

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 200 Pupils

TITLE: Student Records

ADOPTED: December 21, 2011

REVISED:

216 STUDENT RECORDS

Purpose

The District recognizes its responsibility for the collection, retention, disclosure and protection of student records. The **District** also recognizes the legal requirement to maintain the confidentiality of student records and prohibits the unauthorized access, reproduction, and/or disclosure of student education records and personally identifiable information from such records.

Definitions

Attendance - includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom and the period during which a person is working under a work-study program.[\[1\]](#)

Directory information - information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status; dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.[\[1\]](#)[\[2\]](#)

Directory information does not include a student's Social Security Number; or student identification (ID) number, except that directory information may include a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one (1) or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

Disclosure - permitting access to or the release, transfer or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party, except the party that provided or created the record.[\[1\]](#)

Education records - records that are directly related to a student, maintained by the school district or by a party acting for the District.[\[1\]\[2\]](#)

The term does not include:

1. Records kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to another individual ~~except a temporary substitute for the maker of the record.~~
2. Records of the law enforcement unit of an educational agency or institution, subject to the provisions of law and regulations.[\[3\]](#)
3. Records created or received by the district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
4. Grades on peer-graded papers before they are collected and recorded by a teacher.
5. Other records specifically excluded from the definition of education record under the Family Educational Rights and Privacy Act, and implementing regulations.

Eligible student - a student who has attained eighteen (18) years of age or is attending an institution of postsecondary education. ~~All rights accorded to and consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student. In cases where an eligible student is dependent upon the parent as defined in Section 152 of the Internal Revenue Code, the district shall make the education records accessible to the parent of said student.~~[\[1\]\[4\]](#)

Parent - includes a natural parent, a guardian or an individual acting as a parent of a student in the absence of a parent/guardian. The district shall give full rights to either parent unless the district has been provided with evidence that there is a state law, court order, or a legally binding document governing such matters as divorce, separation, or custody that specifically revokes these rights.[\[1\]\[5\]](#)

Personally identifiable information - includes, but is not limited to:[\[1\]](#)

1. The name of a student, the student's parents or other family members.
2. The address of the student or student's family.
3. A personal identifier, such as the student's social security number, student number, or biometric record.
4. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
5. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not

have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

6. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

Student - includes any individual who is or has been in attendance at the district and regarding whom the district maintains education records.[\[1\]](#)

Authority

The School Reform Commission shall adopt a comprehensive plan for the collection, maintenance and dissemination of student education records that complies with federal and state laws and regulations and state guidelines. Copies of the adopted student records plan shall be maintained by the district and revised as required by changes in federal or state law and regulations.[\[2\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)

Copies of the student records plan shall be submitted to the Department of Education, upon request.

Missing Child Registration

A missing child notation shall be placed on school records of a student under the age of eighteen (18) reported as missing to school officials by a law enforcement agency. **Such notation** shall be removed when the District is notified by the appropriate law enforcement agency that a missing child has been recovered.[\[18\]](#)

In the event **the District receives** a request for **information** from the school records of a missing child, **the District shall:**[\[19\]](#)

1. Attempt to obtain information on the identity **of the requester.**
2. Contact the appropriate law enforcement agency **to coordinate a response.**

No information in the records shall be released without written authorization from the law enforcement agency.

Delegation of Responsibility

The Superintendent or designee, in consultation with district staff, shall be responsible for developing, implementing, and monitoring the student records plan.

All district personnel having access to student education records shall receive periodic training in the requirements of SRC policy, student records plan, and applicable federal and state laws and regulations.

Each district teacher shall prepare and maintain a record of the work and progress of each student, including the final grade and a recommendation for promotion or retention.[\[10\]](#)

Mandated Regulatory Procedure

The District's plan for the collection, retention, disclosure and protection of student records shall provide for the following:

1. Adequate safeguards to protect the student and his/her family from an invasion of privacy when collecting, retaining and disclosing personally identifiable information.
2. Ensuring that parents and eligible students, including those who are disabled or have a primary language other than English, are effectively notified of their rights and the procedures to implement those rights, annually and upon enrollment.[\[20\]](#)
3. Procedures for inspecting, reviewing, and copying of a student's education records by parents and eligible students. The District may charge a fee for copies of records that are made for parents so long as the fee does not effectively prevent parents from exercising their right to inspect and review those records. The District shall not charge a fee to search for or to retrieve information in response to a parental request.[\[21\]](#)[\[22\]](#)[\[23\]](#)
4. Procedures for requesting the amendment of a student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.[\[24\]](#)
5. Procedures for requesting and conducting hearings to challenge the content of the student's education records.[\[25\]](#)[\[26\]](#)
6. Enumerating and defining the types, locations and persons responsible for education records maintained by the district.
7. Determining the types of personally identifiable information designated as directory information.[\[1\]](#)[\[27\]](#)
8. Establishing guidelines for the disclosure and redisclosure of student education records and personally identifiable information from student records.[\[28\]](#)
9. Reasonable methods for ensuring that school district officials obtain access to only those education records in which they have a legitimate educational interest. Such methods shall include criteria for determining who constitutes a school district official and what constitutes a legitimate educational interest.[\[20\]](#)[\[29\]](#)
10. Maintaining required records of requests for access and each disclosure of personally identifiable information from each student's education records.[\[30\]](#)
11. Ensuring appropriate review, retention, disposal and protection of student records.[\[31\]](#)
12. Transferring education records and appropriate disciplinary records to other school districts.[\[6\]](#)

Student Recruitment

Procedures for disclosure of student records and personally identifiable information shall apply equally to military recruiters and postsecondary institutions and shall comply with law and SRC policy.[32]

Legal References:

1. 34 CFR 99.3
2. 20 U.S.C. 1232g
3. 34 CFR 99.8
4. 34 CFR 99.5
5. 34 CFR 99.4
6. 24 P.S. 1305-A
7. 24 P.S. 1306-A
8. 24 P.S. 1402
9. 24 P.S. 1409
10. 24 P.S. 1532
11. 24 P.S. 1533
12. 22 PA Code 12.31
13. 22 PA Code 12.32
14. 22 PA Code 15.9
15. 22 PA Code 4.52
16. 34 CFR Part 300
17. 34 CFR Part 99
18. 35 P.S. 450.403-A
19. 35 P.S. 450.404-A
20. 34 CFR 99.7
21. 34 CFR 99.10
22. 34 CFR 99.11
23. 34 CFR 99.12
24. 34 CFR 99.20
25. 34 CFR 99.21
26. 34 CFR 99.22
27. 34 CFR 99.37
28. 34 CFR 99.30-99.39
29. 34 CFR 99.31
30. 34 CFR 99.32
31. Pol. 113.4 - Confidentiality of Special Education Student Information
32. Pol. 250 - Student Recruitment

Related Information:

- 35 P.S. 450.401-A et seq
- 22 PA Code 16.65
- 55 PA Code 3270.181-3270.185
- Pol. 216.1 - Supplemental Discipline Records

Comprehensive Management Plan
Pursuant to Policy #216 Student Records
Adopted:
Last Revised:

Overview

The following is a comprehensive plan for the collection, maintenance and disclosure of student records in the School District of Philadelphia. This plan will be reviewed annually and updated using industry best practices. Relevant staff will be trained on this plan annually using in-person and webinar trainings. Finally, this plan will be posted to the Office of Student Records Management website and circulated to all relevant school and central office staff electronically.

I. Purpose

The district recognizes its responsibility for the collection, retention, disclosure and protection of student records. The **District** also recognizes the legal requirement to maintain the confidentiality of student records and prohibits the unauthorized access, reproduction, and/or disclosure of student education records and personally identifiable information from such records.

II. Definitions

Attendance - includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and the period during which a person is working under a work-study program.[\[1\]](#)

Directory information - information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

Directory information includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status; dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.[\[1\]](#)[\[2\]](#)

Directory information - does not include a student's Social Security Number; or student identification (ID) number, except that directory information may include a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one (1) or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

Disclosure - permitting access to or the release, transfer or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party, except the party that provided or created the record.[\[1\]](#)

Education records - records that are directly related to a student, maintained by the school district or by a party acting for the school district.[\[1\]](#)[\[2\]](#)

The term does not include:

1. Records kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to another individual.
2. Records of the law enforcement unit of an educational agency or institution, subject to the provisions of law and regulations.[\[3\]](#)
3. Records created or received by the district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
4. Grades on peer-graded papers before they are collected and recorded by a teacher.
5. Other records specifically excluded from the definition of education record under the Family Educational Rights and Privacy Act and implementing regulations.

Eligible student - a student who has attained eighteen (18) years of age or is attending an institution of postsecondary education.

Parent - includes a natural parent, a guardian or an individual acting as a parent of a student in the absence of a parent/guardian. The district shall give full rights to either parent unless the district has been provided with evidence that there is a state law, court order, or a legally binding document governing such matters as divorce, separation, or custody that specifically revokes these rights.[\[1\]](#)[\[5\]](#)

Personally identifiable information - includes, but is not limited to:[\[1\]](#)

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

Student - includes any individual who is or has been in attendance at the district and regarding whom the district maintains education records[\[1\]](#).

Student Record - includes information that is taken obtained at registration to be enrolled in school

ELL Data Folder - (Waiting on language from ELL)

Special Education Confidential File- (waiting on language from SPED)

Discipline Records- (Waiting on language from Student Rights)

III. Responsibilities

The Office of Records Management shall be responsible for education record maintenance and access, and for the education of staff about maintenance and access procedures. The building principal is responsible for implementing School District policy concerning student education

records in the building. Responses to record requests will require at least forty-eight (48) hours for processing.

All school personnel having access to education records should receive training in security, with emphasis upon privacy rights of student and parents.

Records are to be kept secure at all times under the supervision of district personnel and in accordance with law, regulations, School District policy and the Records Management Plan.

Annual Notification of Rights

Parents and eligible students shall be notified annually and upon initial enrollment of:

1. The rights and procedures for parents or eligible students:
 - i. To access, inspect and review the student's education records; and
 - ii. To seek an amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights.
2. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations authorize disclosure without consent.
3. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of the FERPA and its implementing regulations.
4. The District's practice of permitting school officials with legitimate educational interests to access student records without prior consent of the parent or eligible student, as well as the criteria used by the district to determine who constitutes a school official and what constitutes a legitimate educational interest.
5. The types of personally identifiable information the district has designated as directory information; the parent's/eligible student's right to opt out of the disclosure of directory

information; and the time period within which a parent/eligible student has to notify the district, in writing, of their decision to opt out.

The annual notice may be provided through a letter to parents/eligible students, school district calendar, student/parent handbooks, school district newsletter, on the school district's website, and/or any other effective means.

The District will also ensure that parents and eligible students who are disabled or who have a primary language other than English are effectively notified of their rights and the procedures to implement those rights.

IV. STUDENT RECORD

A Student Record for each active student in grades K-12 should include the following documentation:

FOR ALL STUDENTS:

- Registration Form (EH-40), which incorporates Home Language Survey questions
- Birth Certificate/Proof of Birth
- Parent License, passport or state ID
- Proof of Address
- Past and current year report cards/transcripts
- Standardized Test results: PSSA reports, Terra Nova results, SAT and other key results

Recognizing the District's new Student Information system will become the official record for all school district students, in instances where students have a physical record it must be kept in the in the main office of the school. Physical records can also be located in a designated secure space in the school which has been deemed appropriate by the Office of Records Management.

When a physical record is digitized by scanning and uploaded to the Student Information System, the physical record will be stored off site in accordance with the existing practice of the Office of Records Management.

The record of students who are in the categories listed below should remain with the school of origin. In the event that the students returns to a District school, the folder must be located in the last school of record.

- Students on homebound instruction
- Students placed in approved private schools
- Students who have been placed in a disciplinary school

The following items should be included in the Student Record if applicable:

- Residency Affidavit
- Delegation of Parental Responsibility
- Court Orders/Agreements/Custody/Protection from Abuse (PFA) documents
- Foster Parent Information/Agency Letters
- Summer School grades (if applicable)
- Homebound grades (if applicable)
- Authorization to Release Confidential information
- 504 Plan

Please Note: At the end of the school year, the school records designee should remove all items from the Student Record that are not educationally necessary using the above list as a reference.

V: PROGRAMMATIC RECORD COLLECTION

FOR ALL ELL STUDENTS, THE DATA FOLDER SHOULD INCLUDE:

- ESOL Data Folder, which includes, WPAT test/WIDA Screener, entry letter, access results (for each year in the program), monitoring form, exit letter.

For existing hard copy files that are located in the school, the following process is to be followed:

- When a student turns 21 years of age prior to the first day of the new school year the files are prepared for long-term storage.
- Schools should follow established Records Management procedures to prepare files for storage.
- Files are moved according to birth year of student.

FOR ALL SPECIAL EDUCATION STUDENTS:

As of September 2003, all files are stored in the EZIEP system. Records are either created within the system or scanned into the system as an attachment. Scanned records include documents from other districts, information provided by parent or outside organizations, etc.

For existing hard copy files that are located in the school, the following process is to be followed:

- When a student turns 21 years of age prior to the first day of the new school year the files are prepared for long-term storage.
- Schools should follow established Records Management procedures to prepare files for storage.
- Files are moved according to birth year of student.

DISCIPLINE RECORDS:

Discipline Folder should be maintained in an agreed upon space with the Office of Records Management and the Office of Student Rights and Responsibilities. Discipline folders should include:

- Behavior Incident Reports
- Suspension Letters

For existing hard copy files that are located in the school, the following process is to be followed:

- When a student turns 21 years of age prior to the first day of the new school year the files are prepared for long-term storage.
- Schools should follow established Records Management procedures to prepare files for storage.
- Files are moved according to birth year of student.

NOTE: The following items should be kept in a separate binder, not in the Student Record:

- Bullying and Harassment Forms
- Referrals for excessive absence and/or truancy

Student Health Records

The District shall maintain a comprehensive health record for each child of school age, which shall include immunization information, results of vision and hearing screenings, results of state-mandated physical examinations, in-school treatment and medication dispensing or administration orders or prescriptions from physicians, treatment and medication dispensing or administration logs, and health-related information provided by parents.

All health records established and maintained by the District shall be confidential, and their contents shall be divulged only when necessary for the health of the child or at the request of the parent to a physician legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth of Pennsylvania.

Nursing/Student Health Record Folder maintained by School Nurse should include:

- Name, birth date, gender on folder
- Medical Alert Information: allergies, diabetes, seizure disorder
- Health History
- Immunization records
- Physicals
- Dental Exams
- Responses from health care referrals
- Other communications from health care professional (e.g., gym excuses)
- Medication Orders
- Eye exams
- Hearing exam results
- Individual Health Plans (as needed)

District Level Special Education Folder maintained by Special Education Department at Administration Building should include:

- Permission to Evaluate
- Evaluation Report (ER)
- Re-evaluations
- Individualized Education Program (IEP)
- Manifestation Determination
- Letters
- Other relevant documents

VI. Disclosure of Student Records

The District shall obtain the signed and dated written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of the student, other than directory information, except as specifically permitted by law and regulations. Signed and dated written consent may include a record and signature in electronic form that identifies and authenticates a particular person as the source of the electronic consent and indicates such person's approval of the information contained in the electronic consent.

When disclosure is made pursuant to signed and dated written consent, the district shall, upon request, provide the parent, eligible student, and/or student who is not an eligible student with a copy of the record(s) disclosed. Copies of the records disclosed are subject to district copying fees.

The District shall use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the District discloses personally identifiable information from education records.

However, the District may disclose personally identifiable information from the education records of a student without written consent of the parent(s) or the eligible student if the disclosure is:

1. To other school officials, including teachers, guidance counselors, nurses, and I.U. personnel within the school district who have been determined by the school district to have legitimate educational interests. A contractor, consultant, volunteer or other party providing educational services or functions may be considered a school official provided that the party:
 - a. Performs an institutional service or function for which the district would otherwise use employees;
 - b. Is under the direct control of the district with respect to the use and maintenance of education records; and
 - c. Uses the information only for the purposes for which disclosure was made and does not re-disclose information to any other party without the prior consent of the parent or eligible student.

The District shall use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

2. To officials of another school or school system or postsecondary schools in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment/transfer or where the student is enrolled and receiving services. Parents and eligible students may request a copy of, and be provided the opportunity to challenge, the contents of the records sent.
3. To authorized representatives of the state or federal government, subject to the conditions set forth in law and regulations.
4. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine the eligibility for, amount of, and conditions for aid, and to enforce the terms and conditions of the aid.
5. To organizations conducting studies for or on behalf of the district to develop, validate or administer predictive tests, administer student aid programs or improve instruction. Such disclosures are permissible only if:
 - a. The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information;
 - b. The information is destroyed when no longer needed for the purposes for which the study was conducted; and
 - c. The educational agency or institution enters into a written agreement with the organization that:
 - 1) Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
 - 2) Requires the organization to use personally identifiable information from education records only to meet the purpose(s) of the study as stated in the written agreement;

- 3) Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
- 4) Requires the organization to destroy or return to the educational agency or institution all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed.

6. To comply with a judicial order or lawfully issued subpoena:

a. The District shall make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance unless the disclosure is in compliance with:

1) A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

2) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

3) An *ex parte* order obtained by the U.S. Attorney General in connection with the investigation or prosecution of specified terrorism offenses (such as a temporary custody order) ; or

4) A court proceeding in which a parent is a party involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding.

b. The District may disclose to a court, without court order or subpoena, the education records of a student that are relevant for the district to proceed with or defend a legal action.

7. To appropriate parties, including parents of an eligible student, in connection with a health or safety emergency, subject to certain conditions, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
 - a. The District shall not be prohibited from including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community and disclosing appropriate information to teachers and school officials within the District or in other schools who the agency or institution has determined have legitimate educational interests in the behavior of the student.
 - b. In making a determination under this section, the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

In the event that personally identifiable information is disclosed due to a health or safety emergency, the District shall keep a record of the parties that received the information and the significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure.

8. Information designated by the school district as directory information, provided that parents and eligible students have received prior notice of the types of personally identifiable information the district has designated as directory information; the parent's/eligible student's right to opt out of the disclosure of directory information; and the time period within which a parent/eligible student has to notify the district, in writing, of their decision to opt out.

A parent or eligible student may not use the right to opt out of directory information disclosures to prevent the district from disclosing or requiring a student to disclose the student's name, identifier, or institutional email address in a class in which the student is enrolled; or requiring a student to wear, to display publicly, or to disclose a student ID card/badge that exhibits information that has been properly designated as directory information.

The District may continue to disclose directory information about former students without providing annual notice and opt out opportunities; however, the District must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt out request.

9. The District may not disclose or confirm directory information without obtaining written consent if a student's Social Security Number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.
10. To an agency caseworker or other representative of a state or local child welfare agency who has the right to access a student's case plan, as defined and determined by the state, when such agency or organization is legally responsible, in accordance with state law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the state laws applicable to protecting the confidentiality of a student's education records.
11. To the parents of a student who is not an eligible student or to the student.
12. As otherwise required or permitted by law and regulations.

Questions regarding the disclosure of information should be referred to the Building Principal or the Deputy Chief of Student Rights and Responsibilities.

VII. Special Disclosure Procedures

A. De-Identified Records and Information

The District may release education records or information without required consent after the removal of all personally identifiable information, provided that the District has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

The District may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. The District does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's Social Security Number or other personal information.

B. Re-disclosure of Records

The District will disclose information from education records only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student.

Information disclosed by the District is to be used by the party only for the purpose(s) for which the disclosure was made.

The District may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the district only if the requirements of law and regulations are met.

C. Transfer of Records to another School District or Charter School

Upon receiving a request for educational records, health records, or student disciplinary records from another school district or charter school where the student seeks or intends to enroll, the district shall forward the records within ten (10) business days of receipt of the request. A signed parent consent form is not required prior to this disclosure.

D. Responding To Subpoenas for Student Records

If a school employee receives a subpoena from any court or administrative body regarding student records, the school employee will immediately refer the subpoena to the Deputy Chief of Student Rights and Responsibilities (or designee).

F. Review and inspection of records by parents and/or eligible students

Requests by a parent or eligible student to inspect and review the education record of a student are to be directed to the principal of the school in which the student is enrolled or to the Office of Records Management for access to inactive records (e.g., graduates and withdrawals or special education records). Access shall be granted within a reasonable period of time not to exceed forty-five (45) calendar days after receiving the request. Review of records shall be permitted in the presence of the principal/designee for the purposes of security and assistance in explaining or interpreting the data. The District shall respond to any reasonable request for explanation and interpretation of the records.

If the education records of a student contain information about more than one (1) student, the parent of the student or the eligible student may inspect and review or be informed orally or in writing of only the specific information which pertains to that student.

If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the District shall provide the parent or eligible student with a copy of the records requested or make other arrangements for the parent or eligible student to inspect and review the requested records. Copies shall be provided at a reasonable rate as determined by the district in order to cover the cost of copying.

There shall be no fee to search for or to retrieve the education records of a student.

E. Record of requests and disclosures required to be maintained

The District shall maintain a record of each request for and each disclosure of personally identifiable information from the education records of a student. The District will maintain the record of disclosure with the education records of the student for as long as the records are maintained. For each disclosure, the record must include the parties who have requested or obtained personally identifiable information from the student's education records and the legitimate interests these parties had in requesting or obtaining the information.

If a disclosure is made, pursuant to a health or safety emergency, the District shall record the specific and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure, as well as the parties to whom the district disclosed the information.

The record of access shall include not only in-person access, but also cases where information is disclosed by any other means including, but not limited to, telephone, facsimile, email and/or mail. The school official permitting access/disclosure shall take necessary steps to confirm the identity of persons requesting student information and the legitimacy of the request.

The record of disclosure shall be available for inspection by parents, eligible students, school officials responsible for the custody of the records, and authorized representatives of the federal or state government for the purpose of auditing the district's recordkeeping procedures.

If the District discloses personally identifiable information from education records with the understanding that the party intends to re-disclose the information, the record of the disclosure must include:

1. The names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution; and
2. The legitimate interest which each of the additional parties has in requesting or obtaining the information.
3. This requirement does not apply to disclosures to authorized representatives of state and federal government to whom disclosure is permitted without parent/eligible student consent; however, the District will request a copy of the record of further disclosures

from the state and/or federal government in response to a parent's or eligible student's request to review such records.

VIII. Amendment of Education Records

A parent or eligible student who believes that information in education records collected, maintained or used by the district is inaccurate, misleading or violates the student's privacy or other rights, has the right to request that the District correct, amend or delete the information under the following procedures:

1. The parent or eligible student shall submit, in writing to the building principal, a request for amendment, which shall include a brief statement, which specifies the record(s) to be amended and the reason that an amendment is requested.
2. The building principal shall decide whether to amend the information in accordance with the requests of the parent or eligible student within a reasonable time period not more than thirty (30) calendar days after receipt of the request.
3. If the building principal decides to amend the information in accordance with the request, the building principal shall notify the parent or eligible student, in writing, of the decision to amend the record.
4. If the building principal decides not to amend the information as requested, the building principal shall inform the parent or eligible student, in writing, of his/her decision, the specific reason(s) for the refusal, and the right to request a hearing.

Inaccuracies in student records can be changed at any point after a child has transferred to a new school; enrolled in further education; moved on to a different school in the district, graduated or withdrawn from the district, regardless of time constraints.

If the parent or eligible student is not satisfied with the principal's decision to not amend the record, s/he may submit a written request for a hearing to challenge the information in the student's education records to the Office of Appeals or designee within thirty (30) days of receiving the principal's decision.

The District shall hold the hearing within a reasonable time, not to exceed forty-five (45) calendar days, after receiving the request for a hearing and provide the parent or eligible

student reasonable advanced written notice of the date, time, and place of the hearing. The District shall inform the parent or eligible student of its decision in writing within forty-five (45) calendar days after the hearing.

The hearing shall be conducted in accordance with the following requirements:

1. The hearing shall be conducted by a school official who does not have a direct interest in the outcome of the hearing.
2. The parent or eligible student shall have a full and fair opportunity to present relevant evidence.
3. The parent or eligible student may, at his/her own expense, be assisted or represented by one or more individuals of his/her choice, including an attorney.
4. The decision shall be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, the District decides that the information is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights, the District shall amend the information accordingly and inform the parent or eligible student in writing.

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

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

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

IX. SUPPLEMENTAL MAINTENANCE PROCEDURES

Maintenance and destruction of information

The district shall maintain and destroy the educational records of all its students consistent with the district records retention schedule.

Annual review of student records

In June of each school year, each Student Record should be reviewed by the appropriate personnel to ensure that required items are in the folder and that other items are purged.

Review of student records at transition years – K to 1st, 5th to 6th and 8th to 9th

Although Cumulative and other Student Folders are reviewed on an annual basis, a comprehensive file review should also take place at the following transition times: Kindergarten Center to 1st grade, elementary school to middle school, and middle school to high school.

Review of student records prior to transitioning to another District school

When a student transitions within the district, the designated office staff should review the Student Record to verify that all required items are included and to remove all non-required items. The designee reviews the list of items required to be in the Student Record (see Section I of this document). If an item was placed in the folder on an “as-needed basis,” it is evaluated to determine if it remains educationally necessary. Purged documents are shredded.

The same process should occur for special folders such as the Nursing Folder, ELL Folder and all others.

Record procedures for students placed on homebound or in an out-of-district placement

When the District places a student on homebound instruction or in an out-of-district placement, Student Records **MUST** be maintained at the last attended school on record. At graduation, student files are treated the same as any other graduate.

Record procedures for students who withdraw from the district

When a student withdraws from the District, the designated office staff reviews the Student Records to verify that all required items are included and to remove all non-required items (see Section I of this document). If an item was placed in the folder on an “as-needed basis,” it is evaluated to determine if it remains educationally necessary. Purged documents are shredded.

No request for records: When there is no request for records from another school, the Student Record is held on file at the school until the student reaches the age of 21. At that time, only basic information required to be kept for 100 years is retained at the school. This can be in the form of a registration card.

Request for records from other districts: When there is a request for records from another school district in Pennsylvania, **copies** of the Student Record it should be forwarded to the requesting district. The school retains the **original Student Record** until the student reaches the age of 21. At that time, only basic information required to be kept for 100 years is retained at the school. This can be in the form of a registration card.

Records collection from Elementary/Middle schools for long-term storage: Student Record that do not transition out of a respective school shall remain in the school until the student turns 21 years of age. Once the student reaches that age, schools will follow the established Records Management procedures for long term storage.

Records collection from High schools for long-term storage: Student Record of students who graduate will be prepared for long term storage using the established Records Management criteria one (1) school year after graduation. All other Student Record must remain in the school until the student turns 21 years of age. Once the student reaches that age, schools will follow the established Records Management procedures for long term storage.

References:
Board Policy 216,

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 200 Pupils

TITLE: Hazing

ADOPTED:

REVISED:

HAZING (NEW)

Purpose

The purpose of this policy is to maintain a safe, positive environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the district and are prohibited at all times.

Definitions

For purposes of this policy, hazing is defined as any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a person or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition of continued membership in, any organization. The term shall include, but not be limited to:[\[1\]](#)

1. Any brutality of a physical nature, such as whipping, beating, branding;
2. Forced calisthenics;
3. Exposure to the elements;
4. Forced consumption of any food, liquor, drug or other substance;
5. Any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which is intended to or could result in humiliation, extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual; or
6. Any willful destruction or removal of public or private property.

For purposes of this policy, any activity, as described above, upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be “forced” activity, the willingness of an individual to participate in such activity notwithstanding.[\[1\]](#)

For purposes of this policy, student activity or organization is defined as any organization, team, club, society, or group operating under the sanction of or recognized as an organization by the district.

Authority

The School Reform Commission prohibits hazing in connection with any student activity or organization regardless of whether the conduct occurs on or off school property or outside of school hours.[\[2\]](#)[\[3\]](#)[\[4\]](#)

In addition to posting this policy on the District's website, the District shall annually inform students, parents/guardians, sponsors, volunteers and District employees that hazing is prohibited, by means of distribution of written policy, publication in handbooks, verbal instructions by the coach or sponsor at the start of the season or program and/or posting of notice/signs.[\[2\]](#)

This policy, along with other applicable district policies, procedures and Codes of Conduct, shall be provided to all school athletic coaches and all sponsors and volunteers affiliated with a student activity or organization annually, prior to coaching an athletic activity or serving as a responsible adult supervising, advising, assisting or otherwise participating in a student activity or organization.[\[2\]](#)

Delegation of Responsibility

Students, parents/guardians, coaches, sponsors, volunteers, and District employees shall be alert to incidents of hazing and shall report such conduct to the building principal.

District administrators shall investigate promptly all complaints of hazing and administer appropriate discipline to any individual or student activity or organization found to be in violation of this policy.

Mandatory Regulator Guidelines

Complaint Procedure

When a student believes that s/he has been subject to hazing, the student shall promptly report the incident, orally or in writing, to the building principal.

The principal shall conduct a timely, impartial, thorough, and comprehensive investigation of the alleged hazing.

The principal shall prepare a written report summarizing the investigation and recommending disposition of the complaint.

The District shall document the corrective action taken.

Consequences for Violations

If the investigation results in a substantiated finding of hazing, the principal shall recommend appropriate disciplinary action up to and including expulsion, as circumstances warrant, in accordance with the Code of Student Conduct. Additionally, the student may be subject to disciplinary action by the coach or sponsor, up to and including removal from the activity.^{[2][5][6]}

NOTE: The following 3 paragraphs, indicated with a { }, apply ONLY if the District imposes fines upon students who violate this policy. If fines are not imposed, district can remove this language.

~~{ } Building principals shall take such disciplinary action for violations of this policy as is appropriate and within their authority, as set forth in policy and the Code of Student Conduct. In addition to other authorized discipline, building principals shall have the authority, after providing the student or students an informal hearing, to impose a fine of up to ^{[2][5]}~~

~~{ } Fifty dollars (\$50)~~

~~{ } _____ dollars (\$ _____)~~

~~on each student determined to have engaged in hazing in violation of this policy.~~

~~{ } When recommended disciplinary action results in a formal hearing before the SRC, in addition to other authorized disciplinary consequences, the SRC may also impose a fine of up to ^[6]~~

~~{ } One hundred fifty dollars (\$150)~~

~~{ } _____ dollars (\$ _____)~~

~~on each student determined to have engaged in hazing in violation of this policy.~~

~~{ } When fines have not been paid, the Superintendent shall have the authority to direct that student diplomas and/or transcripts be withheld until payment in full is made or a payment plan is agreed upon. In cases of economic hardship, the Superintendent shall consider whether diplomas and/or transcripts should be released despite an unpaid fine.^[2]~~

If the investigation results in a substantiated finding that a coach, sponsor, or volunteer affiliated with the student activity or organization engaged in, condoned or ignored any violation of this policy, s/he shall be disciplined in accordance with SRC policy and applicable laws and regulations. Discipline could include, but is not limited to, dismissal from the position as coach, sponsor, or volunteer, and/or dismissal from district employment.^[7]

If a student activity or organization authorizes hazing in blatant disregard of this policy or other applicable district rules, penalties may also include rescission of permission for

that organization to operate on school property or to otherwise operate under the sanction or recognition of the district.[\[2\]](#)

Any person who causes or participates in hazing may also be subject to criminal prosecution.[\[8\]](#)

Legal References:

1. [24 P.S. 5352](#)
2. [24 P.S. 5354](#)
3. Pol. 122 - Extracurricular Activities
4. Pol. 123 - Interscholastic Athletics
5. Pol. 218 - Student Conduct and Discipline
6. Pol. 233 - Suspension and Expulsion
7. Pol. 317 - Conduct/Disciplinary Procedures
8. [24 P.S. 5353](#)

Related Information:

- [24 P.S. 511](#)
- [24 P.S. 696](#)
- [24 P.S. 5351 et seq](#)
- [Philadelphia Home Rule Charter - 12-300](#)
- Pol. 916 - Volunteers

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 200 Pupils

TITLE: Homeless Students

ADOPTED: August 24,

2011

REVISED:

HOMELESS STUDENTS

Authority

The School Reform Commission recognizes **the need to promptly** identify homeless children and youths within the District, **facilitate** their **immediate** enrollment, and eliminate existing barriers to their attendance and education, in compliance with federal and state laws and regulations.[\[1\]\[2\]\[3\]](#)

The SRC **shall** ensure that homeless children and youths have **equal** access to the same **educational programs and services** provided to other district students.[\[1\]\[2\]\[3\]\[4\]](#)

The SRC **authorizes the Superintendent to** waive **District** policies and administrative procedures that create barriers **to the identification**, enrollment, attendance, transportation, **school stability** and success in school of homeless **children and youths**.[\[3\]](#)

It is the policy of the SRC that no student shall be discriminated against, segregated or stigmatized based on his/her homeless status.[\[5\]\[6\]](#)

Definitions

Enroll or enrollment means attending classes and participating fully in school activities.[\[7\]](#)

Homeless children and youths means **individuals** who lack a fixed, regular and adequate nighttime residence, and includes:[\[7\]\[8\]](#)

1. Children and youths **who are**:
 - a. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - b. Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
 - c. Living in emergency, transitional or domestic violence shelters; or

- d. Abandoned in hospitals.
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Children and youths **who are** living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings;
4. Migratory children who **qualify as homeless because they are** living in circumstances described above; and
5. School-aged parents living in houses for school-aged parents if they have no other available living accommodations.

School of origin is the school the **child or youth** attended when permanently housed or the school in which the child or youth was last enrolled, **including preschool. When the child or youth completes the final grade level served by the school of origin, the school of origin shall include the designated receiving school at the next grade level for all feeder schools.**[\[6\]](#)

Unaccompanied youth means a homeless child or youth not in the physical custody of a parent or guardian. **This includes youth who have run away from home; been abandoned or forced out of home by a parent, guardian or other caretaker; or separated from a parent or guardian for any other reason.**[\[7\]](#)

Delegation of Responsibility

The SRC Superintendent shall designate a District liaison for homeless **children and youths**, who shall have the duties and responsibilities imposed by law and SRC policy.[\[6\]](#)

The district's liaison **shall work with the Pennsylvania Department of Education designated Regional Coordinator to ensure outreach and coordination** with:[\[6\]](#)

1. Local social service agencies **and other entities** that provide services to homeless children and youths and families.
2. Other LEAs on issues of **prompt identification**, transfer of records, transportation **and other inter-district activities**.
3. **District staff responsible for the provision of services under Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act.**[\[9\]](#)[\[10\]](#)
4. State and local housing agencies responsible for comprehensive housing affordability strategies.
5. **Law enforcement agencies, juvenile and family courts, and providers of services and programs funded under the Runaway and Homeless Youth Act.**

The District's liaison shall **ensure that** public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents/guardians of homeless children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens. Such notice shall be provided in a manner and form understandable to the parents/guardians of homeless children and youths, and unaccompanied youths.[6]

The District's liaison shall provide reliable, valid and comprehensive data to the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness (ECYEH) Program in accordance with federal and state laws and regulations.[6]

The District's liaison shall conduct an annual assessment of need in order to ensure that the District continues to provide optimal services and resources relevant to the regional context. The District's liaison will engage in ongoing progress monitoring and evaluation to be conducted annually, at minimum, to ensure that the District's ECYEH program continues to meet the educational needs of homeless children and youth.

Guidelines

The District's liaison shall propagate Administrative Procedures enacting this policy including procedures for:

1. Enrollment of Students
2. Best Interest Determination for Students
3. School Placement
4. Homeless Status Dispute Resolution
5. Comparable Services

Education Records

Information about a homeless child's or youth's living situation shall be treated as a student education record subject to the protections of the Family Educational Rights and Privacy Act (FERPA), and shall not be deemed to be directory information.[16][17]

Uniforms

No school shall create uniform and dress requirements that create financial hardships for students and their families experiencing homelessness. Nor shall any student in a homeless situation receive disciplinary actions for not having a uniform due to financial hardship. Every effort must be made to protect the privacy of students in this situation.[26]

Transportation

The District shall provide transportation for homeless students to their school of origin or the school they choose to attend within the school district.[\[1\]\[6\]\[20\]](#)

If the school of origin is outside District boundaries or homeless students live in another district but will attend their school of origin in this district, the school districts shall agree upon a method to apportion the responsibility and costs of the transportation.[\[6\]](#)

Legal References:

1. 24 P.S. 1306

2. 22 PA Code 11.18

3. 42 U.S.C. 11431 et seq

4. 34 CFR 299.19

5. 42 U.S.C. 11431

6. 42 U.S.C. 11432

7. 42 U.S.C. 11434a

8. 34 CFR 200.30

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

10. Pol. 113 - Special Education

11. Pol. 200 - Enrollment of Students

12. Pol. 201 - Admission of Students

13. Pol. 203 - Immunizations and Communicable Diseases

14. Pol. 204 - Attendance

15. Pol. 209 - Health Examinations/Screenings

16. Pol. 216 - Student Records

17. Pol. 113.4 - Confidentiality of Special Education Student Information

18. Pol. 206 - Assignment Within District

19. Pol. 146 - Student Services

20. Pol. 810 - Transportation

21. Pol. 808 - Food Services

22. Pol. 115 - Career and Technical Education

23. Pol. 918 - District-Wide Parent and Family Engagement

24. Pol. 138 - English as a Second Language/Bilingual Education Program

25. Pol. 114 - Gifted Education

26. Pol. 221- Dress and Grooming

Related Information:

22 PA Code 403.1

20 U.S.C. 1232g

20 U.S.C. 6301 et seq

34 CFR Part 99

67 Fed. Reg. 10698

PA Education for Homeless Children and Youth State Plan

Administrative Procedures for Homeless Students

(Attachment for Policy 251)

Training

The District's liaison shall participate in professional development programs and other technical assistance activities offered by the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness Program.[\[6\]](#)

The District's liaison shall arrange professional development programs for school staff, including office staff, at a minimum, annually.[\[6\]](#)

School personnel providing services to homeless children and youths, including school enrollment staff, shall receive, at a minimum, annually, professional development and support to:[\[6\]](#)

- 1. Improve identification of homeless children and youths and unaccompanied youths;**
- 2. Understand the rights of such children, including requirements for immediate enrollment and transportation; and**
- 3. Heighten the awareness of, and capacity to respond to, the educational needs of such children.**

Enrollment

The selected school shall immediately enroll the student and begin instruction, even if:

- 1. The student is unable to produce records normally required for enrollment.**
[\[3\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)
- 2. The application or enrollment deadline has passed during any period of homelessness.** [\[6\]](#)[\[11\]](#)
- 3. School staff questions the validity of the parent's homeless claim. The Dispute Resolution procedure, referenced in this policy, should be used in these cases after the student has been enrolled. Only in cases where the school is at or over its building capacity will the student be assigned to the next closest school with space.**
- 4. The District's liaison shall immediately contact the school last attended by the child or youth to obtain relevant academics or other records.**[\[6\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)
- 5. The District may require a parent/guardian to submit contact information.**[\[6\]](#)

6. **If the District is unable to determine the student's grade level due to missing or incomplete records, the district shall administer tests or utilize appropriate means to determine the student's assignment within the school.**[\[6\]](#)[\[18\]](#)

Best Interest Determination

In determining the best interest of a child or youth, the District shall:

1. **Presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the parent/guardian or unaccompanied youth.**[\[6\]](#)
2. **Consider student-centered factors related to impact of mobility on achievement, education, health and safety, giving priority to the request of the parent/guardian or unaccompanied youth.**[\[6\]](#)
3. **If, after such consideration, the District determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent/guardian or unaccompanied youth, the District shall provide the parent/guardian or unaccompanied youth with a written explanation of the reasons for its determination. The explanation shall be in a manner and form understandable to the parent/guardian or unaccompanied youth and shall include information regarding the right to appeal.**[\[6\]](#)

Placement

In accordance with the **child's or youth's** best interest, **the District shall** continue to enroll a homeless student in his/her school of origin while s/he remains homeless **and through** the end of the academic year in which s/he obtains permanent housing.[\[6\]](#)

Parents/Guardians of a homeless student may request enrollment in the school in the attendance area **where** the student is actually living **or other schools.**[\[6\]](#)

The District's liaison **shall assist** an unaccompanied **youth in placement or enrollment decisions, giving priority to** the views of the student in determining where s/he will be enrolled.[\[6\]](#)

The District shall provide the parent/guardian or unaccompanied youth with a written explanation of any District decision related to school selection or placement, including the right to appeal.[\[6\]](#)

Dispute Resolution -

If a dispute arises **over eligibility**, enrollment or school selection:[\[6\]](#)

1. The parent/guardian or **unaccompanied youth** shall be referred to the district's liaison, who shall **assist in** the dispute resolution process.
2. The student shall be immediately enrolled in the school in which enrollment is sought, pending **final** resolution of the dispute, **including all available appeals**.
3. **The District's liaison shall issue a written decision of the dispute within twenty (20) business days of being notified of the dispute.**

A parent/guardian or unaccompanied youth may appeal a District's written decision or file a complaint with the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness Program.

Comparable Services

Homeless students shall be provided services comparable to those offered to other District students. including, but not limited to:[\[1\]](#)[\[6\]](#)[\[19\]](#)

1. Transportation services;[\[20\]](#)
2. School nutrition programs;[\[21\]](#)
3. **Career** and technical education;[\[22\]](#)
4. Preschool programs;
5. Educational **programs** for which **the** student meets eligibility criteria, such as:
 - a. **Services provided under Title I or similar state or local programs;**[\[23\]](#)
 - b. Programs for **English Language Learners;**[\[24\]](#)
 - c. Programs for students with disabilities;[\[10\]](#)
 - d. Programs for gifted and talented students; and[\[25\]](#)
6. Support to help ensure that students experiencing homelessness can participate fully in extracurricular school activities.

THE SCHOOL DISTRICT
OF PHILADELPHIA

SECTION: 300 Employees

TITLE: Personal Leave

ADOPTED: April 27, 1981

REVISED: November 19,

2001

336. PERSONAL LEAVE

Authority

This policy shall provide for absences for defined personal leave by administrative, professional and support employees.

Consistent with applicable collective bargaining agreements, The School Reform Commission has the authority to specify reasonable conditions under which personal leave may be granted, the type of situations in which such leave will be permitted, and the total number of days that may be used by an employee in any school year for such leave.[\[1\]](#)[\[2\]](#)

Personal Leave

Personal leave days with pay shall be granted to district employees in accordance with applicable provisions of the collective bargaining agreement, employee policies or SRC resolution.

Personal leave **may** be used for urgent personal business which cannot be conveniently scheduled on days other than work days and for personal emergencies requiring immediate attention.

Requests for personal leave that would have the effect of extending school holidays or beginning the summer vacation earlier or extending it will not be approved except in the most unusual circumstances unless permitted by the applicable collective bargaining agreement and approved by the Office of Talent.

Bereavement Leave

Bereavement leave with pay shall be granted to district employees in accordance with applicable provisions of the collective bargaining agreement, employee handbook or SRC resolution.

Duration of the specific leave is dependent upon the relationship of the employee to the deceased, as outlined in the employee handbook and maintained by the Office of Talent.

Unpaid personal leaves shall be granted to district employees in accordance with applicable provisions of the respective collective bargaining agreement, employee handbook or SRC resolution.

Military Leave

The District shall provide eligible employees with leaves of absence for military training, active duty, and for reserve duty in the military service in accordance with applicable collective bargaining agreements, state and federal law and regulations and **as outlined in the employee handbook and maintained by the Office of Talent.** [\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)

Legal References:

- [1. 24 P.S. 1154](#)
- [2. Philadelphia Home Rule Charter - 12-308](#)
- [3. 24 P.S. 1176-1181](#)
- [4. 51 Pa. C.S.A. 4102](#)
- [5. 51 Pa. C.S.A. 7309](#)
- [6. 38 U.S.C. 4301 et seq](#)
- [7. 20 CFR Part 1002](#)

Related Information:

- [24 P.S. 510](#)
- [Philadelphia Home Rule Charter - 12-300](#)

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 700 Property

TITLE: Service Animals in
Schools

ADOPTED:

REVISED:

718 (NEW) USE OF SERVICE ANIMALS IN SCHOOLS

Purpose

The School Reform Commission adopts this policy to ensure that individuals with disabilities are permitted to participate in, and benefit from, district programs, activities and services, and to ensure that the district does not discriminate on the basis of disability.

Definitions

Service animal - any dog individually trained to do work or perform tasks for the benefit of an individual with a disability.[\[1\]](#)

Miniature horses may be utilized as service animals if:[\[2\]](#)

1. The miniature horse is individually trained to do work or perform tasks for the benefit of an individual with a disability.
2. The facility can accommodate the type, size and weight of the miniature horse.
3. The presence of the miniature horse does not compromise the safe operation of the facility.

The work or tasks performed by a service animal shall be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.[\[1\]](#)

The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of this definition.[\[1\]](#)

Authority

The SRC shall permit individuals with disabilities to use service animals in district buildings, on district property, and on vehicles that are owned, leased or controlled by the school district, in accordance with this policy and applicable state and federal laws and regulations.[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#) Also, The SRC acknowledges that support animals, not strictly defined as service animals, may be considered a reasonable accommodation under the applicable laws and accommodation requests for emotional support, well-being, comfort, or companionship animals will be evaluated under the applicable laws and SRC policy. [\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)

Mandatory Regulatory Guidelines

Admission of Service Animals to Public Events -

Individuals with disabilities may be accompanied by their service animals while on district property for events that are open to the general public. This right of access does not extend to the schools generally or to other activities that are not open to the general public.[\[3\]](#)[\[2\]](#)[\[10\]](#) Individuals with disabilities shall not be required to present documentation or certification for their service animals for access to district property for events that are open to the general public.

School officials ~~administrators~~ may inquire whether the animal is required because of a disability and the specific tasks that the animal has been trained to perform, but shall not ask questions about an individual's disability.[\[2\]](#)

The district shall not require an owner or handler of a service animal to pay an extra charge for the animal to attend events for which a fee is charged.[\[2\]](#)

Admission of Service Animals accompanying individuals who are not students or employees to Schools for occasions other than public events -

Before a service animal shall be allowed in a district building, or on district property or vehicles, for an event that is not open to the general public, the District shall request the following documentation from the owner or handler of the animal:[\[6\]](#)

1. Verification of the need for a service animal.[\[2\]](#)
2. Description of the function(s) the service animal is trained to perform in relation to the individual's disability.[\[2\]](#)
3. Proof of current vaccinations and immunizations of the service animal.[\[9\]](#)

Admission of Service Animals Accompanying Students and Employees -

A student or an employee with a disability may submit a request to bring a service animal to school for educational or employment purposes. A student or employee seeking to bring a service animal to school adhere to the requirements as set forth in district policy and pursuant to federal state and local law [7][8][11]

Parents/Guardians of students with disabilities may submit a request to the building principal for their student to bring a service animal to school. The building principal shall forward the request to the appropriate Section 504 or IEP team. The team shall gather the necessary information and evaluate the request to bring a service animal to school. Any service animal accompanying a student with a disability to school or school activities shall be handled and cared for in a manner detailed in the student's IEP or Section 504 Service Agreement.[7][8]

~~Before a service animal shall be allowed in a district building, or on district property or vehicles, the district shall request the following documentation from the owner or handler of the animal:[6]~~

- ~~4. Verification of the need for a service animal.[2]~~
- ~~5. Description of the function(s) the service animal is trained to perform in relation to the individual's disability.[2]~~
- ~~6. Proof of current vaccinations and immunizations of the service animal.[9]~~

~~*Admission of Service Animals to Public Events*~~

~~Individuals with disabilities may be accompanied by their service animals while on district property for events that are open to the general public. This right of access does not extend to the schools generally or to other activities that are not open to the general public.[3][2][10]~~

~~School administrators may inquire of the owner or handler of an animal whether the animal is required because of a disability and the specific tasks that the animal has been trained to perform, but shall not ask questions about an individual's disability.[2]~~

~~The district shall not require an owner or handler of a service animal to pay an extra charge for the animal to attend events for which a fee is charged.[2]~~

Delegation of Responsibility

The Superintendent or designee shall develop and disseminate administrative procedures to implement SRC policy and accommodate individuals with disabilities requesting use of a service animal in district buildings and on district property and vehicles.

The ~~designated administrator~~ Deputy Chief Office of Student Rights and Responsibilities shall ensure that all individuals involved in a situation where a service animal will regularly accompany an individual in district buildings or on district property or vehicles are informed of the SRC policy and administrative procedures governing this issue.

Involved individuals can include administrators, appropriate employees, student and parent/guardian.

~~The owner or handler of a service animal shall be solely responsible for:~~

- ~~1. Supervision and care of the animal, including any feeding, exercising, clean up and stain removal.[2]~~
- ~~2. Control of the animal at all times through the use of a harness, leash, tether or by other effective means.~~
- ~~3. Damages to district buildings, property and vehicles caused by the animal.~~
- ~~4. Injuries to students, employees, volunteers and visitors caused by the animal.~~
- ~~5. Annual submission of documentation of vaccinations and immunizations.~~

The building principal shall receive and forward to the designated administrator each completed request by an individual with a disability to be accompanied by a service animal. The Superintendent or designee shall respond to the request.

~~District administrators may exclude a service animal from district buildings, property and vehicles under the following circumstances:~~

- ~~1. Presence of the animal poses a direct threat to the health and safety of others.~~
- ~~2. Owner or handler is unable to control the animal.~~
- ~~3. Animal is not housebroken.~~
- ~~4. Presence of the animal would require a fundamental alteration to the program.~~

Any individual with a service animal who is aggrieved by a decision to exclude, limit or remove a service animal may appeal that decision in accordance with applicable SRC policy. The appeal must be in writing and provide detailed information regarding the basis of the appeal.[7][11][12]

Legal References:

1. 28 CFR 35.104

2. 28 CFR 35.136

3. 43 P.S. 953

4. 29 U.S.C. 794

5. 42 U.S.C. 12101 et seq

6. 28 CFR 35.130

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

8. Pol. 113 - Special Education

9. 3 P.S. 455.1 et seq

- 10. Pol. 904 - Public Attendance at School Events
- 11. Pol. 104 - Nondiscrimination in Employment Practices
- 12. Pol. 906 - Public Complaints

Related Information:

28 CFR Part 35

29 CFR Part 1630

Pol. 103 - Nondiscrimination in School and Classroom Practices

Pol. 707 - Use of School Facilities

Administrative Procedures for the Use of Service Animals in Schools

(Attachment for Policy 718)

The following administrative procedures are meant to serve as guidelines to ensure that individuals with disabilities who require the presence of a service animal are permitted to participate in, and benefit from, district programs, activities and services and to ensure that the district does not discriminate on the basis of disability.

Definition of service animal

A dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability.

- The Americans with Disabilities Act revised the definition of service animal in to include miniature horses. Miniature horses generally range in height from 24 to 34 inches, measured to the shoulders and weigh between 70 and 100 lbs.
- Animals deemed as being for emotional support, well-being, comfort or companionship do not qualify as service animals.

Determination as to Whether Animal Qualifies as Service Animal

In situations where it is not obvious that the animal is a service animal, District staff may ask only two specific questions: (1) is the animal a service animal required because of a disability? and (2) what work or task has the animal been trained to perform?

Staff are not allowed to request any documentation for the animal, require that the animal demonstrate its task, or inquire about the nature of the person's disability. The applicable law makes a distinction between psychiatric service animals and emotional support animals. If an animal has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the animal's mere presence provides comfort, that would not be considered a service animal under the ADA.

Service-animals-in-training are not considered service animals unless required by law.

Responsibility for Service Animal

The owner or handler of a service animal shall be solely responsible for:

- A. Supervision and care of the animal, including any feeding, exercising, clean up and stain removal.**
- B. Control of the animal at all times through the use of a harness, leash, tether or by other effective means.**
- C. Damage to District buildings, property and vehicles caused by the animal.**
- D. Injuries to students, employees, volunteers and visitors caused by the animal.**

E. Annual submission of documentation of vaccinations and immunizations.

The designated administrator shall ensure that all individuals involved in a situation where a service animal will regularly accompany an owner or handler in District buildings or on District property or vehicles are informed of the Board policy and administrative regulations governing this issue. Involved individuals can include administrators, appropriate employees, student and parent/guardian

District administrators may exclude a service animal from District buildings, property and vehicles under the following circumstances: A. Presence of the animal poses a direct threat to the health and safety of others. B. Owner or handler is unable to control the animal. C. Animal is not housebroken. D. Presence of the animal would require a fundamental alteration to the program. Any individual with a service animal who is aggrieved by a decision to exclude, limit or remove a service animal may appeal that decision in accordance with applicable Board policy as cross referenced below.

Where are service animals allowed in the school building

Under the ADA, service animals must be allowed to accompany students with disabilities in all areas of the school where the other students are normally allowed to go.

Requirements for service animal presence in the school

- Service animals must be harnessed, leashed or tethered, unless these restraints interfere with the service animal's work or the individual's disability prevents using these devices. If so, the student is allowed to maintain control of the animal through voice, signal or other effective controls.
- The school may not ask for proof of the animal's certification, training or license as a service animal; nor may the school require the animal to wear a vest.
- The building principal shall receive and forward to the request to the appropriate Section 504 or IEP team.

Responsibility for service animal while in the school building

The student or handler of a service animal shall be solely responsible for:

1. Supervision and care of the animal, including any feeding, exercising, clean up and stain removal.
2. Control of the animal at all times through the use of a harness, leash, tether or other effective means.
3. Damages to district buildings, property and vehicles caused by the animal.
4. Injuries to students, employees, and volunteers.
5. Any student with a service animal who is aggrieved by a decision to exclude, limit or remove a service animal may appeal that decision in accordance with applicable SRC policy. The appeal must be in writing and provide detailed information regarding the basis of the appeal and visitors caused by the animal.
6. Annual submission of documentation of vaccinations.

Specific rules and exclusions related to service animal presence in the schools

1. Students with disabilities cannot be isolated from other students. This applies even in parts of the school where foods are prepared or eaten. A student with a service animal may sit in the cafeteria with their service animal.
2. Allergies and fear of dogs are not valid reasons for denying access to students with service animals. If another student or a staff member's allergy is of concern, the school may accommodate the student with the service animal and the allergic persons in different locations in the same room or different rooms in the facility.
3. A student with a disability cannot be asked to remove their service animal from the premises unless:
 - a. the animal is out of control and the student or handler does not take effective action to control it and consequently the animal poses a direct threat to the health and safety of others.
 - b. the animal is not housebroken.
 - c. the presence of the animal would require a fundamental alteration to the program.

Guidelines for Students With Disabilities:

A student with a disability, or a parent or guardian on behalf of the student, may request to bring a service animal to school for educational purposes. The building principal shall, in consultation with the student's IEP team, if applicable, or other appropriate school personnel, determine whether the animal meets the criteria for a service animal. For students with IEPs, the IEP team shall determine whether and to what extent the student needs District-provided support in fulfilling their responsibility as handler of the service animal.

General Guidelines for Admission of Service Animals To Schools for Employees:

An employee with a disability may submit a prior written request to bring a service animal to school for employment purposes to the building principal or Director of Human Resources, together with supporting medical documentation. The request shall be handled in the same manner as any other request for accommodation under the Americans with Disabilities Act. Requirements may be imposed upon the employee similar in nature to those set forth below in the next section and shall be documented in writing to the employee.

Admission of Service Animals to Public Events

Individuals with disabilities may be accompanied by their service animals while on District property for events that are open to the general public.

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 800 Operations

TITLE: Food Services

ADOPTED: April 27, 1981

REVISED:

808. FOOD SERVICES

Purpose

The School Reform Commission recognizes that students require adequate, nourishing food and beverages in order to grow, learn and maintain good health. The SRC directs that District food service programs shall be directed at meeting the needs of students in accordance with SRC policy.

Authority

The food service program shall be operated in compliance with all applicable state and federal laws and regulations, as well as federal guidelines established by the Child Nutrition Division of the United States Department of Agriculture (USDA).[\[1\]\[2\]\[3\]\[4\]\[5\]\[6\]\[7\]\[8\]\[9\]\[10\]](#)

The SRC shall provide food service for school breakfasts and school lunches, at no cost to the student, that meets the standards required by state and federal school breakfast and lunch programs.[\[1\]\[2\]\[3\]\[5\]\[7\]\[9\]\[10\]](#)

The District may also participate in an after school feeding program, which provides meals to students enrolled in the District's after school education programs.[\[11\]\[12\]](#) ~~The District will not sell a la carte items to students if they do not have the money to pay at time of purchase.~~

Food sold by the school may be purchased by District employees. The price for all food items sold in the schools, including non-program foods, shall be established annually by the Division of Food Services and shall comply with state and federal laws and regulations.[\[3\]\[13\]\[14\]](#)

The District shall ensure that, in the operation of the food service program, no student, staff member, or other individual shall be discriminated against on the basis of race, color, national origin, age, sex or disability.[\[15\]\[16\]](#)

Accommodating Students With Special Dietary Needs

The District shall make appropriate food service and/or meal accommodations to students with special dietary needs in accordance with applicable law, regulations and SRC policy.[\[21\]\[22\]\[23\]\[24\]](#)

Delegation of Responsibility

Operation and supervision of the food service program shall be the responsibility of the Senior Vice President of Food Service.

Cafeterias **shall** be operated on a non-profit basis. A review of the cafeteria accounts shall be made by the Chief Financial Officer **or designee** monthly and by the auditor annually.[\[2\]](#)[\[3\]](#)

The Superintendent or designee shall comply with local, state and federal requirements for conducting cafeteria health and safety inspections and ensuring employee participation in appropriate inspection services and training programs.[\[17\]](#)[\[18\]](#)[\[19\]](#)[\[20\]](#)

The Superintendent or designee shall annually notify students, parents/guardians and employees concerning the contents of this policy and applicable administrative procedures. Notification shall include information related to nondiscrimination.[\[15\]](#)

Professional Standards for Food Service Personnel

The District shall comply with the professional standards for school food service personnel who manage and operate the National School Lunch and School Breakfast Programs. For purposes of this policy, professional standards include hiring standards for new food service program directors and annual continuing education/training for all individuals involved in the operation and administration of school meal programs. Such professional standards shall apply to both District-operated food service programs and contracted food service programs.[\[5\]](#)[\[7\]](#)[\[20\]](#)[\[25\]](#)

Mandatory Regulatory Procedure

School Food Safety Inspections

The District shall obtain two (2) safety inspections per year in accordance with state and federal laws and regulations.[\[18\]](#)[\[19\]](#)[\[26\]](#)

The District shall post the most recent inspection report and release a copy of the report to members of the public, upon request.

The District shall conduct self-inspections in accordance with local ordinances.

School Food Safety Program

The District shall comply with federal requirements in developing a food safety program that enables district schools to take systematic action to prevent or minimize the risk of foodborne illness among students.[\[9\]](#)[\[10\]](#)[\[18\]](#)

The District shall maintain proper sanitation and health standards in food storage, preparation and service, in accordance with applicable state and local laws and regulations and federal food safety requirements.[\[19\]](#)[\[26\]](#)[\[27\]](#)

A La Carte Items

The District will not sell a la carte items to students if they do not have the money to pay at time of purchase

Legal References:

1. 24 P.S. 1335

2. 24 P.S. 1337

3. 24 P.S. 504

4. 24 P.S. 807.1

5. 42 U.S.C. 1751 et seq

6. 42 U.S.C. 1759a

7. 42 U.S.C. 1773

8. 2 CFR Part 200

9. 7 CFR Part 210

10. 7 CFR Part 220

11. 42 U.S.C. 1766a

12. 7 CFR Part 226

13. 42 U.S.C. 1760

14. 7 CFR 210.14

15. FNS Instruction 113-1 (USDA)

16. 7 CFR 210.23

17. 3 Pa. C.S.A. 5713

18. 42 U.S.C. 1758(h)

19. 7 CFR 210.13

20. 7 CFR 210.30

21. 7 CFR 15b.40

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

23. Pol. 113 - Special Education

24. Pol. 209.1 - Food Allergy Management

25. 7 CFR 210.15

26. 7 CFR 220.7

27. 7 CFR 210.9

24 P.S. 696

P.L. 111-296

7 CFR Part 15

7 CFR Part 215

Pol. 103 - Nondiscrimination in School and Classroom Practices

Philadelphia Code of Ordinances (Health Code) - Title 6, Sections 6-102, 6-301

THE SCHOOL DISTRICT
OF PHILADELPHIA

SECTION: 800 Operations

TITLE: Maintaining
Professional Adult/Student
Boundaries

ADOPTED:

REVISED:

MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES (NEW)

Authority

This policy applies to District employees, volunteers, student teachers, and independent contractors and their employees who interact with students or are present on school grounds. For purposes of this policy, such individuals are referred to collectively as adults. The term *adults* as used in this policy, does not include District students who perform services on a volunteer or compensated basis. This policy applies to all District related or sponsored activities whether or not the activities take place on district property, including but not limited to teaching, counseling, athletics, extracurricular activities, treatment of a student's physical injury or other medical needs, school administration or other purposes within the scope of the adult's job duties.

All adults shall be expected to maintain professional, moral and ethical relationships with District students that are conducive to an effective, safe learning environment. This policy addresses a range of behaviors that include not only obviously unlawful or improper interactions with students, but also precursor grooming and other boundary-blurring behaviors that can lead to more egregious misconduct.

The School Reform Commission directs that all adults shall be informed of conduct that is prohibited and the disciplinary actions that may be applied for violation of SRC policies, administrative procedures and rules and the School District of Philadelphia Employee Code of Ethics, where applicable.

This policy is not intended to interfere with appropriate pre-existing personal relationships between adults and students and their families that exist independently of the District or to interfere with participation in civic, religious or other outside organizations that include District students.

Definition

For purposes of this policy, legitimate educational reasons include matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student's physical injury or other medical needs, school administration or other purposes within the scope of the adult's job duties.

Delegation of Responsibility

The Superintendent or designee shall annually inform students, parents/guardians, and all adults regarding the contents of this policy through employee and student handbooks, posting on the District website, and by other appropriate methods.

The building principal or designee shall be available to answer questions about behaviors or activities that may violate professional boundaries as defined in this policy.

Independent contractors doing business with the district shall ensure that their employees who have interaction with students or are present on school grounds are informed of the provisions of this policy.[1]

Mandatory Regulatory Guidelines

Adults shall establish and maintain appropriate personal boundaries with students and not engage in any behavior that is prohibited by this policy or that creates the appearance of prohibited behavior as indicated in the administrative procedures. The Superintendent or designee shall create administrative procedures including the following guidance.

1. Prohibited Conduct
2. Reporting inappropriate or suspicious conduct
3. Investigating reports of inappropriate or suspicious conduct
4. Disciplinary action
5. Training

Legal References:

1. Pol. 818 - Contracted Services
2. Pol. 103 - Nondiscrimination in School and Classroom Practices
3. Pol. 103.1 - Nondiscrimination-Qualified Students With Disabilities/Protected Handicapped Students
4. Pol. 248 - Unlawful Harassment of Students
5. Pol. 815 - Acceptable Use of Internet, Technology and Network Resources
6. 23 Pa. C.S.A. 6311
7. Pol. 806 - Child Abuse
8. 24 P.S. 2070.9a
9. Pol. 317.1 - Educator Misconduct
10. 24 P.S. 1302.1-A
11. 24 P.S. 1303-A

12. 22 PA Code 10.2

13. 22 PA Code 10.21

14. 22 PA Code 10.22

15. Pol. 805.1 - Relations With Law Enforcement Agencies

16. Pol. 348 - Unlawful Harassment

17. Pol. 317 - Conduct/Disciplinary Procedures

18. 18 Pa. C.S.A. 3124.2

19. 24 P.S. 2070.9f

Related Information:

24 P.S. 510

22 PA Code 235.1 et seq

24 P.S. 2070.1a et seq

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

Philadelphia Home Rule Charter - 12-300

Administrative Procedures for Maintaining Professional Adult/Student Boundaries
(Attachment for Policy 824)

Prohibited Conduct

Romantic or Sexual Relationships -

Adults shall be prohibited from dating, courting, or entering into or attempting to form a romantic or sexual relationship with any student enrolled in the District, regardless of the student's age. Students of any age are not legally capable of consenting to romantic or sexual interactions with adults.

Prohibited romantic or sexual interaction involving students includes, but is not limited to:

1. Sexual physical contact.
2. Romantic flirtation, propositions, or sexual remarks.
3. Sexual slurs, leering, epithets, sexual or derogatory comments.
4. Personal comments about a student's body.
5. Sexual jokes, notes, stories, drawings, gestures or pictures.
6. Spreading sexual or romantic rumors.
7. Touching a student's body or clothes in a sexual or intimate way.
8. Accepting massages, or offering or giving massages other than in the course of injury care administered by an athletic trainer, coach, or health care provider.
9. Restricting a student's freedom of movement in a sexually intimidating or provocative manner.
10. Displaying or transmitting sexual objects, pictures, or depictions.

Social Interactions -

In order to maintain professional boundaries, adults shall ensure that their interactions with students are appropriate.

Examples of prohibited conduct that violates professional boundaries include, but are not limited to:

- 1. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students.**
- 2. Exchanging notes, emails or other communications of a personal nature with a student.**
- 3. Giving personal gifts, cards or letters to a student without written approval from the building principal.**
- 4. Touching students without a legitimate educational reason. (Reasons could include the need for assistance when injured, a kindergartner having a toileting accident and requiring assistance, appropriate coaching instruction, or appropriate music instruction).**
- 5. Singling out a particular student or students for personal attention or friendship beyond the ordinary professional adult-student relationship.**
- 6. Taking a student out of class without a legitimate educational reason.**
- 7. Being alone with a student behind closed doors without a legitimate educational reason.**
- 8. Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason.**
- 9. Sending or accompanying a student on personal errands.**
- 10. Inviting a student to the adult's home.**
- 11. Going to a student's home without a legitimate educational reason.**
- 12. Taking a student on outings without prior notification to and approval from both the parent/guardian and the building principal.**
- 13. Giving a student a ride alone in a vehicle in a nonemergency situation without prior notification to and approval from both the parent/guardian and the building principal.**
- 14. Addressing students or permitting students to address adults with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.**
- 15. Telling a student personal secrets or sharing personal secrets with a student.**

- 16. For adults who are not guidance/counseling staff, psychologists, social workers or other adults with designated responsibilities to counsel students, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, the student should be referred to the appropriate school resource.**
- 17. Furnishing alcohol, drugs or tobacco to a student or being present where any student is consuming these substances.**
- 18. Engaging in harassing or discriminatory conduct prohibited by other district policies or by state or federal law and regulations.**

Electronic Communications -

For purposes of this policy, electronic communication shall mean a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant or pager. Electronic communications include, but are not limited to, emails, instant messages and communications made by means of an Internet website, including social media and other networking websites.

As with other forms of communication, when communicating electronically, adults shall maintain professional boundaries with students.

Electronic communication with students shall be for legitimate educational reasons only.

When available, District-provided email or other District-provided communication devices shall be used when communicating electronically with students. The use of District-provided email or other District-provided communication devices shall be in accordance with District policies and procedures

All electronic communications from coaches and advisors to team or club members shall be sent in a single communication to all participating team or club members, except for communications concerning an individual student's medical or academic privacy matters, in which case the communications will be copied to the building principal. In the case of sports teams under the direction of the Athletic Director, such medical or academic communications shall also be copied to the Athletic Director.

Adults shall not follow or accept requests for current students to be friends or connections on personal social networking sites and shall not create any networking site for communication with students other than those provided by the

district for this purpose, without the prior written approval of the building principal.

Exceptions

An emergency situation or a legitimate educational reason may justify deviation from professional boundaries set out in this policy. The adult shall be prepared to articulate the reason for any deviation from the requirements of this policy and must demonstrate that s/he has maintained an appropriate relationship with the student.

Under no circumstance will an educational or other reason justify deviation from the "Romantic and Sexual Relationships" section of this policy.

There will be circumstances where personal relationships develop between an adult and a student's family, e.g. when their children become friends. This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. Adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity.

It is understood that many adults are involved in various other roles in the community through non-District-related civic, religious, athletic, scouting or other organizations and programs whose participants may include district students. Such community involvement is commendable, and this policy is not intended to interfere with or restrict an adult's ability to serve in those roles; however, adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

Reporting Inappropriate or Suspicious Conduct

Any person, including a student, who has concerns about or is uncomfortable with a relationship or interaction between an adult and a student, shall immediately notify the Superintendent, principal or other administrator.

All District employees, independent contractors and volunteers who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and SRC policy.

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.

If the Superintendent or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Child Protective Services Law, the Educator Discipline Act or the Safe Schools Act, the Superintendent or designee shall make a report, in accordance with applicable law, regulations and SRC policy.

It is a violation of this policy to retaliate against any person for reporting any action pursuant to this policy or for participating as a witness in any related investigation or hearing.

Investigation

Allegations of inappropriate conduct shall be promptly investigated in accordance with the procedures utilized for complaints of harassment.

It is understood that some reports made pursuant to this policy will be based on rumors or misunderstandings; the mere fact that the reported adult is cleared of any wrongdoing shall not result in disciplinary action against the reporter or any witnesses. If as the result of an investigation any individual, including the reported adult, the reporter, or a witness is found to have intentionally provided false information in making the report or during the investigation or hearings related to the report, or if any individual intentionally obstructs the investigation or hearings, this may be addressed as a violation of this policy and other applicable laws, regulations and district policies. Obstruction includes, but is not limited to, violation of “no contact” orders given to the reported adult, attempting to alter or influence witness testimony, and destruction of or hiding evidence.

Disciplinary Action

A District employee who violates this policy may be subject to disciplinary action, up to and including termination, in accordance with all applicable district disciplinary policies and procedures.

A volunteer, student teacher, or independent contractor or an employee of an independent contractor who violates this policy may be prohibited from working or serving in District schools for an appropriate period of time or permanently, as determined by the Superintendent or designee.

Training

The District shall provide training with respect to the provisions of this policy to current and new District employees, volunteers and student teachers subject to this policy.

The District, at its sole discretion, may require independent contractors and their employees who interact with students or are present on school grounds to receive training on this policy and related procedures.