

KUTZTOWN AREA SCHOOL DISTRICT
Policy and Curriculum Committee Agenda
Kutztown Area High School
May 13, 2019
6:00 PM

1. Policy Committee

a. First Reading

- i. Policy 220- Student Expression/Distribution and Posting of Materials
- ii. Policy 610- Purchases Subject to Bid/Quotation
- iii. Policy 913- Nonschool Organizations/Groups/Individuals

2. Curriculum Committee

- a. Special Education Programming Update
- b. Textbook Recommendations
- c. Right Device:Right Time Update

Book	Policy Manual
Section	200 Pupils
Title	Student Expression/Distribution and Posting of Materials
Code	220
Status	First Reading

Purpose

The right of public school students to freedom of speech is guaranteed by the Constitution of the United States and the constitution of the Commonwealth. The Board respects the right of students to express themselves in word or symbol and to distribute and post materials in areas designated for posting as a part of that expression. The Board also recognizes that **the** exercise of that right must be limited by the district's responsibility to maintain **a safe and** orderly school environment and to protect the rights of all members of the school community. [\[1\]](#)

This policy addresses student expression in general and distribution and posting of materials that are not part of district-sponsored activities. Materials sought to be distributed or posted as part of the curricular or extracurricular programs of the district shall be regulated as part of the school district's educational program.

Definitions

Distribution means students **issuing** nonschool materials to others on school property or during school-sponsored events; placing upon desks, **tables**, on or in lockers; or engaging in any

other manner of delivery of nonschool materials to others while on school property or during school functions. When email, text messaging or other technological delivery is used as a means of distributing or accessing nonschool materials via use of school equipment or while on school property or at school functions, it shall be governed by this policy. Off-campus or after hours distribution, including technological distribution, that does or is likely to materially or substantially interfere with the educational process, including school activities, school work, discipline, **safety** and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights is also covered by this policy.

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

Nonschool materials means any printed, **technological** or written materials meant for posting or general distribution that are not prepared as part of the curricular or **approved** extracurricular programs of the district. **This includes**, but **is** not limited to, fliers, invitations, announcements, pamphlets, posters, Internet bulletin boards, personal websites and the like.

Posting means publicly displaying nonschool materials on school property or at school-sponsored events, including but not limited to affixing such materials to walls, doors, bulletin boards, easels, the outside of lockers; on district-sponsored or student websites; through other district-owned technology and the like. **When email, text messaging or other technological delivery is used as a means of posting nonschool materials via use of school equipment or while on school property or at school functions, it shall be governed by this policy. Off-campus or after hours posting, including technological posting, that does or is likely to materially or substantially interfere with the educational process, including school activities, school work, discipline, safety and order on school property or at school functions; threatens serious harm to the school or**

community; encourages unlawful activity; or interferes with another's rights is also covered by this policy.

Authority.

Students have the right to express themselves unless such expression is likely to or does materially or substantially interfere with the educational process, including school activities, school work, discipline, **safety** and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights.
[\[1\]](#)

Student expression that occurs on school property or at school-sponsored events is fully governed by this policy. In addition, off-campus or after hours expression is governed by this policy if the student expression involved constitutes unprotected expression as stated in this policy and provided the off-campus or after hours expression does or is likely to materially or substantially interfere with the educational process, including school activities, school work, discipline, **safety** and order on school property or at school functions; threatens serious harm to the school or community; encourages unlawful activity; or interferes with another's rights.
[\[1\]](#)[\[2\]](#)[\[3\]](#)

The Board requires that distribution and posting of nonschool materials **shall** occur only at the places and during the times set forth in written **procedures**. Such procedures shall be written to permit the **safe and** orderly operation of schools, while recognizing the rights of students to engage in protected expression.
[\[1\]](#)[\[4\]](#)

Unprotected Student Expression

The Board reserves the right to designate and prohibit manifestations of student expression that are not protected by the right of free expression because they violate the rights of others or where such expression is likely to or does materially or

substantially interfere with school activities, school work, discipline, **safety** and order on school property or at school functions. **While the following list is not intended to be exhaustive, such expression shall not be protected if it:**

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

Spontaneous student expression which is otherwise protected speech is not prohibited by this section.

Discipline for Engaging in Unprotected Expression

The Board reserves the right to prohibit the posting or distribution of nonschool materials containing unprotected expression and to prohibit students from engaging in other unprotected student expression, as well as to stop unprotected student expression when it occurs. The Board reserves the right to discipline students for engaging in unprotected expression. Where such expression occurs off campus and away from school functions, a nexus between the unprotected expression and a material and substantial disruption of the school program must be established.

Distribution of Nonschool Materials

The Board requires that students who wish to distribute or post nonschool materials on school property shall submit them **at least** one (1) school day in advance of planned distribution or posting to the building principal or designee, who shall forward a copy to the Superintendent.[\[1\]](#)

If the nonschool materials contain unprotected expression as stated in this policy, the building principal or designee shall notify the students that they may not post or distribute the materials because the materials constitute a violation of Board policy.

If notice is not given during the period between submission and the time for the planned distribution or posting, students may proceed with the planned distribution or posting, provided they comply with written **procedures** on time, place and manner of posting or distribution of nonschool materials.

Students who post or distribute nonschool materials in compliance with this provision may still be ordered to desist such distribution if the materials are later found to be unprotected expression under this policy.

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

Posting of Nonschool Materials

If a school building has an area where individuals are allowed to post nonschool materials, students may post such items as well, if the materials do not constitute unprotected expression and the items are submitted for prior review in the same manner as if the students were going to distribute them.

Such materials shall be officially dated, and the district may remove the materials within ten (10) days of the posting or other reasonable time as stated in the **procedures** relating to posting.

Review of Student Expression

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

Student-initiated religious expression is permissible and shall not be prohibited except as to time, place and manner of distribution, or if the expression involved violates some other part of this policy, e.g., because it is independently determined to be unprotected expression under the standards and definitions of this policy.

The review for unprotected expression shall be reasonable and not calculated to delay distribution.

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

Delegation of Responsibility

The Superintendent shall assist the building principal in determining the designation of the places and times nonschool

materials may be distributed in each school building. Such designations may take into account maintenance of the flow of student traffic throughout the school and shall limit distribution of nonschool materials to noninstructional times.

The building principal may determine disciplinary action for students who distribute or post nonschool materials in violation of this policy and **district procedures**, or who continue the manifestation of unprotected expression after a person in authority orders that they desist. Disciplinary actions shall be included in the disciplinary Code of Student Conduct.[6]

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

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- Legal
1. 22 PA Code 12.9
 2. 24 P.S. 511
 3. 22 PA Code 12.2
 4. 24 P.S. 510
 5. Pol. 219
 6. Pol. 218

[220 ATTACH.doc \(51 KB\)](#)

Last Modified by Christian Temchatin on May 8, 2019

Book	Policy Manual
Section	600 Finances
Title	Purchases Subject to Bid/Quotation
Code	610
Status	
Adopted	July 15, 1991
Last Revised	October 18, 2010
Last Reviewed	March 17, 2014

Authority.

It is the policy of the Board to obtain competitive bids and price quotations for products and services where such bids or quotations are required by law or may result in monetary savings to the school district.[\[1\]](#)[\[2\]](#)

Supplies

The Board shall, after due public notice advertising for competitive bids, purchase furniture, equipment, school supplies and appliances **costing at or above the bidding threshold**, unless exempt by law. The Board shall advertise once a week for three (3) weeks in not less than two (2) newspapers of general circulation. The district will utilize local vendors, whenever possible.[\[1\]](#)[\[2\]](#)

Furniture, equipment, school supplies and appliances to be purchased by the district costing **below the formal bidding threshold and above the quote threshold according to The**

Pennsylvania Department of Labor and Industry may be obtained on written or telephonic quotations, unless exempt by law. If it is not possible to obtain three (3) quotations, a memo must be kept on file showing that fewer than three (3) qualified vendors exist in the market area. The written price quotations, written records of telephonic price quotations and memoranda shall be kept on file for a period of three (3) years.[\[2\]](#)

Contracts

The Board shall, after due public notice advertising for competitive bids, contract for construction, reconstruction, repairs, maintenance or work on any school building or property having a cost or **value above bidding threshold**, unless exempt by law.[\[1\]](#)

All contracts for construction, reconstruction, repairs, maintenance or work on any school building or property, having a cost or value **at or above the bidding threshold**, may be obtained on written or telephonic quotations, unless exempt by law. If it is not possible to obtain three (3) quotations, a memo must be kept on file showing that fewer than three (3) qualified vendors exist in the market area. The written price quotations, written records of telephonic price quotations and memoranda shall be kept on file for a period of three (3) years.[\[1\]](#)

The Board may authorize district employees to perform construction, reconstruction, repairs or work having a cost or value of less than \$5,000.[\[1\]](#)

Electronic Bidding

The Board shall receive bids electronically for competitive contracts, except for construction and design services, in compliance with applicable laws and Board policy.[\[3\]](#)[\[4\]](#)

The district shall electronically maintain the confidentiality of the bid until the bid opening.[\[4\]](#)

Competitive Electronic Auction Bidding

The Board shall adopt a resolution approving the use of competitive electronic auction bidding for contracts for supplies or services, but not for construction or design services. [3][5]

An invitation for bids shall be issued and shall include: [5]

1. Procurement description.
2. All contractual terms, when practical.
3. Conditions applicable to procurement, including a notice that bids will be received in an electronic auction manner.

Public notice and advertisement of the invitation for bids shall be given in the manner required for non-electronic bidding.

Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids.

During the auction, bidders shall be able to review their bid rank or the low bid price, and may reduce their bid prices during the auction.

At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

After the auction period has expired, the district shall grant in writing withdrawal of a bid when the bidder requests relief and presents credible evidence of a clerical mistake due to reasons permitted by law, within the time period established by the district.

The contract shall be awarded within sixty (60) days of the auction by written notice to the lowest responsible bidder, or all

bids may be rejected. Extensions of the award date may be made by written, mutual consent of both parties.

Delegation of Responsibility

Bid specifications shall be prepared by the Business Administrator.

Bid specifications shall provide for alternates wherever possible.

The Business Administrator shall combine like items of supply and material whenever it is feasible and permissible under law and shall not split purchases to avoid requirements for bidding. [\[1\]](#)[\[2\]](#).

Bids shall be opened publicly before one (1) or more witnesses at a previously designated time and place.

Contracts shall be awarded to the lowest responsible bidder upon resolution of the Board, unless the Board chooses to reject all bids. [\[1\]](#)[\[2\]](#).

The Board recognizes that emergencies may occur when imminent danger exists to persons or property or continuance of existing school classes is threatened, and time for bidding cannot be provided because of the need for immediate action. Bidding decisions in the event of such emergencies shall be made in accordance with existing legal requirements. [\[1\]](#)

- Legal
1. 24 P.S. 751
 2. 24 P.S. 807.1
 3. 62 Pa. C.S.A. 4602
 4. 62 Pa. C.S.A. 4603
 5. 62 Pa. C.S.A. 4604
- 24 P.S. 120
- 62 Pa. C.S.A. 4601 et seq

Last Modified by Christian Temchatin on May 8, 2019

Book	Policy Manual
Section	900 Community
Title	Nonschool Organizations/Groups/Individuals
Code	913
Status	First Reading

NOTE: It is important to distinguish that Policy 913 only applies to requests from nonschool organizations, groups and individuals; in contrast, *requests from students to personally distribute or post materials shall be governed by Policy 220. Student Expression/Distribution and Posting of Materials.*[1]

Purpose

The Board recognizes that nonschool organizations, groups and individuals may wish to utilize the district as a means to engage the school community in activities and/or to distribute or post nonschool materials. The Board directs that requests for such utilization from nonschool organizations, groups or individuals shall be governed by this policy.

Activities or school-related information and materials from nonschool organizations, groups and individuals that are integrated with or presented as a part of the district's curriculum or an approved school event or student organization are approved and governed by Board policies related to curriculum and student activities, and are not governed by this policy.[2][3][4]

Authority

The Board recognizes that the school community may benefit from receiving information from nonschool organizations, groups and individuals, provided the distribution and posting of such information does not interfere with the educational program of the schools. The district's primary responsibility shall be to maintain a safe and orderly school environment and to protect the rights of all members of the school community.

The Board prohibits advertisement or promotion by nonschool organizations, groups or individuals during instructional time or at school-sponsored locations or activities not otherwise open to nonschool organizations, groups or individuals.[\[5\]](#)[\[6\]](#)

The Board directs that the review and consideration of any activities or nonschool materials requested under this policy shall not discriminate on the basis of content or viewpoint.

Definitions

Nonschool organizations, groups or individuals shall mean those entities that are not part of the school program, school-sponsored activities, or organized pursuant to the Pennsylvania School Code or Board policy. When employees or Board members act on behalf of a nonschool organization or group, or on their own behalf, this policy applies to them. Students are governed by a separate and distinct Board policy regarding student expression and distribution and posting of materials.[\[1\]](#)

Nonschool materials shall mean any printed, **technological** or written materials prepared by nonschool organizations, groups or individuals for posting or general distribution **that** are not prepared as a part of the curricular or approved extracurricular programs of the district, **including but not limited to**, fliers,

invitations, announcements, pamphlets, posters, Internet bulletin boards, nonschool organization websites and the like.

Distribution shall mean issuing nonschool materials to others on school property or during school-sponsored events; placing upon desks, tables, on or in lockers; or engaging in any other manner of delivery of nonschool materials to others while on school property or during school functions.

Posting shall mean publicly displaying nonschool materials on school property or at school-sponsored events, including but not limited to affixing such materials to walls, doors, bulletin boards, easels, the outside of lockers, on district-sponsored websites, through other district-owned technology and the like.

Prohibited activities and materials shall mean activities and materials **that:**

1. Violate federal, state or local laws, Board policy or district rules or regulations.
2. Are libelous, defamatory, **obscene, lewd, vulgar or profane.**
3. Advocate the use or advertise the availability of any substance or material that may reasonably be believed to constitute a direct and **serious** danger to the health or welfare of students, such as tobacco/**nicotine**, alcohol or illegal drugs.
4. Incite violence, advocate use of force or threaten serious harm to the school or community.
5. Are likely to or do materially or substantially interfere with the educational process, such as school activities, school work, or discipline, as well as safety and order on school property or at school functions.

6. **Interfere with, or advocate interference with, the rights of any individual or the safe and orderly operation of the schools and their programs.**
7. Violate written district administrative regulations or procedures on time, place and manner for posting and distribution of otherwise protected expression.

Delegation of Responsibility

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

Guidelines

Nonschool Materials

The Board requires that nonschool organizations, groups or individuals who wish to distribute or post nonschool materials on school property shall submit them to the building principal. The building principal shall inform the Superintendent or designee of requests received from nonschool organizations, groups and individuals.

If approval is granted by the building principal, the nonschool organization, group or individual shall comply with Board policy and administrative regulations, and the district's time, manner and place restrictions for distribution and posting of materials.

Materials **issued** by nonschool organizations, groups or individuals shall not be distributed during instructional time or school-sponsored activities.

Nonschool Activities

Activities sponsored by nonschool organizations, groups or individuals shall not occur during instructional time or school-

sponsored activities.

Requests **by** nonschool organizations, groups or individuals **to invite or promote student participation in nonschool** activities shall comply with Board policy and administrative regulations on distribution and posting of materials.

Fundraising

{ } Fundraising by nonschool organizations, groups or individuals is prohibited on school property or in the name of the school.[7]

{ } Where activities or materials otherwise comply with this policy **and** administrative regulations, fundraising activities may be announced.

Directory information for students or staff members will not be released to nonschool organizations, groups or individuals that seek this information for the purpose of fundraising.[8]

Scholarships/Awards

The Board is appreciative of the generosity of organizations that offer scholarships or awards to deserving students; but, in accepting such offers, the Board directs that established criteria be observed.

No information, either academic or personal, shall be released from a student's record for the purpose of selecting a scholarship or award winner without the permission of the student who is eighteen (18), or the parents/guardians of a student who is younger, in accordance with the Board's policy on student records.
[8]

The scholarship or award, and any pertinent restrictions, shall be approved by the Board.

All pertinent information regarding the scholarship or award shall be submitted for review by the Superintendent or designee prior to the date on which it is to be presented.

The building principal, together with a committee of staff members designated by the principal, shall be involved in the selection of the recipient of an award or scholarship, pursuant to procedures established for this purpose and consistent with the restrictions applicable to each approved scholarship or award.

Travel Services/Foreign Trips

Solicitation and sale of travel services for foreign trips to students may be permitted with the approval of the Board.

Sellers of travel services to students must meet the following criteria:

1. Belong to an association of certified sellers of travel.
2. Provide proof of insurance.
3. Submit references.
4. Provide proof of a performance bond.
5. Include in all information provided to students and parents/guardians that use of tobacco/**nicotine**, alcohol and controlled substances will be prohibited.
6. Include in all information provided to students and parents/guardians that the activity is not a school-sponsored event.

Legal

1. Pol. 220
2. Pol. 105
3. Pol. 122
4. Pol. 230
5. 24 P.S. 510
6. 24 P.S. 511
7. 24 P.S. 775
8. Pol. 216
- 24 P.S. 779
- Pol. 907

Last Modified by Christian Temchatin on May 8, 2019