

**SUMMARY OF MINUTES  
Regular Board Meeting  
February 11, 2019**

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**Board President Joseph A. Caffrey** called the meeting to order at 6:30 p.m.

**Superintendent Brian J. Costello** led the Pledge of Allegiance to the Flag.

**Board Secretary Thomas F. Telesz** called the roll

**8 Members Present:** Atherton, Evans, Geiger, Patla, Susek, Thomas, Walker, Caffrey

**1 Member Absent:** Quinn

**President Caffrey stated:**

- The Chair wishes to announce that the Board held an Executive Session prior to the Committee Meeting of February 11, 2019 and prior to the Regular Meeting of February 11, 2019.
- The subjects discussed in Executive Session related solely to matter of employee relations, labor negotiations, and/or threatened or actual litigation.

**Treasurer's Report:**

**Thomas F. Telesz, Business Administrator/Board Secretary**, presented the Treasurer's Report ending December 31, 2018.

**WILKES-BARE AREA SCHOOL DISTRICT  
CASH ACCOUNT BALANCES  
MONTH ENDING DECEMBER 31, 2018**

**GENERAL FUND**

	\$	
1 GENERAL FUND CHECKING - FNCB	(1,289,359.89)	
2 GENERAL FUND CASH CONCENTRATION - FNCB		44,959,126.01
3 FEDERAL PROGRAMS - FNCB		679,770.92
4 FEDERAL PROGRAMS CHAPTER 1 -FNCB		1,235,869.47
5 FNB BANK		448,732.11
6 FNB BANK		74,774.05
7 JANNEY MONTGOMERY SCOTT		1,718,670.80
8 PNC BANK		388,401.73
9 LPL FINANCIAL		830,374.44
10 EARNED INCOME TAX ACCOUNT-FNCB		2,661.27
11 COMMONWEALTH INVESTMENT #1		11,978.55
12 REAL ESTATE TAX ACCOUNT - FNCB		-
13 LANDMARK CD		469,833.35
14 PLGIT EIT		840,902.22
15 ATHLETIC FUND-FNB BANK		200,651.97
16 PAYROLL CHECKING-FNCB		1,955,832.76
17 PAYROLL CLEARING -FNCB		-
<b>TOTAL GENERAL FUND</b>	<b>\$</b>	<b>52,528,219.76</b>

**CAPITAL PROJECTS FUNDS**

18 2016 CAPITAL PROJECTS CASH CONCENTRATION-FNCB	\$	8,379,196.17
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19	PNC BANK INVESTMENT	\$	3,431,019.77
20	PLGIT CASH RESERVE		1,760,374.79

<b>TOTAL CAPITAL PROJECTS FUNDS</b>	<b>\$</b>	<b>13,570,590.73</b>
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**FIDUCIARY FUNDS - TRUST AND AGENCY**

**TRUST FUNDS:**

21	WHOLE LIFE GROUP TRUST-CITIZENS BANK	\$	144,247.37
22	COMMONWEALTH INVESTMENTS WHOLE LIFE		344,156.73

**AGENCY FUNDS:**

23	ELEMENTARY ACTIVITY FUND-Landmark BANK		141,284.78
24	SECONDARY ACTIVITY FUND-Landmark BANK		346,340.44

<b>TOTAL FIDUCIARY - TRUST AND AGENCY FUNDS</b>	<b>\$</b>	<b>976,029.32</b>
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**PROPRIETARY FUND - FOOD SERVICE**

25	FOOD SERVICE CHECKING ACCOUNT-Landmark Bank	\$	3,004,250.34
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<b>TOTAL PROPRIETARY FUND - FOOD SERVICE</b>	<b>\$</b>	<b>3,004,250.34</b>
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**DEBT SERVICE FUND**

26	COMMONWEALTH INVESTMENTS DEBT SERVICE	\$	9,587.97
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<b>TOTAL DEBT SERVICE FUND</b>	<b>\$</b>	<b>9,587.97</b>
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**Ms. Thomas moved, seconded by Ms. Patla** to adopt the Treasurer's Report ending on December 30, 2018. The vote was as follows:

**8 Ayes:** Atherton, Evans, Geiger, Patla, Susek, Thomas, Walker, Caffrey

**Nutrition Inc.**

Patty Baresse, Director of Operations; Mary Jo Grazious, Food Service Director; Sue Benzakowski, Regional Manager presented an updated report of Food Service. Mary Jo Grazious and Sue Rudalavage met with the cafeteria employees in each building to address their individual issues and concerns. There is a plan in place to correct food shortages, recipes and purchasing, etc. They also met with principals and students to receive their input on menu preferences and any other concerns they may have. We have started faculty menu at Meyers and a coffee bar and breakfast bar at Coughlin. To increase staff we have raised the starting rate to \$10 per hour as of January 1. We are working with senior students in a co-op program to assist in the cafeterias. Currently they are helping to prepare the faculty menu. This program will help to prepare them for the work force. In summation, last year they served 400,000 breakfast over 950,000 lunches. In comparison to the meals served, the complaints are minimal.

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**Report of the Superintendent:**

The Safe2Say Program is running and working very successfully within our District.

We have been given notice that we will receive additional Title 1 competitive grant. This will allow us to continue our goal in becoming a one to one school district with technology. As this will specifically go directly to third graders in purchasing Chromebooks for the entire district. It will allow us to continue to invest in on-line resources such as, on-line books, on-line material, and on-line databases while providing the necessary professional development for our teachers and staff.

We will also be receiving a Title IV allocation. We will be able to expand the Heights Elementary "Project Raise" Pilot Program to an after school program in addition to Saturday mornings. The 80-100 students involved participate in various projects and interventions to assist the students in achieving their goals academically.

**APOLLO REPORT**

Mike Krzywicki presented the following:

District Maintenance Plan: The replacement parts for electrical service at Mackin were delivered and turned over to the District electrician for installation.

Meyers monitoring of the structural walkway and tunnels – there has been no additional settlement observed.

New High School Project – Dynamic compaction operations was suspended as of January 18 due to the winter weather. The remainder of the building pad is currently being excavated to subgrade. Dynamic compaction will resume in the spring as weather permits. The bid documents for the 11 prime contracts related to building construction and site improvement were released. There was a pre-bid meeting at Solomon a week ago.

Meyers Occupancy Load Study – The doors, frames and hardware have been ordered. Installation will be scheduled when the materials are delivered which is expected to be on or about February 22.

Kistler Pool Roof – reseeding will take place in spring in the lawn area disturbed by construction.

Ms. Thomas asked about the floors in the GAR Cafeteria and Life Skills room. Dr. Costello discussed the problem with John Chiumento. They are looking into materials that can be used that aren't slippery and can be cleaned properly.

**Unfinished Business:**

Ms. Thomas asked about the properties available for sale. Atty. Wendolowski stated they are still being marketed. Planning commission hearing on the Empire Street property for Mt. Zion Church is taking place and hopefully moving forward.

**Communications from Citizens:**

**Tracy Hughes** - inquired about Booster clubs accounts and old football jersey's. Dr. Costello stated that it will be up to the Booster club as to what they do with the remaining account balances. Mike Namey will be meeting with all the clubs to discuss this. The football jersey's will be reconditioned and a decision will be made at a later date on how they will be distributed or kept.

**Kim Borland** – Would like to be informed of PDE's determinations on the PlanCon F submission following the Act 34 hearing.

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**Ruth Borland** – Continues to have concerns of the lack of availability of books and periodicals in the schools. The Speech and Debate Tournament that was postponed will be held on March 30.

**LUZERNE INTERMEDIATE UNIT #18 - No Report.**

Ms. Thomas noted the next meeting will be held on Wednesday, February 27, 2019 at 5:30 p.m.

**WILKES-BARRE AREA CAREER AND TECHNICAL CENTER - No Report.**

No February Meeting.

**CURRICULUM/ADMINISTRATION COMMITTEE REPORT**

Mr. Evans welcomed Mr. Atherton to the committee. Diane Grochowski spoke at the meeting regarding the Child Find program. The next meeting will be held on Friday, February 22 at 3:00 p.m.

**BUDGET FINANCE/MATERIALS & SUPPLIES COMMITTEE REPORT**

Rev. Walker presented the following report and recommendations for the Board's approval:

**A. ADMINISTRATIVE**

**1. Capital Projects**

That approval be given to the below listed payments:

A & E Group JV	New High School Plains Site	Capital Projects	Inv. #4	\$229,375.55
Apollo Group, Inc.	New High School Plains Site	Capital Projects	App. No. 22	\$58,712.06
Borton Lawson Engineering, Inc.	New High School Plains Site	Capital Projects	2017-3091-001-0000016	\$78,920.75
Densification, Inc.	New High School Plains Site	Capital Projects	App. No. 4	\$69,030.00
TGL Engineering, Inc.	New High School Plains Site	Capital Projects	Inv. #14	\$21,125.00
WKL Architecture	New High School Plains Site	Capital Projects	Inv. #14	\$71,736.00

2. That approval be given to the "Single Audit Report" for the year ended June 30, 2018, as prepared by Rainey & Rainey, Certified Public Accountants.
3. To reopen and adopt the revised 2018-2019 General Fund Budget for grants that were received after the original budget was adopted:

<b>REVENUE</b>		
<u>Account Code</u>	<u>Description</u>	<u>Amount</u>
7000's	State Sources	1,000,000.00
8000's	Federal Sources	<u>682,800.00</u>
Total Additional Revenue		<u>1,682,800.00</u>

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**EXPENDITURES**

<u>Account Code</u>	<u>Description</u>	<u>Amount</u>
1110-100	Salaries	146,700.00
1110-200	Benefits	34,100.00
1110-600	Supplies	<u>1,502,000.00</u>
Total Additional Expenditures		<u>1,682,800.00</u>

These amounts bring the total budget for revenue and expenditures of the District to \$123,433,200.

4. That ratification be given to the Repository Tax Sale by Northeast Revenue Service, LLC, as agent for the Luzerne County Tax Claim Bureau as follows:

Property Address	Parcel No.	Proposed Bid
3333 Bear Creek Blvd Wilkes-Barre, PA	04-N1252-002-010-000	\$500.00
Wilkes-Barre, PA	73-I9NW2-011-040-000	\$500.00
Wilkes-Barre, PA	73-I9NE1-001-001-000	\$500.00
120 Hickory Street Wilkes-Barre, PA	73-I9NE2-042-008-000	\$500.00
51 Thomas Street Wilkes-Barre, PA	73-G10SE1-013-010	\$3,586.31

**B. FEDERAL**

That, in accordance with the authority of the Board, the following Federal AP Checks #1790-#1796 and Federal Wire Transfer #201800465 and Chapter 1 AP checks #2027 - #2039 and Chapter 1 Wire Transfers #201800466 - #201800474, were drawn for payment since the last regular board meeting of the Board of Education held on January 17, 2019 be approved.

**C. GENERAL FUND/FOOD SERVICE**

That payment be approved for the General Fund Wire Transfers #201811027 to #201811050 and General Fund checks #51201 to #51401 and Food Service Checks #3242 to #3252 which were drawn for payment since the regular board meeting of the Board of Education on January 17, 2019.

**D. GENERAL FUND**

That the checks #51402 to #51531 listed on the following pages, which have been inspected, be approved and that orders be drawn for the respective amounts set down opposite the names of persons or firms.

**Rev. Walker moved, seconded by Ms. Thomas** to adopt this report. The vote was as follows:

**8 Ayes:** Atherton, Evans, Geiger, Patla, Susek, Thomas, Walker, Caffrey

**1 Nay:** Patla (A1)

**ATHLETIC COMMITTEE REPORT - No Report**

Dr. Costello noted once the winter season has concluded, all winter sports positions will be opened up for the consolidated sports team of the Wolfpack for the 2019-2020 season. The Junior High/Senior High Athletic Director position will also be open.

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**SAFETY/SECURITY COMMITTEE REPORT** – No Report

Mr. Evans noted the next meeting will be Wednesday, February 20, 2019 at 10:00 a.m.

**CONTRACTED SERVICES COMMITTEE REPORT** – No Report

**TRANSPORTATION COMMITTEE REPORT** – No Report

**BUILDING MAINTENANCE COMMITTEE REPORT**– No Report

Mr. Geiger noted the next meeting will be March 20, 2019 at 3:00 p.m.

**POLICY COMMITTEE REPORT**

**Rev. Walker presented the following report and recommendations for the Board's approval:**

1. That the following policies be adopted:
  - 237 Electronic Devices
  - 800 Records Management
  - 801 Public Records
  - 815 Acceptable Use of Internet, Computers and Network Resources
  - 810 Transportation
  - 810.1 School Bus Drivers and School Commercial Motor Vehicles
  - 810.2 Transportation Video/Audio Recording
  - 810.3 School Vehicle Drivers
  - 818 Contracted Services Personnel

**WILKES-BARRE AREA SCHOOL DISTRICT  
POLICY # 237 - ELECTRONIC COMMUNICATION DEVICES**

**1. PURPOSE:**

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

**2. DEFINITIONS:**

**Electronic Communication Devices** – are communication devices with voice, data, text, and/or navigation capabilities that are able to access the Internet, transmit telephone calls, text messages, email messages, instant messages, video communications (such as iChat and Skype), perform word processing and other computer and online applications (apps), and provide location information. The devices are capable of electronically communicating, sending, receiving, storing, recording, reproducing, and/or displaying information and data.

**Examples of Electronic Communication Devices** – include smartphones, (iPhone, Blackberry), cellular phones, mobile phones (with recording and/or camera/video and other capabilities and configurations); traditional telephones; pagers/ global positional system (GPS) instruments; computers; portable game units; graphic calculators; MP3, music and media players; PDA's, digital cameras, tablet and laptop computers; and other similar devices. Electronic Communication Devices may also be referred to as electronic devices in other publications and district policies.

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**Electronic Communication Devices** could be devices that are not capable of transmitting telephone communications (such as laptops, tablets, iPads, radios, Walkman players, CD players, iPods, MP3 players, DVD players, handheld game consoles, beepers or pagers), do not have Internet access (such as district issued and student-owned Kindles), are lasers, and/or are radar communication devices.

**Personal Electronic Communication Devices** – are Electronic Communication Devices that are owned by the student.

**Silent Use** – is the use of Electronic Communication Devices, including Personal Electronic Communication Devices, that make no sound, are inaudible, and are speechless. Examples of Silent Use include texting, electronic messaging, and the use of headphones with the volume not being audible to others. No device ringing, ringtones, or sound effects are permitted at any time.

**3. AUTHORITY:**

**SC 510** The Board prohibits use of electronic devices by students during the school day in district buildings; on district property; on district buses and vehicles; during the time students are under the supervision of the district; and in locker rooms, bathrooms, health suites and other changing areas at any time.

**SC 1317.1** The Board prohibits possession of laser pointers and attachments and telephone paging devices/beepers by students in district buildings; on district property; on district buses and vehicles; and at school-sponsored activities. The district shall not be liable for the loss, damage or misuse of any electronic device.

**Electronic Images and Photographs**

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

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

**Off-Campus Activities**

**Pol. 218** This policy shall also apply to student conduct that occurs off school property and would otherwise violate the Code of Student Conduct if any of the following circumstances exist:

1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, whether or not via school district furnished transportation.
2. **Pol. 122, 123** The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.

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

**4. DELEGATION OF RESPONSIBILITY**

The Superintendent is granted the authority to create and enforce regulation(s), rules, procedures, and forms to accompany this Policy.

The Superintendent and/or designee, shall annually notify students, parent(s)/guardian(s), employees, and Guests about the district's Electronic Communication Device Policy by publishing the Policy in the student handbook, newsletter, posted notices and/or any other methods.

The Superintendent, and/or designee, is responsible for training and retraining administrators and employees who are responsible for the use, supervision, discipline, investigation, confiscation, searching, and/or other matters involving students' Electronic Communication Device, including Personal Electronic Communication Device use.

Students must comply with this Policy, other relevant district policies, regulations, rules and procedures. Students must comply with the guidelines set by the classroom teacher and/or district and building officials for the use of Electronic Communication Devices, including Personal Electronic Communication Devices. Students will be held responsible for their conduct in the use of the Devices and are subject to the consequences provided in the last section of this Policy.

**5. GUIDELINES – Pol. 218, 226, 233**

1. In accordance with this Policy, Electronic Communication Devices, including Personal Electronic Devices, *may not be used* in unauthorized areas or as determined by the school administration as follows:
  - a. The Board strictly prohibits possession by students on school grounds, at district-sponsored activities, and on buses or other vehicles provided by the district any non-district-owned laser pointers, or laser pointer attachments, and any Electronic Communication Devices, including Personal Electronic Communication Devices, that are hazardous or harmful to students, employees, and the district. These include, but not limited to, devices that control/interfere with the operation of the buildings' systems, facilities and infrastructure, or digital network.



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- b. To cheat, engage in unethical conduct, and threaten academic integrity.
  - c. To access and/or view Internet websites that are blocked by the district. Examples include, but are not limited to, social media sites, and “inappropriate matter” as defined in the district’s Acceptable Use Policy and Social Media Policy.
  - d. To invade the privacy rights of any student or employee, violate the rights of any student or staff member, or harass, threaten, intimidate, bully or cyberbully any student, employee, or guest, or promote or engage in violence. Actions include, but are not limited to, taking an individual’s photo without consent, recording an individual’s voice or image without consent, or storing/accessing personal and/or academic information/data without consent.
  - e. In locker rooms, bathrooms, dressing rooms, and swimming pool areas.
  - f. To create, send, share, view, or disseminate sexually explicit, lewd image or video content, as such acts may be a crime under state and/or federal law.
  - g. To disrupt the educational and learning environment.
2. Electronic Communication Devices, including Personal Electronic Communication Devices, that violate this Policy, other relevant district policies, regulations, rules, and procedures shall be confiscated.
  3. If school officials have reasonable suspicion that this Policy, other relevant district policies, regulations, rules, procedures, and laws are violated by the student’s use of Electronic Communication Devices, including Personal Electronic Communication Devices, and that the use of these devices materially and substantially disrupt the school’s atmosphere, the devices may be *lawfully searched in accordance with the law*, and/or the Electronic Communication Devices and Personal Electronic Communication Devices may be turned over to law enforcement, when warranted.
  4. When legally required and/or when in the interest of the student, the student’s parent/guardian shall be notified.
  5. If an Electronic Communication Device, including a Personal Electronic Communication Device, is suspected of being stolen, it shall be turned over to law enforcement.
  6. Disciplinary consequences shall be in accordance with the district’s policies, regulations, rules and procedures, including not limited to Student Discipline, Acceptable use Policy, Bullying/Cyberbullying, Harassment, Social Media, and other policies.
  7. Violations of this Policy should be reported to the Superintendent or designee.

**Exceptions**

The Board permits Silent Use of Electronic Communication Devices, including Personal Electronic Communication Devices, by district students during the school day in district building,

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on district property, and while students are attending district-sponsored activities during regular school hours when they are in compliance with this Policy, other district policies, regulations, rules, and procedures, and so long as such use does not interfere with the students' educational requirements, responsibilities/duties and performance, the rights and education of others, and the operation and services of the district.

Students may use their Personal Electronic Communication Devices only if they have written consent from their parent(s)/guardian(s) on a form provided by the district.

Building level administrators, in consultation with the Superintendent or designee and in compliance with this Policy, other district policies, regulations, rules and procedures, are authorized to determine the extent of the use of Electronic Communication Devices, including Personal Electronic Communication Devices, within their schools, on the school's property, and while students are attending that school's sponsored activities during regular school hours. For example, use of Electronic Communication Devices, including Personal Electronic Communication Devices, at the elementary grade level may be different than that at the middle school and/or high school grade levels.

Unless a teacher determines otherwise, Electronic Communication Devices, including Personal Electronic Communication Devices, must be turned off upon entering any instructional area and remain off until the student leaves the instructional area. Instructional areas include, but are not limited to, classrooms, gymnasiums, practice fields, field trip locations, auditoriums, band rooms, and chorus rooms.

The district shall have the right to restrict Electronic Communication Devices during school evacuations as necessary, for the safety and security of all individuals.

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

1. Health, safety or emergency reasons.
2. SC 1317.1 – An individualized education program (IEP)
3. Classroom or instructional related activities.
4. Other reasons determined appropriate by the building principal.

The building administrator may grant approval for possession and use of a telephone paging device/beeper by a student for the following reasons:

1. Student is a member of a volunteer fire company, ambulance or rescue squad.
2. Student has a need due to a medical condition or immediate family member.
3. Other reasons determined appropriate by the building principal.

In accordance with the Policy, the district shall not be liable for the service, maintenance, theft, loss, damage, misuse, or unauthorized use of any Personal Electronic Communication Device

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brought to school by a student. Students are personally and solely responsible for the security of Personal Electronic Communication Devices brought to school, school events, or district property. The district will not be responsible for restricting, monitoring, or controlling the personal electronic communications of students; however, it reserves the right to do so.

If Personal Electronic Communication Devices are loaned to or borrowed and/or misused by non-owners, the owners of the Personal Electronic Communication Devices are jointly responsible with the non-owner for the misuse and/or violation of district policy, regulations, rules or procedures.

Pol.249 – Personally owned devices used in school are not permitted to connect to the Internet through a 3G, 4G or other content service providers. Personally owned devices must access the Internet via the district's content filtered wireless network.

Students should have no expectation of privacy when using the district-owned Electronic Communication Devices and when using the district's Wi-Fi or other service(s). In addition, students should have no expectation of privacy when the use Personal Electronic Communication Devices on the district's Wi-Fi or other service(s).

References:

School Code - 24 P.S. 510, 1303.1, 1317.1  
Federal Wiretapping and Electronic Surveillance Act – 18 U.S.C. Sec. 2510 et seq.  
Pennsylvania Wiretapping and Electronic Surveillance Act – 18 Pa. C.S.A. Sec. 5703  
Internet Safety – 47 U.S.C. Sec. 254  
Child Internet Protection Act – 24 P.S. Sec. 4601 et seq.  
Board Policy – 000,113,122. 123, 218, 226, 233, 248, 249, 815, 815.1

**WILKES-BARRE AREA SCHOOL DISTRICT  
POLICY 800 – RECORDS MANAGEMENT**

**Purpose**

The Board recognizes the importance of establishing and maintaining a Records Management Plan that defines district staff responsibilities and complies with federal and state laws and regulations.

**Authority**

The Board shall retain, as a permanent record of the district, Board Minutes, annual auditor's reports and annual financial reports. All other financial records, including financial account books, orders, bills, contracts, invoices, receipts and purchase orders, shall be retained by the district for a period of not less than six (6) years. [1]

All other district records shall be retained in accordance with state and federal law and regulations and the district Records Management Plan approved by the Board.

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The district shall make a good faith effort to comply with all proper requests for record production. Selective destruction of records in anticipation of litigation is forbidden. [2] [3]

**Definitions**

Electronic Mail (Email) System – a system that enables users to compose, transmit, receive and manage text and/or graphic electronic messages and images across local area networks and through gateways connecting other networks. This information consists primarily of messages but may include attachments such as calendars, directories, distribution lists, word processing documents, spreadsheets, and other electronic documents.

Litigation Hold – a communication that all records and data relating to an issue being addressed by current or potential litigation or investigation be preserved for possible production during the litigation or investigation.

Records – information, regardless of physical form or characteristics, that documents a transaction or activity of the district and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the district. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document. [4]

Records Management Plan – the system implemented by the district for the retention, retrieval, and disposition of all records generated by district operations.

Records Retention Schedule – a comprehensive listing stating retention periods and proper disposition of records.

**Delegation of Responsibility**

**Records Coordinator**

In order to maintain a Records Management Plan that complies with Federal and State laws and regulations and Board policy, the Board designates the Superintendent or designee as the district's Records Coordinator who shall serve as the chairperson of the Records Management Committee.

The Records Coordinator shall be responsible to:

1. Ensure that training appropriate to the user's position and level of responsibility is provided. Such training may include:
  - a. Operation, care and handling of the equipment and software.
  - b. Requirements of the Records Retention Schedule.
  - c. Protocols for preserving and categorizing district records.
  - d. Procedures and responsibilities of district staff in the event of a litigation hold.
  - e. Identification of what is and what is not a record.
  - f. Disposal of records.

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2. Review the Records Management Plan periodically to ensure that record descriptions and retention periods are updated as necessary.
3. Identify, when the retention period expires, the specific records to be disposed of and ensure that all identified records are properly disposed of annually.

**Records Management Committee**

A committee responsible for the development and recommendation of the district's Records Management Plan shall be established by the Board. The Records Management Committee shall give primary consideration to the most efficient and economical means of implementing the recommended plan. Members of the Committee shall include the:

1. Open Records Officers
2. Superintendent
3. Board Secretary
4. District Solicitor
5. Information Technology Director or Designee
6. Business Manager
7. Board Member(s)

The Records Management Committee shall meet periodically to evaluate the effectiveness and implementation of the Records Management Plan and recommend changes as needed.

**Guidelines**

**Records Management Plan**

The district's Records Management Plan shall be the principal means for the retention, retrieval, and disposition of manual and electronic records, including emails. The Plan shall not rely primarily on backup systems to manage the retention and disposition of records.

The Records Management Plan shall include:

1. Comprehensive listing of records and data of the district.
2. Criteria to distinguish records of the school district from the supplemental personal records of individual employees. [7][8]
3. System(s) of records storage and retrieval to be used, including in what form the records will be stored, maintained, reproduced, and disposed.
4. Preservation measures to protect the integrity of records and data.
5. Data map or flow chart detailing the sources, routes and destinations of electronic records.
6. Procedures and employee designated for determining whether an item is a record.
7. Procedures for adding, revising or deleting records and data, and any other details necessary to implement the Records Management Plan.
8. Records Retention Schedule.
9. Provisions for the storage and retrieval of records in the event of an emergency or disaster.
10. Staff positions authorized to access district records.

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11. Procedures to be implemented in the event of a litigation hold that immediately suspends disposition of all records relevant to the current or potential claim. Such procedures shall specify:
- a. Who can initiate a litigation hold?
  - b. How and to whom a litigation hold is communicated.
  - c. Who will determine which records are subject to the litigation hold?
  - d. Who will be responsible for collecting and preserving such records and data?
  - e. Who will be responsible for monitoring and ensuring the district's compliance with the litigation hold?
  - f. In what format the records will be collected.

When possible, records and data shall be stored in their original form, including metadata, such as creation date, author, type of file, etc.

For any record not covered by the Records Retention Schedule, the Records Management Committee shall determine how long the records shall be kept and recommend any necessary revisions to the retention schedule.

The district shall maintain and dispose of records in a manner that protects any sensitive, proprietary or confidential information or individual privacy rights, and helps conserve natural resources.

### **Manual Records**

Manual records, which include all records not stored electronically, shall be retained and disposed of in accordance with the Records Management Plan.

Manual records shall be indexed in an organized and consistent manner, reflecting the way the records will be retained and referenced for later retrieval.

The district shall develop and maintain adequate and up-to-date documentation about each manual record system. Documentation may:

- 1. List system title and responsible employee(s) or office.
- 2. Define the contents of the system, including record formats.
- 3. Identify vital records and information.
- 4. Determine restrictions on access and use.

### **Electronic Records**

Electronic records shall be retained and disposed of in the same manner as records in other formats and in accordance with the Records Management Plan.

Electronic records shall be indexed in an organized and consistent manner, reflecting the way the records will be retained and referenced for later retrieval.

The district shall develop and maintain adequate and up-to-date documentation about each electronic record system. Documentation may:

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1. List system title and responsible employee(s) or office.
2. Specify all technical characteristics necessary for reading or processing the records stored on the system.
3. Identify all defined inputs and outputs of the system.
4. Define the contents of the system, including records formats and database tables.
5. Identify vital records and information.
6. Determine restrictions on access and use.
7. Describe update cycles and conditions.

**Email Records**

Email messages, in and of themselves, do not constitute records. Retention and disposition of email messages depend on the function and content of the individual message.

Records on an email system, including messages and attachments, shall be retained and disposed of in accordance with the district's Records Management Plan.

Email messages and attachments that do not meet the definition of records shall be deleted as required by the Records Management Plan.

Email records may be maintained as an electronic record or be printed and maintained as a manual record.

For each email considered to be a record, the following information shall be retained:

1. Message content.
2. Name of sender.
3. Name of recipient.
4. Date and time of transmission and/or receipt.

**Contractors**

Records created or maintained by contractors employed by the Board shall be retained and disposed of in accordance with the Records Management Plan. [9]

- Legal
1. 24 P.S. 518
  2. 65 P.S. 67.901
  3. Pol. 828
  4. 65 P.S. 67.102
  5. Pol. 801
  6. 24 P.S. 433
  7. 65 P.S. 67.708
  8. 20 U.S.C. 1232g
  9. 65 P.S. 67.506
- 65 P.S. 67.101 et seq  
Federal Rules of Civil Procedure – 16, 26, 34, 37, 45  
Pol. 004  
Pol. 006  
Pol. 105.2

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Pol. 114  
Pol. 138  
Pol. 203  
Pol. 203.1  
Pol. 209  
Pol. 212  
Pol. 216  
Pol. 216.1  
Pol. 233  
Pol. 314  
Pol. 324  
Pol. 326  
Pol. 334  
Pol. 601  
Pol. 609  
Pol. 610  
Pol. 618  
Pol. 619  
Pol. 702  
Pol. 706  
Pol. 716  
Pol. 810  
Pol. 810.1  
Pol. 830  
Pol. 912

**WILKES-BARRE AREA SCHOOL DISTRICT  
Policy 801 – Public Records**

**Purpose**

The Board recognizes the importance of public records as the record of the district's actions and the repository of information about this district. The public has the right to access and procure copies of public records, with certain exceptions, subject to law, Board policy and administration regulations.

**Definitions**

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

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



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**Record** – information, regardless of physical form or characteristics, that documents a district transaction or activity and is created, received or retained pursuant to law or in connection with a district transaction, business or activity, including: a document; paper; letter; map; book; tape; photograph; film or sound recording; information stored or maintained electronically; and a data-processes or image-processed document.

**Response** – the district’s notice informing a requestor of a granting of access to a record or the district’s written notice to a requester granting, denying, or partially granting and partially denying access to a requested record.

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

**Authority**

The Board shall make the district’s public records available for access and duplication to a requester, in accordance with law, Board policy and administrative regulations. [2] [3] [4] [5]

**Delegation of Responsibility**

The Board shall designate an Open Records Officer, who shall be responsible to: [6]

1. Receive written requests for access to records submitted to the district.
2. Review and respond to written requests in accordance with law, Board policy and administrative regulations.
3. Direct requests to other appropriate individuals in the district or in another agency.
4. Track the district’s progress in responding to requests.
5. Issue interim and final responses to submitted requests.
6. Maintain a log of all record requests and their disposition.
7. Ensure district staff are trained to perform assigned job functions relative to requests for access to records.

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

1. Note the date of receipt on written request.
2. Compute and note on the written request the day on which the five-day period for response will expire.
3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled.
4. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

**Guidelines**

Requesters may access and procure copies of the public records of the district during the regular business hours of the administration office. [5]

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

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The district shall not limit the number of records requested. [2]

When responding to a request for access, the district is not required to create a record that does not exist not to compile, maintain, format or organize a record in a manner, which the district does not currently use.

Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice. [10] [11] [12].

The district shall post at the administration office and on the district's website, if the district maintain a website, the following information: [4] [13]

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

**Request for Access**

A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer. [4] [13] [14]

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

Each request must include the following information: [5] [14]

1. Identification or description of the requested record, in sufficient detail.
2. Medium in which the record is requested.
3. Name and address of the individual to receive the district's response.

The district shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law. [14]

**Fees**

Except for the duplication fee established by the state, the Board shall approve a list of reasonable fees relative to requests for public records. The district shall maintain a list of applicable fees and disseminate the list to requestors. [15]

No fee may be imposed for review of a record to determine whether the record is subject to access under law. [15]

Prior to granting access, the district may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100. [15]

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The Superintendent may waive duplication fees when the requester duplicates the record or the Superintendent deems it is in the public interest to do so. [15]

**Response to Request**

District employees shall be directed to immediately forward requests for access to public records to the Open Records Officer. [6] [16]

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

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

The initial response shall grant access to the requested record; deny access to the requested record; partially grant and partially deny access to the requested record; notify the requester of the need for an extension of time to fully respond; or request more detail from the requester to clearly identify the requested material.

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

**Extension of Time**

If the Open Records Officer determines that an extension of time is required to respond to a request, in accordance with the factors stated in law, written notice shall be sent within five (5) business days of receipt of request. The notice shall indicate the request for access is being reviewed, the reason the review requires an extension, a reasonable date when the response is expected, and an estimate of applicable fees owed when the record becomes available. [7] [17]

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

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

**Granting of Request**

If the Open Record Officer determines that the request will be granted, the response shall inform the requester that access is granted and either include information on the regular business hours of the administration office, provide electronic access, or state where the requester may go to inspect the records or information electronically at a publicly accessible site. The response shall include a copy of the fee schedule in effect, a statement that prepayment of fees is required in

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a specified amount if access to the records will cost in excess of \$100 and the medium in which the records will be provided.

A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. However, the district is not required to permit use of its computers. [5]

The Open Records Officer may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means or that the district shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the district's notice, submits a written request to have the record converted to paper, the district shall provide access in printed form within five (5) days of receipt of the request for conversion to paper. [5] [18]

A public record that the district does not possess but is possessed by a third party with whom the district has contracted to perform a governmental function and which directly relates to that governmental function shall be considered a public record of the district. When the district contracts with such a third party, the district shall require the contractor to agree in writing to comply with requests for such records and to provide the district with the requested record in a timely manner to allow the district to comply with law. [19]

If the Open Records Officer determines that a public record contains information both subject to and not subject to access, the Open Records Officer shall grant access to the information subject to access and deny access to the information not subject to access. The Open Records Officer shall redact from the record the information that is not subject to access. The Open Records Officer shall not deny access to a record if information is able to be redacted. [20]

If the Open Records Officer responds to a requester that a copy of the requested record is available for delivery at the administration office and the requester does not retrieve the record within sixty (60) days of the district's response, the district shall dispose of the cop and retain any fees paid to date. [21]

### **Notification to Third Parties**

When the district produces a record that is not a public record in response to a request, the Open Records Officer shall notify any third party that provided the record to the district, the person that is the subject of the record, and the requester. [22]

The Open Records Officer shall notify a third party of a record request if the requested record contains a trade secret or confidential proprietary information, in accordance with law and administrative regulations. [22]

### **Denial of Request**

If the Open Records Officer denies a request for access to a record, whether in whole or in part, a written response shall be sent within five (5) business days of receipt of the request. The response denying the request shall include the following: [7] [23]

1. Description of the record requested.

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

The Open Records Officer may deny a request for access to a record if the requester has made repeated requests for that same record and the repeated request have placed an unreasonable burden on the district. [19]

The Open Records Officer may deny a request for access to a record when timely access is not possible due to a disaster, or when access may cause physical damage or irreparable harm to the record. To the extent possible, a record's contents shall be made accessible even when the record is physically unavailable. [19]

Information that is not subject to access and is redacted from a public record shall be deemed a denial. [20] [23]

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the state's Office of Open Records within fifteen (15) business days of the mailing date of the Open Records Officer's response or deemed denial. [8]

**WILKES-BARRE AREA SCHOOL DISTRICT  
POLICY 815 – Acceptable Use of Computer Network and the Internet**

**Purpose**

The Wilkes-Barre Area School District recognizes that information technology tools and network facilities are used to support learning and to enhance instruction. Information technology tools and network facilities allow people to interact with many other computer and networks. It is a general policy that all technologies are to be used in a responsible, efficient, ethical and legal manner.

The use of the Wilkes-Barre Area School District's information technology tools and network facilities shall be consistent with the district's mission and the curriculum adopted by the Wilkes-Barre Area School District.

**Definitions**

**CIPA** – The Children's Internet Protection Act (CIPA) is a federal law enacted to address concerns about access to offensive content over the Internet on school and library computers. CIPA requirements include the following three items:

1. Technology Protection Measure – A technology protection measure is a specific technology that blocks or filters Internet access. It must protect against access by adults and minors to visual depictions that are obscene, child pornography, or – with respect to use of computers with Internet access by minors – harmful to minors. It may be disabled for adults engaged in bona fide research or other lawful purposes. For schools, the policy must also include monitoring the online activities of minors.

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2. Internet Safety Policy – The Internet Safety Policy must address access by minors to inappropriate matter on the Internet. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications, unauthorized access including “hacking” and other unlawful activities by minors online, unauthorized disclosure, use, and dissemination of personal information regarding minors, and measures designed to restrict minors’ access to harmful materials.
3. Public Notice and Hearing – The authority with responsibility for administration of the school or library must provide reasonable public notice and hold at least one public hearing to address a proposed technology protection measure and Internet safety policy.

**Child** – The term child means an individual under the age of 13 defined in Children’s Online Privacy Protection Act of 1998.

**Child Pornography** – means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

1. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct.
2. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
3. Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. (Definition from Section 2256 of Title 18, United States Code)

**COPPA** – Children’s Online Privacy Protection Act applies to the online collection of personal information by persons or entities under U.S. jurisdiction from children under 13 years of age. It details what a website operator must include in a privacy policy, when and how to seek verifiable consent from a parent or guardian, and what responsibilities an operator has to protect children’s privacy and safety online including restrictions on the market to those under 13.

**Educational Purpose** – includes use of the information technology tools, network facilities, and internet access for classroom activities, professional or career development, and to support the school district’s curriculum, policy and mission statement.

**Hacking** – any attempt to gain unauthorized access (or the unauthorized access) to network facilities or using district network facilities to attempt or to gain unauthorized access to other networks or computing resources.

**Harmful to minors** – any picture, image, graphic image file or other visual, sound or written depiction that:

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

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3. Lacks serious literary, artistic, political or scientific values as to minors; depicts extreme violence; promotes intolerance. (Definition from 20 U.S.C. Sec. 6777 47 U.S.C. Sec. 254)

**HIPPA** – Health Insurance Portability and Accountability Act, pertaining to the Privacy Rule for Protected Health Information. The Protected Health Information is any information about health status, provision of health care, or payment for health care that can be linked to a specific individual.

**Illegal activities/uses** – any use of network facilities which violates a municipal ordinance, or local, state, or federal law, including those activities relating to intellectual property rights, trade secrets, the distribution of obscene or pornographic materials of the Family Educational Rights and Privacy Act.

**Information technology** – any electronic device, computer hardware and software, operating systems, web-based information and applications, telephones and other telecommunication products, video equipment and multimedia products, information kiosks and office products such as photocopiers and fax machines.

**Minor** – for purposes of compliance with the Children’s Internet Protection Act (CIPA), an individual who has not yet attained the age of seventeen (17). For other purposes, minor shall mean the age of minority as defined in the relevant law.

**Network facilities** –

1. Computer hardware and software, electronic connections, electronic devices and other information technology tools used for information processing, as well as peripheral devices connected to these tools.
2. Network bandwidth including internet bandwidth and other devices necessary to facilitate network connectivity such as email services, file servers, routers, switches, hubs, firewalls, premise wiring, network data ports, etc.
3. Computers hardware and software, electronic connections, electronic devices and other information technology tools used on district property or used off district property that impacts the district or causes a disruption to the educational environment, or when such use comes in conflict with the Student code of Conduct or district policy, whether or not such tools are owned by the district and whether or not they are connected physically or wirelessly to the district’s information network(s).
4. Computers, electronic connections, electronic devices and other information technology tools while they are connected remotely (from home or elsewhere) to the district’s network.

**Online collaboration** – using site-based or web-based technology tools to communicate and work productively with other users to complete educationally relevant tasks.

**Personal use** – incidental personal use of school computers is permitted for employees so long as such use does not interfere with the employee’s job duties and performances, with system operations or with other system users.

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Personal use must comply with this policy and all other applicable district's procedures and rules contained in this policy as well as ISP terms, local, state and federal laws; and must not damage the district's information technology tools, network facilities and internet access systems.

**Staff** – includes administrative, teaching, support and volunteer personnel employed by or voluntarily affiliated with the Wilkes-Barre Area School District.

**Technology Protection Measure** – a specific technology that block or filters internet access.

**Technology tools** – includes any district-owned, leased or licensed or user owned personal hardware, software or other technology used on district premises or at district events, or connected to the district network, containing school district programs or district or student data (including images, files and other information) attached or connected to, installed in or otherwise used in connection with a computer. Technology equipment includes, but is not limited to, district and users': desktop, notebook, netbook, tablet PC or laptop computers, servers, firewalls/security systems, distance learning equipment, video-conference units, printers, facsimile machine, cables, modems, and other peripherals, specialized electronic equipment used for students' special educational purpose, Global Positioning System (GPS) equipment, personal digital assistants (PDA's), iPods, MP3 players, USB/jump drives, cell phones, with or without internet access and/or recording and/or camera/video and other capabilities and configurations, telephones, mobile phones, or wireless devices, two-way radios/telephones, beepers, paging devices, laser pointers and attachments and any other such technology developed.

**Telecommunications** – any system that allows users access to a wide variety of information from electronic networks found on local, state, national and international databases, internet or intranet servers and other information technology tools. Examples include, but are not limited to, internet technologies, e-mail, internet-based discussion groups and bulletin boards.

## **AUTHORITY**

The Board of Directors (Board) establishes that use of information technology tools and network facilities impacting the district is a privilege, not a right.

Inappropriate, unauthorized and illegal use may result in cancellation of the privileges of users and appropriate disciplinary action consistent with the district's disciplinary code.

The information available to students and staff does not imply endorsement by the district of the content, nor does the district guarantee the accuracy of information received.

All network and computing resources must meet requirements for established policies, procedures and conditions of the Wilkes-Barre Area School District and any external entity administrating resources to which the network or computing resources are connected.

The district's Director of Technology, or other authorized school employees, may at any time review the subject, content and appropriateness of electronic communications, internet access, usage of the district's information technology or other electronic files and remove them or block the inappropriate use as warranted, or report any violation of these rules to the district's administration or appropriate law enforcement officials. The district reserves the right to remove



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a user account from its network facilities to prevent further unauthorized or illegal activity, if this activity is discovered.

The hardware, software, messages transmitted and electronic files created on it are the property of the district.

Users have no expectation of privacy and confidentiality in the content of electronic communications, internet access or other electronic files sent and received utilizing the district's information technology tools, network facilities or stored in his/her directory. The Wilkes-Barre Area School District reserves the right to monitor, inspect, copy, review and store at any time, without prior notice, any and all usage of its information technology, network facilities and internet usage and any and all information transmitted or received in connection with such usage. All such information files and user accounts shall be and remain property of the district.

**DELEGATION OF RESPONSIBILITY**

The district shall make every effort to ensure that district resources are used responsibly by students and staff. Students and staff have the responsibility to respect and protect the rights of every other user in the district and on the Internet.

All staff have a professional responsibility to work together to help students develop the intellectual skills necessary to discriminate among information sources, to identify information appropriate to their age and developmental levels, to evaluate and use the information to meet their educational goals and practice proper etiquette and ethical use of district resources.

The district shall not be responsible for any information lost, damaged or unavailable when using the network or for any information that is retrieved via the internet. The district is not responsible for any unauthorized charges or fees resulting from access to the internet.

The Board of Directors for the Wilkes-Barre Area School District endorses the use of technology as an integral part of the district's instructional program.

The Superintendent shall be responsible for the development of educational programs using technology and global networks and shall establish procedures for the development of such programs.

The Superintendent or designee shall be responsible for developing procedures used to determine whether the district's technology tools and network facilities are being used for purposes prohibited by law or for accessing sexually explicit materials. The procedures shall include but not be limited to:

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

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Unless otherwise denied for cause, student access to onsite district resources shall be through supervision by the district staff. All users have the responsibility to respect the rights of all other users within the district and district's technology resources and to abide by the rules established by the district, its ISP and local, state and federal laws.

**GUIDELINES**

Network accounts will be used only by the authorized owner of the account for its approved purpose. These accounts will be made available according to a procedure developed by appropriate district authorities. All communications and information accessible via the network should be assumed to be the property of the district and shall not be disclosed. Network users shall respect the privacy of other users on the system.

A guest may receive an individual network account with the approval of the Director of Technology and/or designee if there is a specific district-related purpose requiring such access after the AUP is signed and must comply with this policy and all other district policies, procedures and rules, as well as local, state and federal laws. An agreement between the district and a guest will be required. A parental signature will be required if the guest is a minor.

**PROHIBITIONS**

The use of district information technology tools, network facilities and the Internet for illegal, inappropriate or unethical purposes by students or staff is prohibited. More specifically, the following are prohibited:

1. Use of the network for commercial or for-profit purposes, product advertisement, political lobbying or to facilitate illegal activity.
2. Hacking, port scanning, unauthorized attempts to access network resources, creating malicious code, phishing, spamming or use of the network to develop programs that harass other users or infiltrate a computer system and/or damage the software components of a computer or system.
3. The illegal installation, distribution, reproduction or use of copyrighted material on district information technology or network facilities.
4. Accessing or transmitting files dangerous to the integrity of the district's information technology or network facilities.
5. Attempting to circumvent or disable any filter, information security or other security measure.
6. Attempting to use network facilities while access privileges are suspended or revoked.
7. Use of the network to access materials, images or photographs that are obscene, pornographic, lewd or otherwise illegal.
8. Use of the network to transmit material likely to be offensive, objectionable or inflammatory to recipients such as hate mail, harassment or discriminatory remarks.
9. Use of the network to misrepresent other users on the network, forge electronic mail messages or quote personal communications in a public forum without the original author's prior consent.
10. Loading or use of unauthorized games, programs, files or other electronic media.
11. Use of district information technology tools or network facilities to disrupt the work of others; intentionally disrupt information network traffic or crash the network and

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- connected systems; and the hardware or software of other users shall not be destroyed, modified or abused in any way.
12. Use of the network which results in any copyright violation or other contracts violating such matters as institutional or third party copyright, license agreements and other contracts.
  13. Posting of anonymous messages, possessing any data, which might be considered a violation of these rules in paper, electronic or any other form or using inappropriate language or profanity.
  14. Revealing personal information or passwords related to any users on the network other than by district staff in the performance of assigned duties.
  15. use of any social networking or communication medium, on or off campus, that causes a disruption to the educational process (e.g. posting inflammatory comments about another student or staff member).
  16. Attaching personal technology tools directly to the network without the express permission of the Superintendent or designee.

**Security**

To the greatest extent possible, users of the district's network will be protected from harassment and unwanted or unsolicited communication. The security of network facilities is protected through the use of passwords.

Failure to adequately protect or update passwords could result in unauthorized access to personal or district files. To protect the integrity of network facilities and the safety of users, the following guidelines shall be followed:

1. Users shall not reveal their passwords to another individual or use any other user's password. If a user suspects someone else has his/her password, the password shall be changed immediately by district personnel.
2. Users are responsible to log off a computer or secure the computer when it is not in use and are not permitted to use a computer that has been logged in under another user's name.
3. Any user identified as a security risk or having a history of problems with other electronic resources may be denied access to the network.
4. The use of technology tools for the purpose of online collaboration and communication within and among users is a privilege, not a right. Furthermore, any collaborative tool user accounts created by district personnel or by the end-user for the purpose of completing course curriculum are subject to the guidelines defined by the Acceptable Use Policy of the Wilkes-Barre Area School District, regardless of where the access to that technology tool has taken place.
5. Any network user who receives threatening or unwelcome communications or an invitation from internet contacts to an inappropriate face-to-face meeting shall immediately report the incident to a teacher or administrator.
6. Student users shall not reveal personal information to other users, including through e-mail, internet, etc. that could identify themselves or other users or allow a person to locate a user.
7. Users shall not intentionally seek information on, obtain copies of or modify files, other data or passwords belonging to other users.

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8. Users shall not transfer or download confidential data or data that contains sensitive personally identifiable information via any portable storage devices including USB devices.
9. Users should exercise due diligence in regards to printing confidential data or data that contains sensitive personally identifiable information, including grade reports, health records, IEP's and other records subject to the Health Insurance Portability and Accountability Act.

**Filtering**

Any district computer /server utilized by students and staff shall be equipped or connected to with Internet blocking/filtering software or hardware. The district will also monitor online activities of users through direct observation or technological means to ensure adherence to this policy. Internet filtering software or other technology based protection systems may be disabled by the Director of Technology or his/her designee, as necessary, for purposes of valid research or other educational projects being conducted by users, as determined and approved by a building administrator.

Internet safety measures shall effectively address the following:

1. Control of access by minors to inappropriate matter on the Internet and World Wide Web.
2. Safety and security when using electronic communications and other forms of direct electronic communications.
3. Prevention of unauthorized online access, including "hacking" and other unlawful activities.
4. Unauthorized disclosure, use, and dissemination of personal information.
5. Restriction of access deemed by the district to be harmful to minors.
6. Restriction of access to visual depictions that are obscene, child pornography or harmful to minors.

**Disclaimer of Warranties/Indemnification**

The district makes no warranties of any kind, either express or implied, in connection with this policy, access to and use of its information technology, or network facilities. The district shall not be responsible for any claims, losses, damages or costs (including fees) of any kind suffered, directly or indirectly, by any user of his/her parent(s)/guardian(s) arising out of the use of its information technology or network facilities under this policy. Further, the district is not responsible for damage that may occur as a result of an individual user attempting to connect a personal technology device to any district-owned device.

By signing this policy, the user is taking full responsibility for his/her use, and the user who is eighteen (18) or older, or, in the case of a user under eighteen (18), the parent(s)/guardian(s) are agreeing to indemnify and hold the district administrators, professional employees and staff harmless from any and all losses, cost claims or damages resulting from the user's access to its network facilities, including, but not limited to, any fees or charges incurred through purchases of goods or services by the user. The user, or if the user is a minor, the user's parent(s)/guardian(s) agree to cooperate with the district in the event of the district's initiating an investigation of a user's access to the computer network and the Internet.

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**Actions Resulting From Misuse**

Deliberate and/or negligent abuse of the network, computing resources or any other district resource could lead to disciplinary action. Any such action would be subject to applicable procedures established by the district. The network user, whether student or employee may be responsible for restitutions for damages to the equipment, systems or software resulting from negligent, deliberate or willful acts.

All incidents of misuse are to be reported to building principals responsible for the students and staff. The building principal or his designee will conduct an investigation to determine the participant and the extent of the misuse.

Consequences of violations include but are not limited to:

1. Suspension of information network access; revocation of information network access; suspension of network privileges; revocation of network privileges; suspension of computer access; revocation of computer access.
2. Revocation of district issued technology tools, including all mobile device owned by the district.
3. Employment suspension; school suspension
4. Employment termination; school expulsion.
5. Legal action and prosecution by the authorities.

**Copyright**

The illegal use of copyrighted software by students and staff is prohibited.

All software installed on district technology must be approved by the Technology Director for the purposes of network security and licensing.

Any data uploaded to or downloaded from the network shall be subject to fair use guidelines.

Employees and students of the district are subject to the provisions of the Copyright Act of 1976. Teachers, administrators, media specialists, and other District personnel take an active role in assuring compliance with the United States copyright law and congressional guidelines. US copyright laws protect most creative works. Examples of creative works include books, computer software, music and films.

The district does not sanction illegal use or duplication of copyrighted materials in any form. Unlawful copies may not be produced or used on district equipment, within district facilities, or at district-sponsored functions. Employees or students who knowingly and/or willingly violate the district's copyright policies do so at their own risk and may be required to reimburse the district for expenses incurred as a result of a violation.

Principals and administrators are responsible for establishing procedures to ensure that offices and schools adhere to copyright law. These procedures should include informing students and staff members of district copyright policy, and periodically reminding them of their rights and responsibilities. All School sites and work locations must provide a copy of their computer software site license agreements to the district's Technology Center.

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At no time may district technology be used to backup, copy, or store any information found on a personal electronic device (cell phone, music players, tablets). This includes storing duplicate information of music, videos and any other copyrighted media regardless if it is legal copy or purchase. Any music, video or copyrighted materials found on district equipment will be immediately removed without warning.

**Safety**

To the greatest extent possible, users of the network will be protected from harassment and unwanted or unsolicited communication. Any network user who receives threatening or unwelcome communications shall report such immediately to a teacher or administrator. Students shall not reveal personal information to other users on the network, including chat rooms, e-mail, Internet, etc.

Any district computer/server utilized by students and staff shall be equipped with Internet blocking/filtering software or connected to content filtering through the network.

Internet safety measures shall effectively address the following:

1. Control of access by minors to inappropriate matter on the Internet.
2. Prevention of unauthorized online access by minors, including "hacking" and other unlawful activities.
3. Unauthorized disclosure, use and dissemination of personal information regarding minors.
4. Restriction of minors' access to materials harmful to them.

**Remedies and Recourses**

Anyone accused of any violation has all of the rights that would normally apply if such person were accused of school vandalism or any other illegal activity.

The district has the right to restrict or terminate information network access at any time for any reason. The district further has the right to monitor network activity in any form that it sees fit to maintain the integrity of the information network.

**Procedure For Handling Request to Reconsider Information/Materials**

No duly selected materials whose appropriateness is challenged shall be removed from the school except upon the recommendation of a review committee, as provided for below, with the concurrence of the Superintendent.

The following procedures are to be observed:

1. All complaints to staff members shall be reported to the building principal, whether received by telephone, letter or in personal conversations.
2. The principal shall contact the complainant to discuss the complaint and attempt to resolve it informally by explaining the philosophy and goals of the school district and/or the library media center.

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3. If the complaint is not resolved informally, the complainant shall be supplied with the Wilkes-Barre Area School District's network policy statement, the procedure for handling objections and a complaint form. The complaint form must be completed and returned before consideration will be given to the complaint.
4. When the request is returned, the reasons for selection of the specific information shall be reestablished by the appropriate staff.
5. In accordance with statement of philosophy, no questioned materials shall be removed from the school pending a final decision. Pending the outcome of the request for consideration, however, access to questionable materials can be denied to the child (or children) of the parents/guardians making the complaint, if they so desire.
6. Upon receipt of a completed objection form, the principal in the building involved will call together a committee to consider the complaint. This committee may consist of the principal, the technology coach, a teacher, the department chair, a member of the community and a librarian.
7. The committee shall meet to discuss the material, following the guidelines set forth in the network policy, and shall prepare a report on the material containing their recommendations on disposition of the matter.
8. The principal shall notify the complainant of the decision and send a formal report and recommendation to the Superintendent. If the committee decides to keep the work that caused the complaint, the complainant shall be given an explanation. If the complaint is valid, the principal will acknowledge it and make recommended changes.
9. If the complainant is still not satisfied s/he may appeal to the Superintendent who shall make a final determination of the issue. The Superintendent may seek assistance from outside organizations, such as the American Library Association, the Association for Supervision and Curriculum Development, etc., in making his/her determination.

References:

School Code – 24 P.S. Sec 1303.1-A

Children Internet Protection Act – 47 U.S.C. Sec. 254

Enhancing Education Through Technology Act of 2001 – 20 U.S.C. Sec. 6777

Internet Safety – 47 U.S.C. Sec. 254

Code of Best Practices in Fair Use for Media Literacy Education – Temple University

Board Policy – 815

**AUP – Addendum 1  
Employee Email Policy**

**Introduction**

The Wilkes-Barre Area School District (WBASD) provides electronic mail (email) resources for its employees. For purposes of this document, an employee is defined as one who receives a regular payroll check generated by WBASD and is currently employed by the school district. Email is defined as a document created, transmitted and/or received through the WBASD mail system using either a personal computer or a computer owned by the school district. The school district's Statement of Employee Email Policy defines the policies that will ensure the continuous services of the WBASD Electronic Mail System.

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**Statement of Employee Email Policy**

It is the intent of the Wilkes-Barre Area School District to maintain the privacy and integrity of email created using the District Mail System. However, employees should be aware that any email generated is considered public records, and subject to the Pennsylvania Act of June 21, 1957 (P.L. 390, No. 212), as amended by Act 2002-50, 65 P.S. §§66.1-66.9, commonly known as the "Right to Know Act," and Act 3 of 2008, commonly known as the Open Records Law as well as the United States Electronic Communications Privacy Act, 18 U.S. Code Sections 2501 and 2701.

Email correspondence may be subject to the public inspection and may be used as evidence in litigation. Employees should also know that while every attempt will be made to secure the District Mail System, WBASD cannot guarantee the privacy of email sent, received or stored due to the nature of electronic communication technology.

**Acceptable Use of the District Mail System**

The purpose of the District Mail System is to provide WBASD authorized users with the ability to communicate through email for educational purposes. Communication with peers for academic or school related business purposes is acceptable, as well as email to students, parents and the community. Employees should be aware, however, that any written communication is considered to be a legal document and may be sued as evidence in litigation.

**Unacceptable uses of the District Mail System**

1. Allowing an unauthorized user to access the system.
2. Using email for personal monetary gain that is not related to school business.
3. Harassing other authorized users or generating harassing email to anyone.
4. Sending information that violates copyright laws, such as copied images, documents and music files.
5. Personal email not related to school business.
6. Posting items for sale or rent for personal monetary gain.
7. Distribution of pornographic or other offensive materials or images.
8. Generation of email using a false identity, or pretending to be someone else (spoofing).
9. Generation of junk email to blocks of users (spamming).
10. Any unauthorized use of the system, including attempt of disruption of services, interception of other users email, or attempt to breach the security of the mail system.

**Rights of the Wilkes-Barre School District**

The Wilkes-Barre Area School District, as owner of the District Mail System, has the right to obtain copy and archive all documents or communications created using the system. These documents may be subject to public inspection, under the Pennsylvania Open Records Law.

WBASD will also monitor any email communications at any time for the purpose of maintaining the integrity and continued operation of the District Mail System without providing notification to the employee. To the extent of the law, WBASD also retains the right to disclose the contents of an employee's mail without the consent of the employee. Disclosure of email would occur if requested by authorized personnel or law enforcement officials, as a response to a request for information in an



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investigation of unacceptable use of misconduct. An employee should be aware that their email content is subject to review at any time by authorized personnel.

**Termination of Services**

WBASD reserves the right to terminate an employee's use of the District Mail System for inappropriate or unacceptable use as outlined in this document. Employees should be aware that should their mail services be terminated, other disciplinary actions may be taken as well.

**WILKES-BARRE AREA SCHOOL DISTRICT**  
**POLICY 810 – Transportation**

**Purpose**

Transportation for students shall be provided in accordance with law and Board policy.

**Definitions**

School bus means a motor vehicle that is designed to carry eleven (11) passengers or more, including the driver, and is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities. [1]

School vehicle means a motor vehicle, except a motorcycle, designed for carrying no more than ten (10) passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to the school district. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children. [1]

**Authority**

The Board shall provide transportation for resident students in grades kindergarten through 12 to the district's public schools and charter, regional charter and nonpublic schools located in the district or within the district's transportation boundary or other placements as required by law or agreements. The district's transportation boundary is a distance not exceeding ten (10) miles by the nearest public highway outside the school district's border. [2] [3] [4]

The Board shall purchase, lease, equip, and maintain school buses/vehicles and/or contract for school/bus vehicle services for transportation of students to and from school at regularly scheduled hours and for field trips and extracurricular activities. [2] [3] [5] [6] [7] [8] [9] [10]

The Board shall provide transportation for students living within the prescribed limits when walking conditions to the school are found to be hazardous by the Department of Transportation. [3] [11]

The Board shall provide transportation for students with disabilities, without regard to distance or hazardous walking conditions, when required by the student's individualized education program (IEP) or Section 504 Service Agreement. [12] [13] [14] [15] [16]

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The Board shall provide transportation for eligible resident students who are enrolled in nonpublic schools or charter schools as required by law. [2] [4] [17]

The Board shall provide transportation for children in foster care in accordance with federal and state laws and regulations. [20] [21]

The Board prohibits any diesel-powered motor vehicle weighing 10,001 pounds or more to idle for more than five (5) minutes in any continuous sixty-minute period while parked, loading or unloading, except as allowed by law. [22]

The Board shall ensure that permanent signs, notifying drivers of the idling restrictions, are maintained on district property at locations where diesel-powered motor vehicles weighing 10,001 pounds or more load or unload. Signs shall also be posted at locations that provide fifteen (15) or more parking spaces for such diesel-powered motor vehicles. [23] [24]

**Delegation of Responsibility**

The school bus/vehicle driver shall be responsible to maintain order while students are being transported.

The school bus/vehicle driver shall report all incidents, including, but not limited to, discipline problems, medical problems, bullying/harassment, safety issues, accidents or injuries, and violations of Pennsylvania's School Bus Stopping Law to the Superintendent or designee as soon as practicable.

The building principal may suspend a student from bus transportation for disciplinary reasons, and the parents/guardians shall be responsible for the student's transportation. [7]

The Superintendent or designee shall be responsible to:

1. Maintain records and make required reports regarding school transportation. [5] [7]
2. Distribute rules governing student conduct during transport; such rules shall be binding on all students transported by the district.
3. Provide each school bus/school vehicle driver with:
  - a. The Pennsylvania School Bus Driver's manual;
  - b. The written rules for student conduct on buses/vehicles;
  - c. The procedures for evacuation drills; and
  - d. Any additional laws and applicable Board policies and administrative regulations which apply to school bus/vehicle drivers.
4. {NO} Establish administrative regulations that specify the number of chaperones to accompany students in connection with school-related activities and field trips. [7] [25]
5. {NO} Prepare a district map or schedule indicating each bus stop and bus route. [7]

**Guidelines**

**Student Health Information**

When necessary for student safety, or when required by a student's IEP or Section 504 Service Agreement, a school bus/vehicle driver shall be provided with relevant student health and medical information. [16] [26][27] [28] [29]

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School bus/vehicle drivers shall maintain the confidentiality of student health/medical information in accordance with district policies and procedures and applicable law. [30] [31]

**Evacuation Drills**

Bus evacuation drills shall be conducted twice a year and reported to the Pennsylvania Department of Education, in accordance with law and Board policy. [32] [33] [34]

**NOTES:**

Title 22, Sec. 23.4 – discipline, field trips, contracted negotiations, records  
Title 22, Sec. 23.6 – authorized passengers  
Computation of distance – 1366  
Field Trips – 24 P.S. Sec. 517 (farm show), 1361 (nonpublic); Title 22, Sec. 23.4  
Ten-mile boundaries – 1361  
Other boundaries – 1 ½ miles – 1362  
Payments/reimbursements – 2541, 2542, Title 22 Sec. 23.31-23.40  
Transportation – Title 22, Chapter 23  
School Buses/Vehicles – Title 67, Chapter 171  
Bus Drivers Minor Children – Title 22 Sec. 23.6  
Definitions of motor vehicle – Vehicle Code – 74 Pa. C.S.A. Sec. 102

If the district has existing language in policy on transportation routes and stops, which addresses students being limited to a single bus stop or single residence, recommend reviewing the language with the solicitor based on recent court cases regarding student transportation and residency (Watts v Manheim Township SD, Wyland v West Shore SD). Consult Legal with questions.

**PSBA Revision 5/18 © 2018 PSBA**

- Legal
1. 75 Pa. C.S.A. 102
  2. 24 P.S. 1361
  3. 24 P.S. 1362
  4. 24 P.S. 1726-A
  5. 22 PA Code 23.1
  6. 22 PA Code 23.2
  7. 22 PA Code 23.4
  8. Pol. 610
  9. Pol. 611
  10. Pol. 818
  11. 67 PA Code 447.1 et seq
  12. 22 PA Code 23.3
  13. 24 P.S. 1374
  14. Pol. 103
  15. Pol 103.1
  16. Pol. 113
  17. Pol. 140
  18. 20. U.S.C. 6312
  19. Pol. 255
  20. 42 U.S.C. 11432

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- 21. Pol. 251
- 22. 35 P.S. 4601 et seq
- 23. 35 P.S. 4608
- 24. 67 PA Code 212.101
- 25. Pol. 121
- 26. Pol. 209.1
- 27. Pol. 209.2
- 28. Pol. 210
- 29. Pol. 210.1
- 30. Pol. 113.4
- 31. Pol. 216
- 32. 24 P.S. 1517
- 33. 75 Pa C.S.A. 4552
- 34. Pol. 805
- 24 P.S. 1331
- 24 P.S. 1365
- 24 P.S. 1366
- 24 P.S. 2541
- 24 P.S. 2542
- 22 PA Code 15.1 et seq
- 22 PA Code 23.6
- 75 PA C.S.A. 4551-4553
- 20 U.S.C. 6301 et seq
- 42 U.S.C. 11431 et se
- 49 CFR Part 37
- 49 CFR Part 38
- Pol. 810.1

Last modified by Brian Costello on February 6, 2019

**WILKES-BARRE AREA SCHOOL DISTRICT  
POLICY 810.1 – School Bus Drivers and School Commercial Motor Vehicle Drivers**

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

**Purpose**

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

**Definitions**

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

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

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

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

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

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

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

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

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

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

1. The term includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access an Internet web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone or engaging in any other form of electronic text retrieval or entry, for present or future communication.
2. The term does not include:

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- a. Inputting, selecting or reading information on a global positioning system or navigation system.
- b. Pressing a single button to initiate or terminate a voice communication using a mobile telephone.
- c. using a device capable of performing multiple function, including, but not limited to fleet management systems, dispatching devices, citizens band radios and music players, for a purpose that is not prohibited by law.

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

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

**Authority**

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

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

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

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

**Delegation of Responsibility**

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

1. **Selecting and contracting** with a qualified medical review officer, substance abuse professional, a certified laboratory and other service agents as necessary. [13]
2. Establishment of procedures for required testing of covered drivers. [14]
3. Maintenance of the confidentiality of all aspects of the testing process. [8]
4. Delegation of responsibility for monitoring employee compliance with the provisions of Board policy and administrative regulations.
5. Designation of an employee responsible for receiving and handling results of drug and alcohol tests. [15]
6. Implementation of procedures for the preparation, maintenance, retention and disclosure of records, as required by law. [16]
7. Distribution to affected employees of information and materials relevant to Board policies and administrative regulations regarding drug and alcohol testing. [17]

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8. Distribution to affected employees of information and materials relevant to individuals or organizations that can provide counseling and treatment for drug and/or alcohol problems.

The Superintendent or designee shall provide each driver, upon hire or transfer, with:

1. This policy and its accompanying administrative regulations; and [17]
2. Educational materials that explain the state and federal requirements related to misuse of alcohol and use of controlled substances. [17]

The Superintendent or designee shall also provide notice to representatives of employee organizations of the availability of this information. [17]

The Board designates the Superintendent and the Director of Human Resources to be the contact person for questions about the drug use and alcohol misuse program.

### **Guidelines**

#### **Employment Requirements**

All covered drivers shall comply with the requirements for background checks/certifications and employment history reviews in accordance with applicable law, Board policy and administrative regulations. These requirements are addressed separately in Board policy 304 for drivers employed by the district and Board policy 818 for drivers employed by an independent contractor. [10] [18] [19] [20] [21] [22]

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

1. Alcohol and drug testing information from previous U.S. Department of Transportation regulated employers during the past three (3) years with the covered driver's written consent. [23][24]
2. Commercial motor vehicle employment information for the past ten (10) years. [25] [26]

#### ***Additional Documentation***

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

1. Obtain a copy of a valid commercial driver's license indicating the appropriate endorsements from the covered driver; [27]
2. Obtain a copy of a Commonwealth of Pennsylvania School Bus Driver' Physical Examination Form from the covered school bus driver; [28]
3. Obtain a copy of a current Pennsylvania School Bus Endorsement card from the covered school bus driver; [28]
4. Review each covered driver's driving record to determine whether the driver meets the minimum requirements for safe driving and is not disqualified to operate a commercial motor vehicle. [29] [30]

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Prior to employment by the district as a covered driver or transfer to a covered driver position, and every two (2) years, the Superintendent or designee shall obtain a valid Medical Examiner's Certificate, if applicable. [31]

***Reporting Requirements***

Covered drivers shall report misconduct in accordance with Board policy 317 for drives employed by the district and Board policy 818 for drivers employed by an independent contractor.[10] [19] [20] [32]

Covered drivers using controlled substances prescribed for therapeutic purposes by a licensed medical practitioner shall submit the practitioner's written statement that the prescribed substance will not adversely affect the employee's ability to safely operate a school bus or commercial motor vehicle. [33]

Covered drivers shall also inform their supervisors of any use of drug(s) or medication(s) for which the packaging includes warnings that, "marked drowsiness may occur and/or be careful when driving a motor vehicle or operating machinery." [33]

A covered driver charged with or issued a citation for violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify the Superintendent or designee and the contract carrier in writing before the end of the business day following the day the covered driver is charged or cited. Notice is required no matter what type of vehicle the driver was driving. [25] [26]

Any covered driver whose operating privilege is suspended, revoked or cancelled by any state, who loses the privilege to drive a school bus or commercial motor vehicle in any state for any period, or who is disqualified from driving a school bus or commercial motor vehicle for any period, shall notify the Superintendent or designee and the contract carrier immediately upon reporting to work for the next scheduled shift following the notice of the suspension, revocation, cancellation, loss or disqualification. [25] [26]

Failure to comply with the reporting requirements may result in disciplinary action, up to and including termination.

**Controlled Substances and Alcohol**

***Drug and Alcohol Testing***

The district shall require covered driver to submit to the following drug and alcohol tests in accordance with state and federal laws and regulations: pre-employment, random, post-accident, reasonable suspicion, return-to-work and follow-up. [6] [7] [8] [14] [34] [35]

***Prohibited Conduct***

Covered drivers shall not use medical marijuana products.

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



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

1. While using or while having any amount of alcohol present in the body, including medications containing alcohol. [28] [36] [37]
2. While under the influence of a controlled substance or combination of controlled substances, or the combined influence of alcohol and a controlled substance or substances. [33] [38] [39]
3. After consuming alcohol or a controlled substance with the previous eight (8) hours for school bus drivers and within the previous four (4) hours for commercial motor vehicle drivers. [28] [40]

An exception shall be made for therapeutic use of prescribed controlled substances used by a covered driver when the driver has submitted in advance a licensed medical practitioner's written statement that the prescribed substance will not adversely affect the driver's ability to safely operate a school bus or commercial moto vehicle. {33}

A covered driver required to take a post-accident test shall not use alcohol for eight (8) hours following the accident, or until s/he undergoes a post-accident test, whichever occurs first. [41]

A covered driver shall not refuse to submit to a required test for drugs or alcohol. [1] [34] [42] [43]

***Consequences/Discipline***

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

1. A verified positive drug test result; [44] [45]
2. A verified adulterated or substituted drug test result; [44] [45]
3. An alcohol test result of 0.04 or higher; or [45] [46]
4. A refusal to submit to a post-accident, random, reasonable suspicion, return-to-duty or follow-up test. [42]

The district shall place a school bus driver who drives, operates or is in physical control of a school but out of service for thirty (30) days if the school bus drivers has any detectable amount of alcohol in his/her system. [34] [37]

The district shall remove a commercial motor vehicle driver who is tested and is found to have an alcohol concentration of 0.02 or greater but less than 0.04 until the start of the driver's next regularly scheduled duty period that is at least twenty-four (24) hours following administration of the test. [47]

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

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

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If the district permits a covered driver who has been removed from performing safety-sensitive functions to return to a safety-sensitive function, the district shall ensure that the covered drivers has been evaluated by a qualified substance abuse professional and has successfully completed the return-to-duty process before returning to a safety-sensitive function, [45] [48]

**Maintenance of Records**

The district shall maintain records of its drug use alcohol misuse prevention program in compliance with federal regulations, and in accordance with the district's records retention schedule. [16] [49] [50]

Drug and alcohol records shall be confidential, and shall only be released in accordance with applicable law. [51] [52]

Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations. [51] [53]

**Acknowledgment of Receipt**

Each covered driver shall sign a statement certifying that s/he has received a copy of this policy and its accompanying administrative regulations. [17]

The district shall keep the original signed statement in the personnel file of the covered driver employed by the district and provide a copy to the driver. [17]

**Training**

Covered drivers shall attend orientation and training sessions, as appropriate to the nature of their service. When training is provided for other school employees relating to the legal obligations of employers and educational institutions, consideration shall be given to which covered drivers should also receive that training. [54]

The district shall ensure that employees who supervise covered drivers receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. Such training shall include the physical, behavioral, speech, and performance indicators of probably alcohol misuse and drug use. [55]

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

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

If the district has three (3) employee sections, remember to change the policy cites in the policy and references.

**PSBA Revision 5/18 © 2018 PSBA**

Legal 1. 49 CFR 382.107  
2. 49 CFR 392.80

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- |     |                      |     |                           |
|-----|----------------------|-----|---------------------------|
| 3.  | 75 Pa. C.S.A. 1621   |     |                           |
| 4.  | 75 Pa. C.S.A. 1622   | 52. | 49 CFR 40.321             |
| 5.  | 75 Pa. C.S.A. 102    | 53. | 49 CFR 382.403            |
| 6.  | 49 CFR Part 382      | 54. | 24 P.S. 1517              |
| 7.  | 49 CFR Part 40       | 55. | 49 CFR 382.603            |
| 8.  | 49 U.S.C. 31306      |     | 24 P.S. 510               |
| 9.  | 67 PA Code 229.14    |     | 75 Pa. C.S.A. 1601 et seq |
| 10. | Pol. 818             |     | Pol. 351                  |
| 11. | 49 CFR 392.82        |     |                           |
| 12. | 75 Pa. C.S.A. 3316   |     |                           |
| 13. | 49 CFR 40.15         |     |                           |
| 14. | 49 CFR 382.105       |     |                           |
| 15. | 49 CFR 40.3          |     |                           |
| 16. | 49 CFR 382.401       |     |                           |
| 17. | 49 CFR 382.601       |     |                           |
| 18. | 23 Pa. C.S.A. 6344   |     |                           |
| 19. | 23 Pa. C.S.A. 6344.3 |     |                           |
| 20. | 24 P.S. 111          |     |                           |
| 21. | 24 P.S. 111.1        |     |                           |
| 22. | Pol. 304             |     |                           |
| 23. | 49 CFR 382.413       |     |                           |
| 24. | 49 CFR 40.25         |     |                           |
| 25. | 49 U.S.C. 31303      |     |                           |
| 26. | 75 Pa. C.S.A. 1604   |     |                           |
| 27. | 75 Pa. C.S.A. 1606   |     |                           |
| 28. | 67 PA Code 71.3      |     |                           |
| 29. | 49 CFR 391.25        |     |                           |
| 30. | 49 U.S.C. 31304      |     |                           |
| 31. | 49 CFR 391.41        |     |                           |
| 32. | Pol. 317             |     |                           |
| 33. | 49 CFR 382.213       |     |                           |
| 34. | 75 Pa. C.S.A. 1613   |     |                           |
| 35. | 75 Pa. C.S.A. 3756   |     |                           |
| 36. | 49 CFR 382.205       |     |                           |
| 37. | 75 Pa. C.S.A. 1612   |     |                           |
| 38. | 75 Pa. C.S.A. 1603   |     |                           |
| 39. | 75 Pa. C.S.A. 3802   |     |                           |
| 40. | 49 CFR 382.207       |     |                           |
| 41. | 49 CFR 382.209       |     |                           |
| 42. | 49 CFR 382.211       |     |                           |
| 43. | 49 CFR 40.191        |     |                           |
| 44. | 49 CFR 382.215       |     |                           |
| 45. | 49 CFR 40.23         |     |                           |
| 46. | 49 CFR 382.201       |     |                           |
| 47. | 49 CFR 382.505       |     |                           |
| 48. | 49 CFR 40.289        |     |                           |
| 49. | 49 CFR 40.333        |     |                           |
| 50. | Pol. 800             |     |                           |
| 51. | 49 CFR 382.405       |     |                           |

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**WILKES-BARRE AREA SCHOOL DISTRICT  
POLICY 810.2 – Transportation Video/Audio Recording**

**Purpose**

The use of video and audio recording equipment supports efforts to maintain discipline and to ensure the safety and security of all students, staff, contractors and others being transported on district-owned, operated, or contracted school buses or school vehicles.

**Definitions**

School bus means a motor vehicle that is designed to carry eleven (11) passengers or more, including the driver, and is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities. [1]

School vehicle means a motor vehicle, except a motorcycle, designed for carrying no more than ten (10) passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to the school district. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children. [1]

**Authority**

The Board authorizes the use of video and audio recording on school buses and school vehicles for disciplinary and security purposes. [2]

The Board prohibits the use of audio recording on any school bus or school vehicle that is not being used for a school-related purpose. [2]

**Delegation of Responsibility**

The Board directs the Superintendent or designee to ensure that:

1. Each school bus and school vehicle that is equipped with video and audio recording equipment contains a clearly posted notice informing drivers and passengers of the potential for video and audio recording. [2]
2. This policy is posted on the district's publicly accessible website. [2] [3]
3. Each school year, this policy is included in the student handbook and in any other district publication that sets forth the comprehensive rules, procedures and standards of conduct. [2]

**Guidelines**

The district shall comply with the provisions of federal and state laws and regulations regarding student record requirements as applicable to the district's use and disclosure of recordings. Recordings considered part of a student's educational record shall be maintained in accordance with established student record procedures governing access, review and disclosure of student records. [4] [5]

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Legal	1.	75 Pa. C.S.A. 102	24 P.S. 510
	2.	18 Pa. C.S.A. 5704	Pol. 218
	3.	24 P.S. 510.2	Pol. 805.1
	4.	Pol. 113.4	Pol. 810
	5.	Pol. 216	

Last Modified by Tammy Medellin on September 14, 2017

**WILKES-BARRE AREA SCHOOL DISTRICT**  
**POLICY #810.3 – School Vehicle Drivers**

**Note:** *This policy only refers to drivers of school vehicles which do not qualify as a school bus or commercial motor vehicle. Policy 810.1 applies to school bus and commercial motor vehicle drivers.*

**Purpose**

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

**Definition**

**School vehicle** means a motor vehicle, except a motorcycle, designed for carrying not more than ten (10) passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to the school district. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children. The term does not include a "school bus" or "commercial motor vehicle." [1]

**Authority**

The Board shall implement a drug use and alcohol misuse prevention program for non-CDL drivers who operate school vehicles.

All contracted transportation providers shall implement a drug use and alcohol misuse prevention program for non-CDL drivers who operate school vehicles. [2]

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

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

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**Delegation of Responsibility**

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

1. Establishment of procedures for drug and alcohol testing of school vehicle drivers.
2. Establishment of procedures for obtaining and reviewing each school vehicle driver's driving record to determine whether the driver meets the minimum requirements for safe driving and is not disqualified to operate a vehicle. [4]

The Superintendent or designee shall provide each driver, upon hire or transfer, with:

1. This policy and any accompanying administrative regulations; and
2. Educational materials related to misuse of alcohol and use of controlled substances.

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

**Guidelines**

School vehicle drivers shall comply with the requirements for background checks/certifications and employment history reviews in accordance with applicable law, Board policy and administrative regulations. These requirements are addressed separately in Board policy 304 for drivers employed by the district and Board policy 818 for drivers employed by an independent contractor. [2] [5] [6] [7] [8] [9]

Prior to employment and at least once each school year, school vehicle drivers shall submit a copy of a valid driver's license to the Superintendent or designee. [4]

**Reporting Requirements**

School vehicle drivers shall report misconduct in accordance with Board policy 317 for drivers employed by the district and Board policy 818 for drivers employed by an independent contractor. [2] [10]

School vehicle drivers using controlled substances prescribed for therapeutic purposes by a licensed medical practitioner shall submit the practitioner's written statement that the prescribed substance will not adversely affect the employee's ability to safely operate a school vehicle.

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

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

In writing before the end of the business day following the day the school vehicle driver is charged or cited. Notice is required no matter what type of vehicle the driver was driving.

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A school vehicle driver who is convicted of violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify the Superintendent or designee and the contract carrier in writing of the conviction within thirty (30) days of the date of conviction. Notice is required no matter what type of vehicle the driver was driving.

Any school vehicle driver whose operating privilege is suspended, revoked or cancelled or recalled by any state, shall notify the Superintendent or designee and the contract carrier immediately upon reporting to work for the next scheduled shift following the notice of the suspension, revocation, cancellation, loss or disqualification. [4]

**Prohibited Conduct**

School vehicle drivers shall not use medical marijuana products.

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

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

1. While using or while having any amount of alcohol present in the body, including medications containing alcohol. [12]
2. While under the influence of a controlled substance or combination of controlled substances, or the combined influence of alcohol and a controlled substance or substances. [13]
3. After consuming alcohol or a controlled substance within the previous eight (8) hours.

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

**Consequences/Discipline**

The district shall place a school vehicle driver who drives, operates or is in physical control of a school vehicle out of service for thirty (30) days if the school vehicle driver: [4] [12]

1. Has any detectable amount of alcohol in his/her system; or
2. Refuses to take a test to determine his/her alcohol content.

A school vehicle driver who refuses to take a drug or alcohol test required pursuant to Board policy and administrative regulations has not refused to take a Department of Transportation (DOT) test. [14] [15]

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

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**Maintenance of Records**

Drug and alcohol test information for school vehicle drivers shall be maintained separate from test information for covered drivers, such information shall be treated as confidential and shall only be released in accordance with law. [11]

Drug and alcohol test information for school vehicle drivers shall not be included on the US. Department of Transportation Drug and Alcohol Testing MIS Data Collection Form.

**Acknowledgment of Receipt**

Each school vehicle driver shall sign a statement certifying that s/he has received a copy of this policy and its accompanying administrative regulations.

The district shall keep the original signed statement in the school vehicle driver's personnel file and provide a copy to the driver.

**Training**

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

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|-------|---------------------------|
| Legal | 1. 75 Pa. C.S.A. 102      |
|       | 2. Pol. 818               |
|       | 3. 75 Pa. C.S.A. 3316     |
|       | 4. 75 Pa. C.S.A. 1606     |
|       | 5. 23 Pa. C.S.A. 6344     |
|       | 6. 23 Pa. C.S.A. 6344.3   |
|       | 7. 24 P.S. 111            |
|       | 8. 24 P.S. 111.1          |
|       | 9. Pol. 304               |
|       | 10. Pol. 317              |
|       | 11. 49 CFR 40.13          |
|       | 12. 75 Pa. C.S.A. 1612    |
|       | 13. 75 Pa. C.S.A. 3802    |
|       | 14. 49 CFR 40.191         |
|       | 15. 49 CFR 40.262         |
|       | 24 P.S. 510               |
|       | 23 Pa. C.S.A. 6301 et seq |
|       | 75 Pa. C.S.A. 1601 et seq |
|       | 67 PA Code 71.3           |
|       | 49 CFR Part 40            |
|       | Pol. 351                  |



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**WILKES-BARRE AREA SCHOOL DISTRICT  
POLICY #818 – Contracted Services Personnel**

**Purpose**

In its effort to provide cost-effective programs, the Board uses outside independent contractors for a variety of purposes. The district is required to ensure that such contractors comply with certain legal requirements regarding contractor employees involved in the delivery of services to the district. This policy is adopted to outline those requirements and the manner in which the district shall direct and monitor contractor compliance.

**Definitions**

For purposes of this policy, contractor employee shall include an individual who:

1. Is employed or offered employment by an independent contractor or a subcontractor of an independent contractors, or is an individual independent contractor; and
2. Has or will have direct contact with children.

**Direct Contact with Children** – the possibility of care, supervision, guidance or control of children or routine interaction with children. [1]

**For purposes of this policy, independent contractor shall mean an individual or entity that contract with the district to provide services.**

**Authority**

The district is required by law to ensure that independent contractors and contractor employees comply with the mandatory background check requirements for criminal history and child abuse certifications, the employment history review requirement, and the arrest and conviction reporting requirements. [2] [3] [4]

**Guidelines**

Prior to using contracted services, a written contractual agreement shall be entered into between the district and the independent contractor and maintained centrally by the district in a manner similar to that for other contracts. Requests for proposals, bid specifications for proposals and resulting contracts shall specify the following:

1. Mandatory requirements for criminal history background checks, child abuse certifications, employment history reviews, and arrest and conviction reporting for contracted services involving direct contact with children, as mandated by law and set forth in this policy.
2. A requirement that all contracted transportation providers provide a program of drug and alcohol testing for covered drivers. A covered driver shall include any contractor employee who drives, operates or is in the actual physical control or movement of a school bus or a commercial vehicle owned, leased or operated by the independent contractor in connect with school district services. [6] [7] [8] [9] [10]

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3. That failure to comply with this policy and the requirements for criminal history background checks and child abuse certifications, employment history reviews, and required reporting of employee arrests, convictions or other misconduct by an independent contractor or contractor employee shall be grounds for termination of the contract.

The Superintendent or designee shall review all information provided pursuant to this policy and determine if information is disclosed that precludes employment or continued service of an independent contractor or contractor employee. [2] [3] [4] [5] [11]

Information submitted by an independent contractor or contractor employee in accordance with this policy shall be maintained centrally in a manner similar to that for school employees.

### **Pre-Employment Requirements**

**Employment History Review** - Independent contractors shall conduct an employee history review, in compliance with state law, prior to assignment of a contractor employee to perform work for the district in a position or assignment involving direct contact with children. The independent contractor may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment of a current contractor employee and may report the information as permitted by law. [4]

Independent contractors shall inform the district, in writing, upon receipt of an affirmative response to any of the abuse and sexual misconduct background questions for a contractor employee. If the district objects to the assignment, the independent contractor may not assign the contractor employee to the district. [4]

Independent contractors shall, upon request, provide the district to which a contractor employee is assigned access to the employee's employment history review records.

**Criminal History** – Prior to assignment of contractor employees to perform work for the district in a position or assignment involving direct contact with children, contractor employees shall submit an official child abuse clearance statement and state and federal criminal history background checks (certifications) as required by law. [2] [3]

Contractor employees shall report, on the designated form, all arrests and convictions as specified on the form. Contractor employees shall likewise report arrests and/or convictions that occur subsequent to initially submitting the form. Failure to accurately report such arrests and convictions may subject the individual to denial of employment/contract, termination if already hired/contracted, and/or criminal prosecution. [3]

**Tuberculosis Test** – Contractor employees providing services for students shall undergo a test for tuberculosis in accordance with the regulations and guidance of the Pennsylvania Department of Health. [12] [13]

### **Arrest and Conviction Reporting Requirements**

All independent contractors shall adopt policies and procedures that require their employees, who are providing services to the district and who have direct contact with children, to notify the independent contractor, in writing, within seventy-two (72) hours of the occurrence, of an arrest or conviction required

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to be reported by law. Contractor employees shall also be required to report to the independent contractor, with seventy-two (72) hours of notification, that the employee has been named as a perpetrator in a founded or indicated report pursuant to the Child Protective Services Law. The policies and procedures shall also include the provision that the failure on the part of contractor employees to make such a timely notification shall subject them to disciplinary action, including termination. [3] [11]

If the independent contractor receives notice of such arrest or conviction or that the contractor employee has been named as a perpetrator in a founded or indicated report, from either the contractor employee or a third party, the independent contractor shall immediately report, in writing, that information to the Superintendent or designee.

The independent contractor receives notice of such arrest or conviction or that the contractor employee has been named as a perpetrator in a founded or indicated report, from either the contractor employee or a third party, the independent contractor shall immediately report, in writing, that information to the Superintendent or designee.

The independent contractor shall immediately require a contractor employee to submit new certifications when there is a reasonable belief that the employee was arrested for or has been convicted of an offense required to be reported by law, was named as a perpetrator in a founded or indicated report, or has provided written notice of such occurrence. [3] [11]

Contractor employees who provide transportation services shall immediately notify the independent contractor and the district's transportation supervisor of any traffic citations or the suspension, revocation or cancellation of operating privileges. [14]

**Educator Misconduct**

If the Superintendent reasonably suspects that conduct being reported involves an incident required to be reported under the Educator Discipline Act, the Superintendent or designee shall notify the Pennsylvania Department of Education, in accordance with applicable law, regulations and Board policy 317.1. [15] [16]

**Training**

Independent contractors shall provide their employees who have direct contact with children with mandatory training on child abuse recognition and reporting. The training shall include, but not be limited to, the following topics: [1]

1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.
2. Provisions of the Educator Discipline Act, including mandatory reporting requirements. [17]
3. District policy related to reporting of suspected abuse and sexual misconduct. [18]
4. Maintenance of professional and appropriate relationships with students. [19]

Employees of independent contractors who have direct contact with children are required to complete a minimum of three (3) hours of training every five (5) years. [1]

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

**Child Abuse Reporting**

All contractor employees who have reasonable cause to suspect that a child is the victim of child abuse shall make a report of suspected child abuse in accordance with applicable law, Board policy and administrative regulations. [18] [20]

**Confidentiality**

No contractor employee shall be permitted access to confidential student information unless the district has determined that such access is necessary for the contractor employee to fulfill his/her responsibilities. Contractor employees with access to confidential student information shall maintain the confidentiality of that information in accordance with Board policies and procedures and applicable law. If a contractor employee has questions about the confidentiality of student information, the contractor employee should consult with the building principal. [21] [22]

**NOTES:**

Chapter 8 of the State Board of Education Regulations has not been updated since August of 1990 and does not reflect current statutory requirements.

Chapter 3490 of the Protective Services regulations of the Department of Human Services has not been updated since July 1999 and does not reflect current statutory requirements.

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|-------|-----|------------------------|
| Legal | 1.  | 24 P.S. 1205.6         |
|       | 2.  | 23 Pa. C.S.A. 6344     |
|       | 3.  | 24 P.S. 111            |
|       | 4.  | 24 P.S. 111.1          |
|       | 5.  | 55 PA Code 3490.132    |
|       | 6.  | 49 CFR Part 382        |
|       | 7.  | 67 PA Code 71.3        |
|       | 8.  | 75 Pa. C.S.A. 1612     |
|       | 9.  | 75 Pa. C.S.A. 3802     |
|       | 10. | Pol. 810.1             |
|       | 11. | 23 Pa. C.S.A. 6344.3   |
|       | 12. | 24 P.S. 1418           |
|       | 13. | 28 PA Code 23.44       |
|       | 14. | 74 Pa. C.S.A. 1606     |
|       | 15. | 24 P.S. 2070.9a        |
|       | 16. | Pol. 317.1             |
|       | 17. | 24 P.S. 2070.1a et seq |
|       | 18. | Pol. 806               |
|       | 19. | Pol. 824               |

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- 20. 23 Pa. C.S.A. 6311
- 21. Pol. 113.4
- 22. Pol. 216
- 24. P.S. 1362

22 PA Code 8.1 et seq  
23 Pa. C.S.A. 6301 et seq  
75 Pa. C.S.A. 1601 et seq  
Pol. 610  
Pol. 810

Last modified by Brian Costello on February 6, 2019

**Rev. Walker moved, seconded by Ms. Thomas to adopt these policies. The vote was as follows:  
8 Ayes:** Atherton, Evans, Geiger, Patla, Susek, Thomas, Walker, Caffrey

**PATHWAYS/NEW CONSTRUCTION/TRANSITION COMMITTEE REPORT** – No Report

Next Meeting - Thursday, February 14.

**STUDENT WELLNESS COMMITTEE REPORT** – No Report

**PERSONNEL COMMITTEE REPORT**

**Dr. Susek presented the following report and recommendations for the Board's approval:**

All appointments are made pending receipt of PDE required clearances, certifications, and any applicable pre-employment drug test.

**A. Act 93**

1. That the resignation of **James Post** be accepted effective June 30, 2019.
2. That the following employees be compensated for their work upgrading the wireless network during after school hours from November 11, 2018 through November 25, 2018:

<b>Carl Marsh</b>	200 units at \$20 per hour	\$4,000.00
<b>Gene Manning</b>	180 units at \$20 per hour	\$3,600.00

**B. Professionals**

1. That the following professional employees be appointed as RAISE (Reinforcing Academic Instruction for Student Excellence) Program teachers at a rate of \$35 per hour. This after school tutoring program is fully funded by the Title IV Grant Program and will take place at Heights-Murray Elementary School. Actual teachers' hours will be based on student enrollment. Salaries and benefits will not exceed the Title I allocation.

**Elaine Dunn  
Linda Scarantino  
Jamee Capristo**

**Alicia Burcicki  
Erika Hanson  
Emily Banta**

**Elizabeth Witczak  
Kevin Sickle  
Lauren Letteer**

2. The following members of the professional staff, having made claim for an incentive raise under the WBAEA Agreement and having produced official transcripts listing the graduate credits earned, be granted the following effective the first day of the second semester of the 2018-19 school year:

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**Bachelors +15**  
Sara Woznock  
Michael Mitchell

**Masters +18**  
Tracy Stevenson  
Jennifer Roman

**Masters +36**  
Jennifer Perks  
Alissa Jo Lukasavage  
David Lewis  
Keli Shanahan  
Stacy Chronowski

**Masters +9**  
Maura Mattick  
Jill Wujcik  
Ashley Altavilla  
Carolyn Kaminski  
Jason Lukachinsky

**Masters +27**  
Mary Gallis  
Kaitlyn Carr

**Masters +54**  
Sarah Edwards

**C. Secretaries & Teachers' Associates**

1. That the resignation of **Marilena Liakopoulos-Tejeda** be accepted with regret effective February 18, 2019.
2. That **Isabel Estrada** be hired as a 20 hour per week part time paraprofessional.
3. That **Elaine Morris** be hired as a 20 hour per week part time paraprofessional.

**D. Custodians, Housekeepers & Food Service**

1. That the retirement of **Mark Milz** be accepted with regret effective March 29, 2019.
2. That **Mary Liberaski's** request for unpaid leave from March 12, 2019 through March 27, 2019 be approved.
3. That **Ann Krull** be appointed a substitute custodian.

**E. Security Greeters**

1. That **Dorothy Krakoski** be appointed a substitute security greeter.

**F. Athletics**

1. That the resignation of **Kyle Paul** as GAR's Baseball Varsity Head Coach be accepted with regret effective September 20, 2018.
2. The following appointments are made for the sport season and will be continued on a season to season basis unless, the post is declared vacant by the Board of School Directors. All appointments are effective upon all PDE required clearances and documents being submitted.

Coughlin	Boys Volleyball	Varsity Head Coach	<b>Michael Day</b>
Coughlin	Track & Field	Varsity Assistant Coach	<b>Anthony Dates</b>

**ADDENDUM**

**A. Act 93**

1. That **Dr. Rochelle Koury** be appointed as Transportation/Open Records Officer II in Group F Administration in the Act 93 Agreement at an annual salary of \$2,500 effective February 12, 2019.
2. That **Dr. Robert Makaravage** be appointed as Transportation/Open Records Officer II in Group F Administration in the Act 93 Agreement at an annual salary of \$2,500 effective February 12, 2019.

**SUMMARY OF MINUTES  
Regular Board Meeting  
February 11, 2019**

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**Dr. Susek moved, seconded by Mr. Geiger to adopt this Report. The vote was as follows:**

**8 Ayes:** Atherton, Evans, Geiger, Patla, Susek, Thomas, Walker, Caffrey

**Rev. Walker presented Resolution #1**

**RESOLUTION**

WHEREAS, the 2019-2020 proposed General Operating Budget of the **LUZERNE INTERMEDIATE UNIT** has been presented to the members of the Board of Education of the Wilkes-Barre Area School District for review; and,

WHEREAS, said budget calls for the total contribution of \$302,031.00 by withholding from member districts (this represents A \$50,000.00 decrease from the 2018-2019 budget); and

WHEREAS, Wilkes-Barre Area School District's share of the total contribution, by withholding, would be \$46,756.00 (a \$7,497.00 decrease from 2018-2019); and,

WHEREAS, actual 2017-2018 Weighted Average Daily Memberships (WADM's) are not yet available, but when available a new contribution calculation will be made; and,

WHEREAS, any recalculation of the contribution schedule is not expected to substantially modify each individual school district's share,

THEREFORE, BE IT RESOLVED, that the Board of School Directors of the Wilkes-Barre Area School District grant approval to the 2019-2020 annual budget of the Luzerne Intermediate Unit.

Wilkes-Barre, PA  
February 11, 2019

**Rev. Walker moved, seconded by Dr. Susek to adopt Resolution #1. The vote was as follows:**

**8 Ayes:** Atherton, Evans, Geiger, Patla, Susek, Thomas, Walker, Caffrey

**NEW BUSINESS** - None

**COMMUNICATION FROM SOLICITOR** – No Report

**Motion to adjourn – Dr. Susek moved to adjourn, seconded by Ms. Patla.**

**President Caffrey** adjourned the meeting at 7:10 p.m.