view, share, or download material that is profane, obscene, pornographic, advocates illegal acts, or that advocates violence or discrimination towards other people (e.g. hate literature).[16]
2. Users shall not attempt to gain unauthorized access to any computer system or network. This includes attempting to log in through another person's account or access another person's files. These actions are illegal, even if only for the purposes of browsing, snooping, or electronic discovery.
3. Users shall not deliberately disrupt or harm hardware, systems or files; interfere with computer or network performance; interfere with another's ability to use equipment and systems; or destroy data.
4. Users shall not use the district's Internet, technology or network resources to engage in illegal acts, such as arranging for a drug sale or the purchase of weapons; engaging in criminal gang activity; threatening the safety of persons; and accessing, sharing, distributing or reproducing unauthorized copyrighted materials.[17][18][19][24][6]
5. Users shall not utilize peer-to-peer computer applications, file sharing services, or execute programs to facilitate the downloading or exchange of copyrighted or unauthorized materials.[19]
6. Users shall not solicit information with the intent of using such information to cause personal harm or bodily injury to another or others.
7. Users shall not post or distribute information that could endanger an individual, cause personal damage or cause service disruption.
8. Users shall not knowingly or recklessly post false or defamatory information about a person or organization.
9. Users shall not intentionally seek information on, obtain copies of, or modify files, data or passwords belonging to other users.
10. Users shall not directly or indirectly make network or computer connections that create backdoors to the district, other organizations, community groups, etc., thus allowing unauthorized access to the district's network or information systems.
11. Users shall not use obscene, profane, lewd, vulgar, rude, inflammatory, hateful, threatening or disrespectful language.

12. Users shall not engage in personal attacks, including prejudicial or discriminatory attacks.
13. Users shall not harass another person.[20][21]
14. Users shall not repost or distribute a message that was sent to them privately without the permission of the person who sent the message.
15. Users shall not forward or post chain letters or engage in spamming. Spamming is sending an annoying or unnecessary message to a large number of people.
16. Users shall not install, use or reproduce unauthorized or unlicensed software on district resources.[19]
17. Users shall not plagiarize works that they find on the Internet or other resources.[19]
18. Users shall not use district Internet, technology, or network resources for private business activities, commercial or for-profit purposes, product advertisement, or unreasonable personal use.
19. Users shall not use the district's Internet, technology, or network resources for political lobbying, politically oriented advocacy, or for matters related to the business of a collective bargaining unit or employee union.
20. Users shall not engage in bullying/cyberbullying. [\[13\]](#)[14]
21. Users shall not transmit material likely to be offensive or objectionable to recipients.
22. Users shall not engage in impersonation of another user, anonymity, and pseudonyms.
23. Users shall not disable or bypass the Internet blocking/filtering software without authorization. This includes, but is not limited to, the use of proxy avoidance software and hardware, network tunneling, or file sharing software.
24. Users shall not access, send, receive, transfer, view, share or download confidential information without authorization.
25. Users are prohibited from directly registering or obtaining Internet domain names, Internet address space, security certificates or other related Internet services on behalf of or representing any school, administrative office or the district as a whole.
26. Users may not acquire, contract with, or utilize unauthorized technology-based software, hardware, systems or external hosting services on behalf of or representing any school, administrative office or the district as a whole. Authorization for such use shall require explicit approval by the Superintendent or designee.

27. Students shall not agree to meet with someone they have met on the Internet without their parent's/guardian's approval and participation.
28. Students shall not access material that is harmful to minors or is determined inappropriate for minors in accordance with SRC policy.
29. Students shall not download files unless approved by their teacher.

Security

The electronic transfer or transmission of confidential information shall require the use of secure and encrypted communication protocols.

Use of employee ID numbers (EIDNs) and Social Security numbers (SSNs) shall be in accordance with SRC policy and administrative procedures.[22]

Users are responsible for the use of their individual access account(s) and should take all reasonable precautions to prevent others from being able to use their account(s), including coworkers, friends or family.

Every user ID, system account and application account must be authenticated with a password. System security is protected through the use of passwords. Failure to adequately protect or update passwords in accordance with established procedures could result in unauthorized access to personal or district files. To protect the integrity of the system, these guidelines shall be followed:

1. Users shall not reveal their passwords to another individual.
2. Users are not to use a computer that has been logged in under another student's, employee's or guest's name.
3. Every account shall be limited to one (1) active session at a time.
4. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the network.
5. Unauthorized attempts to log on to the district's network or systems, or any other network or systems, as a system administrator is prohibited.
6. Users should immediately notify a teacher or system administrator of any possible security problem.

Copyright

The illegal use of copyrighted materials is prohibited. Any data uploaded to or downloaded from the network shall be subject to fair use guidelines and applicable laws and regulations.[19][23]

Consequences for Inappropriate Use

Users shall be responsible for damages to technology equipment, systems, and software resulting from deliberate or willful acts.[9]

Illegal use of the network; intentional deletion or damage to files or data belonging to others; copyright violations; and theft of services shall be reported to the appropriate legal authorities for possible prosecution.

General rules for behavior and communications apply when using the Internet, in addition to the stipulations of this policy.[6]

Vandalism shall result in loss of access privileges, disciplinary action, and/or legal proceedings. Vandalism is defined as any malicious attempt to harm or destroy data of another user, Internet or other networks; this includes, but is not limited to, uploading or creating computer viruses.

Failure to comply with this policy or inappropriate use of the Internet, district network or technology shall result in usage restrictions, loss of access privileges, disciplinary action, and/or legal proceedings, in accordance with applicable law, regulations and SRC policies.[6][7][8]

Legal References:

1. 18 U.S.C. 2256
2. 18 Pa. C.S.A. 6312
3. 20 U.S.C. 6777
4. 47 U.S.C. 254
5. 18 Pa. C.S.A. 5903
6. Pol. 218 - Student Discipline
7. Pol. 233 - Suspension and Expulsion
8. Pol. 317 - Conduct/Disciplinary Procedures
9. 24 P.S. 4604
10. 24 P.S. 4610
11. Pol. 717.1 - Computers and Portable Computing Devices
12. 47 CFR 54.520
13. 24 P.S. 1303.1-A
14. Pol. 249 - Bullying/Cyberbullying
15. Pol. 800 - Records Management
16. Pol. 237 - Electronic Devices
17. Pol. 218.2 - Terroristic Threats
18. Pol. 227 - Controlled Substances/Paraphernalia
19. Pol. 814 - Copyright Material
20. Pol. 248 - Unlawful Harassment (Students)
21. Pol. 348 - Unlawful Harassment (Employees)

22. Pol. 344 - Employee Identification Numbers

23. 17 U.S.C. 101 et seq

24. Pol. 218.1 – Weapons

Related Information:

24 P.S. 4601 et seq

Pol. 103 - Nondiscrimination in School and Classroom Practices

Pol. 103.1 - Nondiscrimination-Qualified Students With Disabilities/Protected Handicapped Students

Pol. 104 - Nondiscrimination in Employment Practices

Pol. 220 - Student Expression/Distribution and Posting of Materials

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: OPERATIONS

TITLE: Automated External Defibrillator
(AED)/Cardiopulmonary
Resuscitation (CPR)

ADOPTED: October 5, 2011

REVISED: To be Considered for Adoption at
the March 16, 2017 SRC Action
Meeting

822 AUTOMATED EXTERNAL DEFIBRILLATOR (AED)/CARDIOPULMONARY RESUSCITATION (CPR)

Purpose

The School Reform Commission is committed to providing a safe and healthy environment for the school community. Maintaining automated external defibrillator (AED) units and staff trained in cardiopulmonary resuscitation (CPR) in the schools enables responders to deliver early defibrillation and resuscitation to victims.

Authority

Except in extenuating circumstances, each school shall have three (3) people certified in the use of cardiopulmonary resuscitation (CPR) during regular school hours when school is in session and students are present.[\[1\]](#)

The automated external defibrillator (AED) units are owned by the district and shall be properly maintained and located in secure and accessible locations. AED units must be checked at the beginning of every school year for batteries and pads.

AED units shall be present at all athletic competitions, including those held at recreation centers.

The automated external defibrillator (AED) units shall be used in accordance with approved district procedures.

Guidelines

Designated district employees shall be trained in CPR and AED procedures by completing a training program offered by approved providers. Those employees shall be provided opportunities for annual training and retraining.

Written guidelines for medical emergencies related to the use of automated external defibrillator (AED) units shall be provided to all designated employees.

Delegation of Responsibility

The Superintendent or designee shall develop and disseminate administrative procedures that detail the use of automated external defibrillator (AED) units.

Legal References:

1. 24 P.S. 1424 - 1949 Act 14 Section 1424 Cardiopulmonary Resuscitation

Related Information:

24 P.S. 1423 - 1949 Act 14 Section 1423 Automatic External Defibrillators

42 Pa. C.S.A. 8331.2 - Good Samaritan civil immunity for use of automated external defibrillator

42 Pa. C.S.A. 8332 - Emergency response provider and bystander good Samaritan civil immunity

42 Pa. C.S.A. 8337.1 - Civil immunity of school officers or employees relating to emergency care, first aid and rescue

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: OPERATIONS

TITLE: Breach of Computerized Personal Information

ADOPTED: To be Considered for Adoption at the March 16, 2017 SRC Action Meeting

REVISED:

830 BREACH OF COMPUTERIZED PERSONAL INFORMATION

Purpose

With the increased reliance upon electronic data, and the maintenance of personal information of students and employees in electronic format, the School Reform Commission is concerned about the risk of a breach in the district's electronic system security and the possible disclosure of personal information. This policy addresses the manner in which the district will respond to unauthorized access and acquisition of computerized data that compromises the security and confidentiality of personal information.

Authority

The SRC directs that district administrators shall provide appropriate notification of any computerized system security breach to any state resident whose unencrypted and unredacted personal information was or is reasonably believed to have been accessed or acquired by unauthorized persons.[\[1\]](#)

Definitions

Breach of the system's security - unauthorized access and acquisition of computerized data that materially compromises the security or confidentiality of personal information maintained by the district as part of the database of personal information regarding multiple individuals and that the district reasonably believes has caused or will cause loss or injury to any state resident. Good faith acquisition of personal information by an employee or agent of the school district for the purpose of the district is not a breach of the security of the system if the personal information is not used for a purpose other than the lawful purpose of the district and is not subject to further unauthorized disclosure.[\[2\]](#)

Individual - means any natural person, not an entity or company.

Personal information - includes an individual's first initial and last name in combination with and linked to any one or more of the following, when not encrypted or redacted:[\[2\]](#)

1. Social security number.

2. Driver's license number or state identification card number issued instead of a driver's license.
3. Financial account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account.

Personal information does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.[3]

Personal information does not include identification numbers that may be assigned by the district for the purposes of identifying and tracking employees, students, parents/guardians, contractors, volunteers and associates, within its information systems, records, or operational business processes.

Records - means any material, regardless of its physical form, on which information is recorded or preserved by any means, including written or spoken words, graphically depicted, printed or electromagnetically transmitted. This term does not include publicly available directories containing information that an individual has voluntarily consented to have publicly disseminated or listed, such as name, address or telephone number.[2]

Delegation of Responsibility

The Superintendent or designee shall ensure that the district provides notice of any system security breach, following discovery, to any state resident whose unencrypted and unredacted personal information was or is reasonably believed to have been accessed and acquired by an unauthorized person. Such notice shall be made without a reasonable delay, except when a law enforcement agency determines and advises the district in writing that the notification would impede a criminal or civil investigation, or the district must take necessary measures to determine the scope of the breach and to restore the reasonable integrity of the data system. The district will also provide notice of the breach if the encrypted information is accessed and acquired in an unencrypted form, if the security breach is linked to a breach of security of the encryption, or if the security breach involves a person with access to the encryption key.[4]

Legal References:

1. 73 P.S. 2301 et seq
2. 73 P.S. 2302
3. Pol. 801 - Public Records
4. 73 P.S. 2303

Related Information:

15 U.S.C. 1681a

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: COMMUNITY

TITLE: Public Participation in Commission Meetings

ADOPTED: October 5, 2011

REVISED: To be Considered for Adoption at the March 16, 2017 SRC Action Meeting

903 PUBLIC PARTICIPATION IN COMMISSION MEETINGS

Purpose

The School Reform Commission recognizes the value to school governance of public comment on educational issues and the importance of involving members of the public in SRC meetings. The SRC also recognizes its responsibility for proper governance of the district and the need to conduct its business in an orderly and efficient manner. [1]

Authority

The SRC shall adopt policy to govern public participation in SRC meetings necessary to conduct its meeting and to maintain order.[1][2][3]

In order to permit fair and orderly expression of public comment, the SRC shall provide an opportunity at each open meeting of the SRC for residents and taxpayers to comment on matters of concern, official action or deliberation before the SRC prior to official action by the SRC.[4]

If the SRC determines there is not sufficient time at a meeting for public comments, the comment period may be deferred to the next regular meeting or to a special meeting occurring before the next regular meeting.[4]

Delegation of Responsibility

The presiding officer at each public SRC meeting shall follow SRC policy for the conduct of public meetings. Where his/her ruling is disputed, it may be overruled by a majority of those SRC members present and voting. [1][3]

Guidelines

Whenever issues identified by the participant are subject to remediation under policies and procedures of the SRC, they shall be dealt with in accordance with those policies and procedures and the organizational structure of the district.

The SRC requires that public participants be:

1. Residents or taxpayers of this district.
2. Anyone representing a group in the community or school district.
3. Any representative of a firm eligible to bid on materials or services solicited by the SRC.
4. Any district employee.
5. Any district student.
6. Anyone having registered a legitimate interest in a contemplated action of the SRC.

The meeting agenda and all pertinent documents shall be available to the press and public at the meetings.

Public Comment

The public may submit comments to the SRC in writing and deliver them to the SRC office located at 440 North Broad Street, Suite 101, Philadelphia, PA 19130.

The public may submit spoken comments to the SRC by registering to address the SRC at a regularly scheduled or special meeting. The procedures for addressing the SRC are as follows:

1. Individuals must register with the district Office of Parent, Community and Family Engagement by calling 215-400-4180 no later than 4:30 p.m. on the business day immediately preceding the meeting at which they wish to address the SRC.
2. Individuals must register in their own name and cannot register on behalf of someone else.
3. Individuals representing an organization must identify that organization at the time they register.
4. Individuals must be recognized by the presiding officer and must preface their comments by an announcement of their name, group affiliation if applicable, and the subject on which they intend to address the SRC.
5. Individuals must bring seven (7) written copies of their comments with them to the meeting.
6. Individuals may speak for no more than three (3) minutes.
7. No more than four (4) individuals on the same side of an issue will be permitted to speak, though an unlimited number of individuals may leave written comments for the SRC to review.

8. No participant may speak more than once on the same topic, unless all others who wish to speak on that topic have been heard.
9. Individuals will be ruled out of order if they attempt to comment or complain about the conduct or performance of a particular district employee and will be directed to address their comments to the appropriate district administrator in accordance with SRC policy.[5]
10. Individuals will be ruled out of order if they attempt to make any remarks of a personal nature regarding any other individual, whether or not that person is present.
11. Individuals will be ruled out of order and asked to leave the meeting if they use any vulgar or profane language.

The presiding officer may:

1. Interrupt or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant.
2. Request any individual to leave the meeting when that person does not observe reasonable decorum.
3. Request the assistance of law enforcement officers to remove a disorderly person when his/her conduct interferes with the orderly progress of the meeting.
4. Call a recess or adjourn to another time when the lack of public decorum interferes with the orderly conduct of the meeting.
5. Suspend or alter any of the procedures related to addressing the SRC.[6][7]

Audience Protocols

In order to promote transparency and understanding of how the SRC governs the district, and to educate the public regarding district business, the SRC encourages members of the public to attend public meetings of the SRC.

To ensure that all individuals attending public meetings of the SRC have the opportunity to observe the meeting and hear those individuals who have registered to address the SRC, all members of the public attending all meetings shall be expected to:

1. Turn off or silence all cell phones, pagers, and other electronic devices.
2. Limit the displaying of signs, posters, or placards inside the room where the meeting is being held to appropriate locations.

3. Know that it is unlawful to disrupt public meetings and that individuals who do so may be prosecuted.[\[8\]](#)
4. Understand that the presiding officer may instruct that an individual be removed if s/he determines that they are disrupting the meeting.

Electronic recording devices and cameras, in addition to those used as official recording devices, shall be permitted at public meetings under guidelines established by the SRC.

Legal References:

1. Pol. 006 - Meetings
2. 65 Pa. C.S.A. 710
3. Pol. 903 - Public Participation in Commission Meetings
4. 65 Pa. C.S.A. 710.1
5. Pol. 906 - Public Complaints
6. 24 P.S. 407
7. Philadelphia Home Rule Charter - 12-209
8. 18 Pa. C.S.A. 5508

Related Information:

65 Pa. C.S.A. 701 et seq