

3. Adoption of Board Policies – Updated 6.10.2025

### **Action Item - 3**

**Board of Education Meeting Date:** 6/26/2025

**Title:** Adoption of Board Policies – Updated 6.10.2025/ Updated 6.26.2025

#### **Description:**

The Board of Education will consider the amendment, addition, and elimination of the following policies, in the form to-be-attached, at the June Action Meeting:

- Policy 117 – Homebound Instruction
- Policy 145 – School Wellness – **WITHDRAWN BY STAFF 6.26.2025**
- Policy 222 – Tobacco Product, Alternative Nicotine Product, and Vapor Use by Students
- Policy 831 – Data Privacy (NEW)

\*\*See attached

#### **Office Originating Request:**

Board of Education

### **Action Item - 3**

**Board of Education Meeting Date:** 6/26/2025

**Title:** Adoption of Board Policies – Updated 6.10.2025/ Updated 6.26.2025

#### **Description:**

The Board of Education will consider the amendment, addition, and elimination of the following policies, in the form to-be-attached, at the June Action Meeting:

- Policy 117 – Homebound Instruction
- Policy 145 – School Wellness – **WITHDRAWN BY STAFF 6.26.2025**
- Policy 222 – Tobacco Product, Alternative Nicotine Product, and Vapor Use by Students
- Policy 831 – Data Privacy (NEW)

\*\*See attached

#### **Office Originating Request:**

Board of Education

# THE SCHOOL DISTRICT OF PHILADELPHIA

No. 117

SECTION: 100 Programs

TITLE: ~~Homebound~~ and Hospital  
Instruction

ADOPTED: September 21, 2011

REVISED: September 14, 2017

## 117 ~~HOMEBOUND~~ AND HOSPITAL INSTRUCTION

### Purpose

The purpose of this home and hospital instruction policy is to provide direction and guidance for students experiencing a permanent or temporary disability or illness requiring instruction outside of the school building.

This policy is intended to help staff, students and families determine if a ~~homebound instruction is to provide~~ students, who ~~are~~ is confined to the home or hospital for physical disability, illness, injury, urgent reasons, or psychological or psychiatric reasons should be receiving homebound instruction, Instruction Conducted in the Home (“ICH”), or Instruction for Students Confined to Hospitals. ~~and meet the prescribed criteria, during a temporary period of absence, the opportunity to re-engage successfully in their instructional program upon return to school.~~

### Authority

The ~~School Reform Commission~~ Board of Education ~~may~~ provides, pursuant to law and regulations, Homebound instruction, ICH, or services for students confined in hospitals. ~~homebound instruction to when students confined to home or hospital for physical disabilities, chronic medical conditions, illness, injury, urgent medical reasons, or when such confinement is recommended for psychological or psychiatric reasons expressly written by a board certified psychologist or psychiatrist.~~

Homebound instruction is a service the District *may* provide during a temporary period of excused absence not to exceed three (3) months when students are confined to home or hospital for physical disabilities, chronic medical conditions, illness, injury, urgent medical reasons, or when such confinement is recommended for psychological or psychiatric reasons expressly written by a board certified psychologist or psychiatrist.

The term “urgent reasons” shall be strictly construed and does not permit irregular attendance. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)

Instruction Conducted in the Home is a special education placement made by the IEP team for students with disabilities who, due to medical or physical conditions, are unable to attend school for the entire day. Instruction is provided in the home or another agreed-upon location. [\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)

**Instruction for Students Confined to Hospitals is a service the District provides to students who are unable to leave a hospital or long-term medical-care setting. Instruction for Students Confined to Hospitals should offer appropriate educational services consistent with state and federal law and regulations and Board Policies in order to increase successful educational re-engagement upon discharge. [\[2\]](#)[\[6\]](#)[\[10\]](#)**

### **Delegation of Responsibility**

The **Board directs the Superintendent, or their designee shall to develop** create administrative procedures processes to enact **implement** this policy. **These administrative procedures shall delineate the process through which students are determined to be eligible for homebound instruction, ICH, or to receive services for students confined to hospitals.**

### **Mandatory Procedures**

#### **Homebound Instruction**

**The Board shall provide homebound instruction only for those confinements expected to last at least ten (10) school days. Homebound services provide continuity of instruction to students who are unable to participate in their school of enrollment due to any of the following conditions:**

- 1. A physical or medical condition as diagnosed and documented by a board-certified physician;**
- 2. A mental or emotional condition as diagnosed and documented by a board certified psychiatrist;**
- 3. Chronic medical conditions that, even with treatment, have episodes of exacerbation resulting in periodic absences; or**
- 4. Other urgent reasons but the term ‘urgent reasons’ shall be strictly construed and does not permit irregular attendance [\[2\]](#)**

**Parents/caregivers who wish to request homebound instruction should contact their school nurse. The Administrative Procedures to this policy provide further information for families and staff regarding the procedures that apply to these requests.**

~~A student may be provided homebound instruction on an intermittent basis during short but repeated periods of absences due to exacerbation of a chronic medical condition. The student is expected to return to school when the exacerbation subsides. The approval for intermittent homebound instruction will be granted for no longer than **for a period not to exceed three (3) months** one (1) school year and will expire at the end of any school year.~~

Homebound instruction should be used as a last resort after all other options and/or alternative schedules have been exhausted.

Exceptions may be recommended by the Superintendent or designee as deemed advisable and in the best interests of the student and/or district and must be approved by the Pennsylvania Department of Education.

The program of homebound instruction provided to each student shall be in accordance with the standards established by the state. The Board reserves the right to withhold homebound instruction when any one (1) of the following occurs:

1. The instructor's presence in the place of a student's confinement presents a hazard to the health of the teacher.
2. A parent/caregiver or other adult in authority is not present with the student during the hours of instruction.
3. The medical, psychological, or psychiatric condition of the student precludes any benefit from the instructional session(s).

### *Intermittent Homebound Instruction*

A student may be provided homebound instruction on an intermittent basis during short but repeated periods of absences due to exacerbation of a chronic medical condition. The student is expected to return to school when the exacerbation subsides. The approval for intermittent homebound instruction will be granted for no longer than one (1) school year and will expire at the end of any school year.

### **Instruction Conducted in the Home**

**Instruction in the Home is a special educational placement made by a student's Individualized Education Program (IEP) team. This educational placement is only for students who require full-time special education services and programs outside the school setting for the entire day. Ordinarily, these will be students who, because of a severe medical condition or mobility impairment, are unable to leave home to attend school. Although a student placed by their IEP team on Instruction Conducted in the Home does not receive their program in the school setting, he or she remains entitled to a free appropriate public education (FAPE). [\[5\]\[6\]\[7\]\[8\]](#)**

### **Instruction for Students Confined to Hospitals**

**The District shall either provide or confirm that school aged students confined to hospital settings located in Philadelphia receive appropriate educational services pursuant to and consistent with state and federal law and regulations and District policies and procedures. [\[2\]\[6\]\[10\]](#)**

### **Excusals from Attendance**

**If a condition exists which prevents a child from the ability to benefit from study, the student may be entered into the inactive roll with the Pennsylvania Department of Education's approval, until such time as the student may benefit from study. [\[11\]](#)**

~~The parent/guardian shall submit the required application and medical documentation for homebound instruction to the District, and shall include:~~

- ~~1. A written request by the student's parent(s)/guardian(s) documenting the urgent reasons accompanied by medical documentation from a physician for an acute condition that prevents the student attending school for a period of at least four (4) weeks.~~

~~2. A written signed request for homebound instruction from the licensed physician, licensed psychiatrist or by a licensed treating specialist,~~

~~(a) certifying the nature of the illness or disability,~~

~~(b) the necessity of homebound instruction that supports the student cannot be in a school setting,~~

~~(c) demonstrates a treatment plan that includes goals/supports that return the student to the school setting as quickly as possible, and~~

~~(d) the expected duration of confinement and provides a projected date when the student will return.~~

~~3. If the urgent reason is due to a condition that is treated by a specialist, the proper documentation will be required to be completed by the treating specialist. For example: respiratory dysfunction, documentation by a pulmonologist, allergist or immunologist will be requested. If the urgent reason is due to mental/behavioral conditions, documentation by a board certified psychiatrist will be requested.~~

~~4. A written consent signed by the parent/guardian consistent with FERPA, HIPAA and the Mental Health Act permitting designated school personnel to speak with the physician regarding information that pertains to the student's inability to attend school.~~

~~At any point, the district may request additional information to justify initial approval or continuation of homebound instruction.~~

~~The Superintendent or designee must request approval from the Department of Education to extend the period of homebound instruction for an individual, which shall be re-evaluated every three (3) months.[\[2\]](#)~~

~~Parents/Guardians and students are advised that a second request during a school year will be considered a request for continuance of homebound instruction at which time another request must be submitted within three (3) calendar weeks of the impending extension in order for homebound to be extended.~~

~~Upon submission for continuance, parent and student must meet with the school team to discuss plans for transition back to school.~~

### **Mandated Regulatory Procedures**

~~Parents/Guardians and students are advised that the granting of homebound instruction are subject to the following conditions:~~

- ~~● Students on homebound may not also work at a job and may not be involved in other activities outside the home. The premise of homebound is that students are unable to come to school and therefore should be unable to go to work, or leave their home for any length of time.~~
- ~~● Homebound instruction is not to be used as an educational option while a student is awaiting placement within or outside of the school district.~~

- ~~Homebound instruction is not intended, nor can it be construed, as a method of delivering a full curriculum and may not provide sufficient grades/credits for promotion.~~

~~If the student is denied any homebound instruction he/she will become subject to mandatory school attendance regulations.~~

~~The program of homebound instruction provided to each student shall be in accordance with the standards established by the state.~~

~~The SRC **Board** reserves the right to withhold homebound instruction when any one (1) of the following occurs:~~

- ~~1. The instructor's presence in the place of a student's home presents a hazard to the health of the teacher.~~
- ~~2. A parent/guardian or other adult in authority is not present with the student during the hours of instruction.~~
- ~~3. The medical, psychological or psychiatric condition of the student precludes any benefit from such instruction.~~

~~Students receiving homebound instruction may be counted for attendance purposes as if in school.~~

~~The Superintendent or designee may request approval from the Department of Education to extend the period of homebound instruction for an individual, which shall be re-evaluated every three (3) months. [\[2\]](#)~~

~~Parents/Guardians and students are advised that a second request during a school year will be considered a request for continuance of homebound instruction at which time another request must be submitted within three (3) calendar weeks of the impending extension in order for homebound to be extended.~~

~~Upon submission for continuance, parent and student must meet with the school team to discuss plans for transition back to school.~~

~~Any breach of the conditions set forth in this policy, in part or in whole may result in the withdrawal of approval of homebound instruction.~~

#### **Legal References:**

1. [24 P.S. 1329](#)
2. [22 PA Code 11.25](#)
3. [22 PA Code 11.41](#)
4. [Pol. 204 - Attendance](#)
5. [34 CFR § 300.39](#)
6. [34 CFR § 300.115](#)

7. [Basic Education Circular - Instruction in the Home BEC](#)
8. [Board Policy 113 - Special Education](#)
9. [22 PA Code 11.18](#)
10. [24 P.S. 13-1306](#)
11. [24 P.S. 13-1330\(2\)](#)

**Related Information:**

[Pol. 234 - Pregnant/Parenting/Married Students](#)

[PDE Elementary and Secondary Education Homebound Instruction](#)

## **Administrative Procedures for Home and Hospital Instruction (Attachment for Policy No. 117)**

### **Purpose**

The purpose of this home and hospital instruction procedure is to provide clear guidance on how the District's Home and Hospital Instruction Policy is implemented. This procedure is intended to help **parents/caregivers, as well as staff, understand and navigate District processes** ~~staff, students and families determine~~ if a student who is confined to the home or hospital for physical disability, illness, injury, urgent reasons, or when such confinement is recommended for psychological or psychiatric reasons, should be receiving homebound instruction, Instruction Conducted in the Home ("ICH"), or services for students confined to hospitals, and guidance on how to request and implement those services.

### **Definitions**

**Homebound Instruction** is a service the District may provide during a temporary period of excused absence not to exceed three (3) months, upon receipt of satisfactory evidence of mental, physical or other urgent reasons, but the term 'urgent reasons' shall be strictly construed and does not permit irregular attendance.

**Instruction Conducted in the Home (ICH)** is a restrictive special education placement option for students with disabilities, intended to be used as a last resort when a student's services and programs can only be conducted in the home or a mutually agreed upon location, as determined by the IEP Team.

**Instruction for Students Confined to Hospitals** is available for students admitted to and remaining as a registered resident patient in a hospital **located in Philadelphia**, upon the recommendation of a physician for not less than five (5) days.

**Free Appropriate Public Education (FAPE):** For a qualified student with a disability, special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the Pennsylvania Department of Education, including an appropriate preschool, elementary school, or secondary school education in Pennsylvania; and provided in conformity with an **Individualized Education Program** that is required under section 1414(d) of the Individuals with Disabilities Education Act and reasonably calculated to enable the student to make meaningful progress appropriate in light of the child's circumstances.

**Individualized Education Program (IEP):** The written educational statement for each student with a disability that is developed, reviewed, and revised by an IEP team in accordance with federal and state law and regulations.

**IEP team:** A group of individuals who are knowledgeable about the student, the

curriculum, and resources of the District, the meaning of the evaluation data, and the placement options for the student, who are responsible for developing, reviewing, or revising an IEP. The team includes the student's parents/~~caregivers~~ ~~guardians~~; general education teacher; special education teacher; District administrator and/or designee; other district staff who can interpret the instructional needs of the student based on the evaluation results; other individuals requested by the parent/~~caregiver~~ ~~guardian~~ who have special knowledge of the student, including related services personnel; and, whenever appropriate, the student with a disability.

### **Procedures**

**The Superintendent designates the Office of Prevention and Intervention and the Office of Diverse Learners as responsible for implementing and maintaining the requirements of this policy and its procedures.**

Homebound instruction, Instruction in the Home, Instruction for Students Confined to Hospitals, and Homeschooling are all different. These procedures discuss homebound instruction, Instruction in the Home and Instruction for Students Confined to Hospitals. For information regarding Homeschooling please refer to Board Policy 137- Home Education Program and its related procedures.

### **Homebound Instruction**

Homebound instruction is **an in-person and/or virtual** service the District may provide during a temporary period of excused absence not to exceed three (3) months to provide continuity of instruction to students who are unable to participate in their school of enrollment due to any of the following conditions:

1. A physical or medical condition as diagnosed and documented by a board-certified physician;
2. A mental or emotional condition as diagnosed and documented by a board certified psychiatrist;
3. Or other urgent reasons but the term 'urgent reasons' shall be strictly construed and does not permit irregular attendance.

Homebound instruction should be used as a last resort after all other options and /or alternative schedules have been exhausted. Homebound instruction is not intended, nor can it be construed, as a method of delivering a full curriculum and may not provide sufficient grades and or credits for promotion. Homebound instruction is not to be used as an educational option while a student is awaiting placement within or outside of the ~~school~~ ~~District~~.

**Homebound instruction is not a special education placement option or offer of FAPE for students with disabilities, however, there are occasions when a student with a disability may receive homebound instruction due to a temporary excusal from compulsory attendance in the same manner as the student's non-disabled peers. If a Student with an Individualized Education Program (IEP) is expected to be unable to**

**attend school for more than three (3) months or an extension of the initial authorization needs to be requested, the IEP team should convene to consider whether a change of placement to Instruction Conducted in the Home is necessary. The process for Instruction Conducted in the Home is further outlined below.**

A student who meets this criteria may be excused from their school of enrollment and provided homebound instruction for a period not to exceed three (3) months. Once a student is determined to be eligible for homebound instruction, they may be counted for attendance purposes as if in school. The program of homebound instruction provided to each student shall be in accordance with the standards established by the state.

### *Requesting Homebound Instruction*

The parent/~~caregiver guardian~~ who wishes to request homebound instruction for their child shall submit the required application and medical documentation for homebound instruction to the principal and school nurse, and shall include:

1. A written signed request for homebound instruction from the licensed physician, licensed psychiatrist or by a licensed treating specialist, including:
  - a. the nature of the illness or disability,
  - b. the necessity of homebound instruction that supports the student cannot be in a school setting,
  - c. a treatment plan that includes goals/supports that return the student to the school setting as quickly as possible; and
  - d. the expected duration of confinement and provides a projected date when the student will return.
2. A written request by the student's parent(s)/~~caregiver guardian~~(s) documenting the urgent reasons accompanied by medical documentation from a physician for an acute condition that prevents the student attending school for a period of at least **ten (10) days** ~~four (4) weeks~~.
  - a. If the urgent reason is due to a condition that is treated by a specialist, proper documentation is required by the treating specialist. For example: **If the urgent reason is due to respiratory dysfunction**, documentation by a pulmonologist, allergist or immunologist will be requested. If the urgent reason is due to mental/behavioral conditions, documentation by a board certified psychiatrist will be requested.
3. If additional information is required for clarification of the medical documentation, a written consent signed by the parent/~~caregiver guardian~~ consistent with FERPA, HIPAA and the Mental Health Act permitting designated school personnel to speak with the physician regarding information that pertains to the student's inability to attend school.

After verifying that all necessary forms and documents are submitted, the school nurse will submit the request to the Homebound Coordinator, in the Office of School Health Services for review. The Homebound Coordinator will, **within in a reasonable time**

**period**, make a determination regarding the approval of homebound instruction if the documentation provided (a) validates that the student cannot be in a school setting, (b) demonstrates a treatment plan that includes goals and or supports that return the student to the school setting as quickly as possible, and (c) provides a projected date when the student will return to school.

~~Pregnant students are expected to abide by the School District of Philadelphia's attendance policy.~~ If a pregnant student is unable to attend school for a certified medical reason (i.e. requires continuous bed rest, at risk for premature delivery, etc.), and wishes to receive homebound instruction, these procedures for applying for homebound instruction must be followed. More information regarding the procedures and resources available for pregnant and parenting students can be found in Board Policy 234.

The Homebound Coordinator will contact the school principal and school nurse **within a reasonable time period** with the decision and, if approved, the number of instructional hours to be provided and the end date of services. **The school principal will determine how to staff the instructional hours required. If staffing is not immediately available for homebound instruction, or later becomes unavailable, the school principal will elevate the issue to their Assistant Superintendent for assistance.**

If the student is denied any homebound instruction, the student must attend school and will be subject to mandatory school attendance regulations.

#### *Implementation of Homebound Instruction*

If the student is approved and in regular education, the MTSS team convenes to complete the "Education Plan for Homebound Instruction" (MEH-211) for the student. If the student receives special education services, the IEP team convenes to complete the "Education Plan for the Homebound Instruction" (MEH-211).

It is the responsibility of the school principal or principal's designee to identify a teacher for homebound instruction. Once identified, the teacher will contact the student's parent/~~caregiver~~ ~~guardian~~ to set up a schedule to deliver instruction.

Homebound instruction will consist of a minimum of five (5) hours of instruction per week. Quarterly progress reports and grades shall be submitted to the student's school of enrollment following the District's timeline for grade submission and at the termination of homebound instruction.

Students will be recorded as in attendance on days they are participating in homebound instruction.

#### *Requesting Extension of Homebound Instruction*

A request for continuance of homebound instruction must be submitted within three (3) calendar weeks of the impending extension in order for homebound **instruction** to be

extended. Upon submission for continuance, **the parent/caregiver** and student must meet with the school team to discuss plans for transition back to school.

Continuation of homebound instruction beyond three (3) months requires approval from the Pennsylvania Department of Education (PDE), as well as submission of a new Physician's Referral for Homebound Instruction, ([form SEC-137A](#)), which may or may not be approved. The Superintendent or designee must request approval from the Department of Education to extend the period of homebound instruction for an individual, which shall be re-evaluated every three (3) months.

If the need for homebound instruction goes beyond the initial three months, the school district should determine whether the student should be evaluated or considered for either an IEP, a change in IEP placement, or a 504 Service Agreement.

At any point, the District may request additional information about a student's absences and health status to justify approval and or continuation of homebound instruction. If the information is not provided, the District may terminate homebound instruction and the student shall be marked as truant.

#### *Conditions of Homebound Instruction*

Homebound instruction is not intended, nor can it be construed, as a method of delivering a full curriculum and may not provide sufficient grades and or credits for promotion. Homebound instruction is not a replacement or substitute for school attendance.

Parents/**caregivers** ~~Guardians~~ and students are advised that the granting of homebound instruction are subject to the following conditions:

1. Students on homebound **instruction** may not also work at a job and may not be involved in other activities outside the home. The premise of homebound **instruction** is that students are unable to come to school and therefore should be unable to go to work, or leave their home for any length of time.
2. For in-person instruction **in the home**, the conditions of the student's home may not be a hazard to the health and/or safety of the teacher.
3. A parent/**caregiver** ~~guardian~~ or other adult in authority must be present with the student during the hours of instruction.
4. The student's medical, psychological or psychiatric condition must not preclude their participation during the instructional session/s.

Any breach of the conditions set forth in this policy, in part or in whole may result in the withdrawal of approval of homebound instruction.

For further information regarding homebound instruction please refer to this [guidance document](#).

#### *Intermittent Homebound*

A student may be provided homebound instruction on an intermittent basis during short but repeated periods of absences due to exacerbation of a chronic medical condition that, although under treatment, have episodes of exacerbation and abatement of symptoms, resulting in recurring periodic absences (i.e. including by not limited to: kidney failure, cancer, asthma, and sickle cell anemia). The student is expected to return to school when the exacerbation subsides. The approval for intermittent homebound instruction will be granted for no longer than one (1) school year and will expire at the end of any school year.

### Instruction Conducted in the Home

Instruction Conducted in the Home (ICH) is a special educational placement made by a student's Individualized Education Program (IEP) team. **However, there are also instances where students with an Individualized Education Program (IEP) can receive homebound instruction (see above).**

The use of ICH is restricted to students whose needs require full-time special education services and programs outside the school setting for the entire day. Ordinarily, these will be students who, because of a severe medical condition or mobility impairment, are unable to leave home to attend school. IEP Teams must:

1. Develop an IEP for a student placed in ICH outlining specific accommodations, modifications, and **related** services that will be provided in the home setting;
2. Determine the type of educational services to be delivered. These could include one-on-one instruction, online learning platforms (i.e. [Academy of Continued Education](#)), or virtual classroom sessions, depending on the student's needs; and
3. Specify the frequency and duration of instruction to ensure the student receives appropriate educational support during the placement.

Although a student placed by their IEP team on Instruction Conducted in the Home does not receive their program in the school setting, he or she remains entitled to a free appropriate public education (FAPE) equal to their non-disabled peers, unless this amount of instruction would jeopardize the child's health or welfare.

~~The IEP should be reviewed periodically (at least annually) to assess the appropriateness of the ICH placement. The IEP team may need to modify services based on the student's progress or changing health conditions.~~

**The IEP must be reviewed at least annually. The IEP team should meet sooner if needed to assess whether a less restrictive placement is appropriate based on the student's progress or changing health conditions.**

A parent/~~caregiver~~ guardian or other adult in authority must be present with the student during the hours of instruction. Delivery of in-person instruction in the home may be withheld when the conditions of the student's home are hazardous to the health and/or

safety of the teacher. The teacher has the right to terminate instructional sessions if the student's medical, psychological or psychiatric condition precludes their meaningful participation. The IEP team should convene if any of these conditions regularly interfere with the delivery of instruction.

The District is required to report information about students on ICH to state or federal education departments as part of compliance with Child Find or Remedial Orders. This includes notifying the Department of Education about students placed in ICH and providing any necessary follow-up reports as required by the state.

#### Instruction for Students Confined to Hospitals

The District shall **confirm** that school-aged students confined to hospital settings located in Philadelphia **are provided** with educational services pursuant to and consistent with state and federal law and regulations and District policies and procedures.

**At or prior to discharge, parents/caregivers and students should meet with the school team to discuss plans for transition back to school. Planning may include an initial evaluation or a reevaluation for a 504 Service Agreement or an Individualized Education Program.**

For further information regarding the process for students confined to hospitals please refer to this [guidance document](#).

#### Nonattendance Without the Provision of Instruction

If a condition exists which prevents a child from being able to benefit from study, the student may be entered into the inactive roll with the Pennsylvania Department of Education's approval until such a time as the student is able to benefit from study.

The District may excuse a school age child from compulsory school attendance upon recommendation of the school physician and a psychiatrist or public school psychologist, or both, and with the approval of Pennsylvania Department of Education. Prior to seeking excusal and approval, the District must provide the child's parents/**caregivers** ~~guardians~~ with written notice of both the proposed excusal, including the reasons for the excusal, and an opportunity to be heard. Students so excused are entered on the inactive roll.

#### Maintenance Schedule

These Administrative Procedures and the protocols designated within shall be reviewed upon the review of the Policy, or upon the occurrence of a triggering event.

#### Related Information

[Board Policy 137](#)

[Board Policy 234](#)

[Education Plan for Students Receiving Homebound Instruction](#)

[Physician's Referral for Homebound Instruction \(form SEC-137A\)](#)

[Homebound Program Procedures](#)

[Protocol for Administration of Services to Students Confined to Hospitals](#)

[PDE Elementary and Secondary Education Homebound Instruction](#)

# THE SCHOOL DISTRICT OF PHILADELPHIA

No. 222

SECTION: 200 Pupils

TITLE: ~~Tobacco Product,  
Alternative Nicotine Product, and  
Vapor Product Use by Students~~  
**Promoting Tobacco and Vape Free  
Schools**

ADOPTED: August 24, 2011

REVISED: March 26, 2020

## 222 ~~TOBACCO PRODUCT, ALTERNATIVE NICOTINE PRODUCT, AND VAPOR PRODUCT USE BY STUDENTS~~ **PROMOTING TOBACCO AND VAPE FREE SCHOOLS**

### Purpose

The Board of Education (“Board”) recognizes that tobacco products, **including electronic cigarettes**, alternative nicotine products, and vapor products present a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of School District of Philadelphia (“District”) schools. **The purpose of this policy is to prohibit student possession, use, purchase and sale of tobacco and vaping products and assure a healthy environment for the wellbeing of our students and staff.**

### Definitions

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

**Administrator:** ~~Any person who has disciplinary and managerial authority to enforce school policies and penalties in the District, including but not limited to, principals, vice-principals, or office personnel.~~

**Alternative nicotine product:** ~~A product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting or sniffing, or by any other means. The term does not include a tobacco product, vapor product, or a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.)~~

**Any time:** ~~During normal school and non-school hours, during any district-sponsored event or any conveyance to and from school.~~

**Electronic smoking device:** ~~Any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. “Electronic smoking device” includes, but~~

~~is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, Juul, Suorin, or under any other product name or descriptor. “Electronic smoking device” includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods.~~

~~**Imitation tobacco product:** Any non-tobacco product designed to resemble a tobacco product including any edible or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include, but are not limited to: candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.~~

~~**Lighter:** A mechanical or electrical device typically used for lighting tobacco products.~~

~~**Nicotine product:** A product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or any other means.~~

~~**Off-campus, District-sponsored event:** Any event sponsored by the school or District that is not on District property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances, or theatrical productions.~~

~~**Parent/Guardian:** Any person that has legal guardian status over a student enrolled in the District.~~

~~**Smoking:** This includes inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. “Smoking” also includes carrying or using an activated electronic smoking device.~~

~~**Tobacco product:** For purposes of this policy, tobacco product encompasses not only tobacco but also vaping products including electronic cigarettes (e-cigarettes). Tobacco products, for purposes of this policy and in accordance with state law, shall be defined to include the following:~~

- ~~I.—Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, a cigar, a little cigar, chewing tobacco, pipe tobacco, snuff and snus;~~
- ~~II.—Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah;~~
- ~~III.—Any product containing, made or derived from either:
  - ~~A. tobacco, whether in its natural or synthetic form; or~~
  - ~~B. Nicotine, whether in its natural or synthetic form, which is regulated by the united states food and drug administration as a deemed tobacco product; and~~~~
- ~~IV.—Any component, part or accessory of the product or electronic device under subparagraphs (I), (II) and (III), whether or not sold separately.~~

**The term tobacco product does not include the following:**

**I. ~~[1][2] A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled.~~**

**~~A. NOTE: This exception shall be governed by Board policy relating to Medications.[3]~~**

**H. ~~A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act.~~**

**~~A. NOTE: Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of medical marijuana by students at any time on school property or during any school activities on school property. This exception shall be governed by Board policy relating to Controlled Substances/Paraphernalia.[4]~~**

**~~Tobacco-related devices: These include ashtrays, rolling papers, wraps, or pipes for smoking and any components, parts, or accessories of electronic smoking devices.~~**

**~~Vapor product:~~** A noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.[\[1\]](#)

**~~Visitor:~~** A parent/guardian, educator, official or other individual who is not a school employee or independent contractor, and who visits a school or attends or participates in an event or activity at a school.

### **Authority**

The Board prohibits possession, use or sale of tobacco products, alternative nicotine or vapor products **regardless of whether such products contain tobacco or nicotine**, by students at any time in a school building and on any property, buses, vans, and vehicles that are owned, leased, or controlled by the District.[\[1\]\[2\]\[3\]](#)

The Board prohibits possession, use, or sale of tobacco products, alternative nicotine or vapor products by students at off-campus, District-sponsored events. [1]

The Board also prohibits the possession of paraphernalia associated with tobacco products, alternative nicotine or vapor products, including but not limited to rolling papers, matches, and **lighters**.

**The Board prohibits student possession of any form of ~~medical~~ marijuana or other controlled substances at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the District; on property owned, leased or controlled by the District; or at school-sponsored activities that are held off school property.[4]**

**Tampering with devices installed to detect use of tobacco products shall be deemed a violation of this policy and subject to disciplinary action.[13]**

~~In the case of a student with a disability, including a student for whom an evaluation is pending, the District shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[4][5][6][7][8][9]~~

### **Delegation of Responsibility**

The Superintendent or designee shall annually notify students, parents/guardians and staff about this policy by publishing this policy in the student handbook, parent newsletters, posted notices, Code of Student Conduct, District website, and other efficient methods. [1]

The Superintendent or designee shall develop ~~a~~Administrative ~~p~~Procedures to implement this policy.

### **Mandated Regulatory Procedures**

All tobacco products, alternative nicotine, or vapor products and/or paraphernalia discovered in the possession of students shall be confiscated and not returned.[1]

The Superintendent or designee may report incidents of possession, use or sale of tobacco products, alternative nicotine or vapor products by students on school property, at any off-campus, District-sponsored event or on a conveyance providing transportation to or from a school or off-campus, District-sponsored event to the local ~~police department~~ **law enforcement agency** that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and ~~SRC~~ **Board** policies.[9][10][11][12][13]

The Administrator or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use, or sale of tobacco products, alternative nicotine or vapor products immediately, or as soon as practicable. The Administrator or designee shall inform the parent/guardian whether or not the local ~~police department~~ **law enforcement agency** that has jurisdiction over the school property has been or may be notified of the incident. The Administrator or designee shall document attempts made to reach the parent/guardian.[9][10][14]

**In the case of a student with a disability, including a student for whom an evaluation is pending, the District shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies.[4][5][6][7][8][9]**

In accordance with state law, the Superintendent or designee shall annually, by July 31, submit all required reports of incidents of possession, use or sale of tobacco products, alternative nicotine or vapor products by students to the Office for Safe Schools on the required form, as required in alignment with the . [9][11]

**Legal References:**

1. [18 Pa. C.S.A. § 6306.1](#)
2. [18 Pa. C.S.A. § 6305](#)
3. [20 U.S.C. § 7183](#)
4. [22 Pa. Code 10.23](#)
5. [20 U.S.C. §§ 1400, et seq.](#)
6. [Policy 103.1](#) - Nondiscrimination - Qualified Students With Disabilities/Protected Handicapped Students
7. [Policy 113.1](#) - Discipline of Students With Disabilities
8. [Policy 113.2](#) - Behavior Support
9. [Policy 805.1](#) - Relations With Law Enforcement Agencies
- ~~10. [24 P.S. § 1302.1-A](#)~~
- ~~11. [24 P.S. § 1303-A](#)~~
- ~~12. [10. 22 Pa. Code § 10.2](#)~~
- ~~13. [11. 22 Pa. Code § 10.22](#)~~
- ~~14. [12. 22 Pa. Code § 10.25](#)~~
13. [Policy 218 - Student Conduct and Discipline](#)

**Related Information:**

- [24 P.S. § 510](#)
- [22 Pa. Code § 403.1](#)
- [20 U.S.C. § 7114](#)
- [20 U.S.C. §§ 7181, et seq.](#)
- [34 CFR Part 300](#)
- [Philadelphia Home Rule Charter - 12-300](#)
- [Policy 218.1](#) - Weapons

**Administrative Procedures for Promoting Tobacco and Vape Free Schools**  
**~~Tobacco Product, Alternative Nicotine Product, and Vapor Product Use by Students~~**  
(Attachment for Policy No. 222)

**Purpose**

The School District of Philadelphia (“District”) recognizes that tobacco products present a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools.

**Definitions**

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

**Administrator:** Any person who has disciplinary and managerial authority to enforce school policies and penalties in the District, including but not limited to, principals, vice-principals, or office personnel.

**Alternative nicotine product:** A product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting or sniffing, or by any other means. The term does not include a tobacco product, vapor product, or a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.)

**Any time:** During normal school and non-school hours, during any district-sponsored event or any conveyance to and from school.

**Electronic smoking device:** Any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. “Electronic smoking device” includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, Juul, Suorin, or under any other product name or descriptor. “Electronic smoking device” includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods.

**Imitation tobacco product:** Any non-tobacco product designed to resemble a tobacco product including any edible or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include, but are not limited to: candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum

resembling chewing tobacco, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

**Lighter:** A mechanical or electrical device typically used for lighting tobacco products.

**Nicotine product:** A product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or any other means.

**Off-campus, District-sponsored event:** Any event sponsored by the school or District that is not on District property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances, or theatrical productions.

**Parent/Guardian:** Any person that has legal guardian status over a student enrolled in the District.

**Smoking:** This includes inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. “Smoking” also includes carrying or using an activated electronic smoking device.

**Tobacco product:** For purposes of this policy, tobacco product encompasses not only tobacco but also vaping products including electronic cigarettes (e-cigarettes). Tobacco products, for purposes of this policy and in accordance with state law, shall be defined to include the following:

- I. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, a cigar, a little cigar, chewing tobacco, pipe tobacco, snuff and snus;
- II. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah;
- III. Any product containing, made or derived from either:
  - A. tobacco, whether in its natural or synthetic form; or
  - B. Nicotine, whether in its natural or synthetic form, which is regulated by the united states food and drug administration as a deemed tobacco product; and
- IV. Any component, part or accessory of the product or electronic device under subparagraphs (I), (II) and (III), whether or not sold separately.

**The term tobacco product does not include the following: [1][2]**

- I. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled.

- A. **NOTE: This exception shall be governed by Board policy relating to Medications.[3]**
- II. **A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act.**
- A. **NOTE: Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of **marijuana, including** medical marijuana, by students at any time on school property or during any school activities on school property. This exception shall be governed by Board policy relating to Controlled Substances/Paraphernalia.[4]**

**Tobacco-related devices: These include ashtrays, rolling papers, wraps, or pipes for smoking and any components, parts, or accessories of electronic smoking devices.**

**Vapor product:** A noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.[1]

**Visitor:** A parent/guardian, educator, official or other individual who is not a school employee or independent contractor, and who visits a school or attends or participates in an event or activity at a school.

### **Procedures**

**The Superintendent designates the Office of Student Rights and Responsibilities as responsible for implementing and maintaining the requirements of this policy and its procedures.**

**The District is dedicated to the prevention of tobacco and vape use among youth and in schools. School Administrators should make every effort to educate students on the health effects of vaping and encourage a vape-free school environment through flyers/posters, educational materials, grade level town halls and classroom community meetings. School Administrators will encourage students to ask for help if they are facing nicotine-addiction and ensure students know who to go to in order to access this support.**

If reasonable suspicion exists that a student is thought to be in possession of tobacco products, alternative nicotine products, vapor products and/or **tobacco related products**, a **School Safety Officer or Administrator** may authorize a search of the student's belongings.[1] If the student is found to be in possession of tobacco products, alternative nicotine products, vapor products

and/or related paraphernalia, the item(s) will be confiscated and photographed by a School ~~Police~~ **Safety Officer or Administrator** and the guardian will be notified.

If a student is in possession of a lighter or matches, please refer to ~~Policy 218.1 – Weapons, which policy that addresses incendiary devices [2]~~ **the Behavior Matrix of the Code of Conduct for addressing code violation Possession/Use of an Incendiary Device.**

**If there is a potential medical concern for a student in possession of a vapor product, the student should be evaluated by the school nurse to determine if medical assistance is necessary. Signs of medical concern can include unconsciousness, trouble breathing, change in skin color, or complaints of their heart racing/high heart rate. The school nurse is not authorized to determine if a student is under the influence of an illicit substance, including tobacco and vapor products or to conduct drug testing.**

~~An appropriate referral for support and education and/or consequence should be implemented that, according to the current Code of Student Conduct, is limited to an “in-school” intervention.~~

**School Counselors will provide students who have violated this policy with a referral to the Student Assistance Program (SAP). School Administrators will work with the student and family to support the student with smoking cessation and develop a safety plan as needed.**

**School Administrators or Designee will provide an appropriate consequence, which may include but is not limited to a restorative conversation, phone call home and/or community service. Repeated violations of this policy may warrant short-term out-of-school suspension and/or parent conference. School Administrators should only resort to short-term suspensions after interventions have been provided to support the student. School Administrators must take a holistic and restorative approach to addressing violations of this policy.**

The Administrator or Designee may report incidents of possession, use or sale of tobacco products, alternative nicotine products, or vapor products by students on school property, at any off-campus, District-sponsored event, or on a conveyance providing transportation to and from a school or off-campus, District-sponsored event to the local ~~police~~ law enforcement agency in accordance with the Memorandum of Understanding with the Philadelphia Police Department.

### **Maintenance Schedule**

This procedure should be reviewed with each revision of the Code of ~~Student~~ Conduct.

### **Legal References:**

1. [Policy 226](#) - Student Searches
2. [Policy 218.1](#) - Weapons

3. [Policy 805.1](#) - Relations with Law Enforcement

**Related Procedures:**

Administrators can utilize the Guidelines for Discipline for the proper protocol relating to the discipline process. The guidelines are available on the District's website at <https://www.philasd.org/studentrights/programsservices/discipline-office/>  
<https://www.philasd.org/studentrights/#discipline>

# THE SCHOOL DISTRICT OF PHILADELPHIA

No. 831

Section: 800 Operations

Title: Data Privacy

Adopted:

Revised:

## 831 DATA PRIVACY

### **Purpose**

As a custodian of sensitive data belonging to students, employees, and parents, the Board of Education (“Board”) recognizes its responsibility to safeguard this data from unauthorized use, disclosure, disruption, modification, or destruction. While data privacy can be compromised by human error, hardware malfunction, natural disaster, security breach, as well as other causes and may not be completely preventable, the Board is committed to protecting the privacy of its students and employees in accordance with applicable laws, regulations and in light of best practices at the State and Federal levels.

This policy applies to all operations and activities within the School District of Philadelphia (“District”) and aims to outline the framework the District employs regarding the collection, use and protection of personal information of students, parents, guardians, staff and other individuals to identify and manage privacy risk and provide services while protecting individuals’ privacy.

### **Authority**

As authorized by the Pennsylvania Public School Code, the Board may adopt and enforce such reasonable rules and regulations as it may deem necessary and proper regarding the management of its school affairs. [1]

Furthermore, as required by the Family Educational Rights and Privacy Act (FERPA), and other relevant state and local privacy laws applicable to educational agencies, the Board shall protect all personally identifiable information in education records from disclosure to unauthorized parties and without parental consent. [2]

## **Delegation of Responsibility**

The Board directs the Superintendent or their designee, to develop Administrative Procedures and other protocols that outline how the District will:

- Manage information used in its systems throughout its life-cycle, from original collection to appropriate destruction.
- Manage and authorize the process for accessing student and employee personal and confidential information.
- Define roles, responsibilities and administrative procedures for permitted uses and disclosures of data.
- Review and update policies and regulations and determine whether activities comply with current state and federal regulations and laws.

The Superintendent or their designee shall develop Administrative Procedures and protocols that take into account industry best practices for privacy protection.

The Superintendent or their designee shall outline the plan for training users of District information assets and systems on privacy protection in the Administrative Procedures, in coordination with other offices.

The Superintendent or their designee shall report on the privacy protection strategy and implementation periodically to the Superintendent and the Board.

The Board emphasizes the shared responsibility of all individuals and teams across the District to uphold the privacy principles and administrative procedures set forth within this policy.

## **Legal References:**

[24 P.S. § 5-510](#)

[20 U.S.C.A. §1232g](#), et seq.

## **Related Information**

[Policy 200 - Enrollment of Students](#)

## **Administrative Procedures for Data Privacy**

(Attachment for Policy No. 831)

### **Purpose**

As a custodian of sensitive data belonging to students, employees, parents and other individuals, the Board of Education (“Board”) recognizes its responsibility to safeguard this data from unauthorized use, disclosure, disruption, modification, or destruction. While data privacy can be compromised by human error, hardware malfunction, natural disaster, security breach, etc., and may not be completely preventable, the purpose of Policy 831 and its Administrative Procedures is to promote confidentiality, integrity, and availability of the information assets owned and operated by the School District of Philadelphia (“District”). These Administrative Procedures and the protocols linked within establish a framework for managing privacy risks in line with the NIST Privacy Framework and the Fair Information Practice Principles (FIPPs).

### **Definitions**

**Access:** Viewing, editing, printing, downloading, copying or retrieving data from a computer, computer system, computer network or other medium.

**Availability:** The expectation that authorized users have access to information and IT services when required.

**Confidential Data:** Personally identifiable information about a student, parent/guardian, or employee that is prohibited from disclosure pursuant to state or federal law or information that is intended for the use of a particular persona/group and whose unauthorized disclosure could be harmful to the individual it identifies.

**Confidentiality:** The expectation that the information resource is only accessible to those with authorized access and that the information resource is protected throughout its lifecycle .

**Fair Information Practice Principles (FIPPs):** The Federal Privacy Council’s widely accepted principles for evaluating information systems, processes, programs, and activities that affect individual privacy.

**Information Asset:** Any data, information, or IT service which hosts District data and/or information, in any format, that the District owns or manages and for which the District is responsible. This can include software, hardware, data, intellectual property, and personal information.

**Integrity:** The safeguarding of the accuracy and completeness of information contained in a record and the processing methods that are applied to a given piece of information or data set.

**Lifecycle:** The stages through which information passes, typically characterized as creation or collection, processing, dissemination, use, storage, and disposition, to include destruction and deletion.

**National Institute of Standards and Technology (NIST):** Agency of the United States Department of Commerce whose mission promotes U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology.

**NIST Privacy Framework:** A voluntary tool designed to help organizations identify and manage privacy risk to build innovative products and services while protecting individuals' privacy.

**Personal Information:** Any data that can identify an individual either directly or indirectly.

**Privacy Risk:** The potential for harm or adverse effects on individuals resulting from the collection, use, sharing or disposal of their personal information.

**Sensitive Data:** Information that, if disclosed, could result in harm to an individual.

### **Procedures**

The Superintendent designates the Office of Information Security as responsible for implementing and maintaining the requirements of this policy and its procedures.

The District is committed to managing privacy risk to personal information across several domains: Identify; Govern, Control, Communicate and Protect as outlined in the National Institute of Standards and Technology (NIST) Privacy Framework. Under each domain, the Office of Information Technology and Data Management (OITDM) maintains protocols that take into account industry best practices and the Fair Information Practice Principles (FIPPs).

Where possible, these protocols are available to the public and linked below. However, several protocols remain confidential and accessible only to designated OITDM staff, in accordance with industry best practices. Publicly accessible protocols include details about providing training to users of District information assets and systems, where applicable.

### Privacy Protection Domains:

Under each of the below privacy protection domains, the District has established specific operational protocols. These protocols, identified and briefly described below, outline how the District manages its privacy programs.

#### *I. Identify*

- A. Data Inventory: Establishes a comprehensive inventory of personal information collected, processed and stored by the District.
- B. Privacy Risk Assessment (Internal & Confidential): Defines the process for identifying, evaluating, treating and reporting privacy risks associated with the use of personal information.
- C. Data Mapping (Internal & Confidential): Maps data flows to understand where personal information is collected, stored, processed and shared.

#### *II. Govern*

- A. Privacy Policies and Procedures: Establishes comprehensive privacy policies and procedures aligned with the NIST Privacy Framework and FIPPs.
- B. Roles and Responsibilities: Clearly defines roles and responsibilities regarding personal information protection.
- C. Training and Awareness: Provides all individuals within the District who have access to personal information with the necessary awareness, knowledge and skills to protect this information.
- D. Vendor Management: Ensures all contracts with third-party vendors and service providers include data privacy and security language compliant with the District's privacy policies and standards.

#### *III. Control*

- A. Access Control: Defines requirements for and controls user access to personal information.
- B. Change Management (Internal & Confidential): Establishes a coordinated method for managing changes to personal information handling practices to minimize potential negative impact on privacy.
- C. Data Protection Measures: Outlines the responsibilities and procedures for the protection of personal information, including access controls, data minimization, de-identification, encryption and secure disposal.
- D. Privacy Impact Assessment (Internal & Confidential): Evaluates the privacy impacts of new or changed data processing activities.
- E. Record Retention: Establishes protocols for the retention and secure disposal of personal information.

#### *IV. Communicate*

- A. Privacy Notices: Develops clear and transparent communication channels to inform individuals about how their personal data is processed and protected.
- B. Access Management: Establishes procedures that allow individuals to access, correct or request the deletion of their personal information.
- C. Complaint Handling: Establishes procedures for receiving and addressing privacy-related complaints and inquiries from individuals.

#### *V. Protect*

- A. Incident Response Plan (Internal & Confidential): Implements a comprehensive incident response plan to address data breaches, including notification to affected individuals and authorities as required.
- B. Backup Procedures (Internal & Confidential): Establishes protocols for regular backup of personal data to ensure data recovery in case of loss.
- C. Monitoring and Reporting (Internal & Confidential): Conducts regular monitoring and reporting of privacy controls to ensure ongoing compliance and identify potential vulnerabilities.
- D. Encryption and Data Protection (Internal & Confidential): To provide guidelines for the proper handling, storage, and transmission of sensitive data using encryption and other data protection methods to help prevent unauthorized access or disclosure.
- E. Privacy Audits (Internal & Confidential): Conducts regular privacy audits to assess compliance with privacy policies and procedures.

#### **Maintenance Schedule**

These Administrative Procedures and the protocols designated within shall be reviewed upon the review of the Policy, or upon the occurrence of a triggering event.

#### **Related Information:**

[NIST Privacy Framework](#)

[NIST Cybersecurity Framework Tools](#)

[Fair Information Practice Principles \(FIPPs\)](#)

# THE SCHOOL DISTRICT OF PHILADELPHIA

No. 117

SECTION: 100 Programs

TITLE: ~~Homebound~~ and Hospital  
Instruction

ADOPTED: September 21, 2011

REVISED: September 14, 2017

## 117 ~~HOMEBOUND~~ AND HOSPITAL INSTRUCTION

### Purpose

The purpose of this home and hospital instruction policy is to provide direction and guidance for students experiencing a permanent or temporary disability or illness requiring instruction outside of the school building.

This policy is intended to help staff, students and families determine if a ~~homebound instruction is to provide~~ students, who ~~are~~ is confined to the home or hospital for physical disability, illness, injury, urgent reasons, or psychological or psychiatric reasons should be receiving homebound instruction, Instruction Conducted in the Home (“ICH”), or Instruction for Students Confined to Hospitals. ~~and meet the prescribed criteria, during a temporary period of absence, the opportunity to re-engage successfully in their instructional program upon return to school.~~

### Authority

The ~~School Reform Commission~~ Board of Education ~~may~~ provides, pursuant to law and regulations, Homebound instruction, ICH, or services for students confined in hospitals. ~~homebound instruction to when students confined to home or hospital for physical disabilities, chronic medical conditions, illness, injury, urgent medical reasons, or when such confinement is recommended for psychological or psychiatric reasons expressly written by a board certified psychologist or psychiatrist.~~

Homebound instruction is a service the District *may* provide during a temporary period of excused absence not to exceed three (3) months when students are confined to home or hospital for physical disabilities, chronic medical conditions, illness, injury, urgent medical reasons, or when such confinement is recommended for psychological or psychiatric reasons expressly written by a board certified psychologist or psychiatrist.

The term “urgent reasons” shall be strictly construed and does not permit irregular attendance. [\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)

Instruction Conducted in the Home is a special education placement made by the IEP team for students with disabilities who, due to medical or physical conditions, are unable to attend school for the entire day. Instruction is provided in the home or another agreed-upon location. [\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)

**Instruction for Students Confined to Hospitals is a service the District provides to students who are unable to leave a hospital or long-term medical-care setting. Instruction for Students Confined to Hospitals should offer appropriate educational services consistent with state and federal law and regulations and Board Policies in order to increase successful educational re-engagement upon discharge. [\[2\]](#)[\[6\]](#)[\[10\]](#)**

### **Delegation of Responsibility**

The **Board directs the Superintendent, or their designee shall to develop** ~~create~~ administrative procedures ~~processes to enact~~ **implement** this policy. **These administrative procedures shall delineate the process through which students are determined to be eligible for homebound instruction, ICH, or to receive services for students confined to hospitals.**

### **Mandatory Procedures**

#### **Homebound Instruction**

**The Board shall provide homebound instruction only for those confinements expected to last at least ten (10) school days. Homebound services provide continuity of instruction to students who are unable to participate in their school of enrollment due to any of the following conditions:**

- 1. A physical or medical condition as diagnosed and documented by a board-certified physician;**
- 2. A mental or emotional condition as diagnosed and documented by a board certified psychiatrist;**
- 3. Chronic medical conditions that, even with treatment, have episodes of exacerbation resulting in periodic absences; or**
- 4. Other urgent reasons but the term ‘urgent reasons’ shall be strictly construed and does not permit irregular attendance [\[2\]](#)**

**Parents/caregivers who wish to request homebound instruction should contact their school nurse. The Administrative Procedures to this policy provide further information for families and staff regarding the procedures that apply to these requests.**

~~A student may be provided homebound instruction on an intermittent basis during short but repeated periods of absences due to exacerbation of a chronic medical condition. The student is expected to return to school when the exacerbation subsides. The approval for intermittent homebound instruction will be granted for no longer than **for a period not to exceed three (3) months** one (1) school year and will expire at the end of any school year.~~

Homebound instruction should be used as a last resort after all other options and/or alternative schedules have been exhausted.

Exceptions may be recommended by the Superintendent or designee as deemed advisable and in the best interests of the student and/or district and must be approved by the Pennsylvania Department of Education.

The program of homebound instruction provided to each student shall be in accordance with the standards established by the state. The Board reserves the right to withhold homebound instruction when any one (1) of the following occurs:

1. The instructor's presence in the place of a student's confinement presents a hazard to the health of the teacher.
2. A parent/caregiver or other adult in authority is not present with the student during the hours of instruction.
3. The medical, psychological, or psychiatric condition of the student precludes any benefit from the instructional session(s).

### *Intermittent Homebound Instruction*

A student may be provided homebound instruction on an intermittent basis during short but repeated periods of absences due to exacerbation of a chronic medical condition. The student is expected to return to school when the exacerbation subsides. The approval for intermittent homebound instruction will be granted for no longer than one (1) school year and will expire at the end of any school year.

### **Instruction Conducted in the Home**

**Instruction in the Home is a special educational placement made by a student's Individualized Education Program (IEP) team. This educational placement is only for students who require full-time special education services and programs outside the school setting for the entire day. Ordinarily, these will be students who, because of a severe medical condition or mobility impairment, are unable to leave home to attend school. Although a student placed by their IEP team on Instruction Conducted in the Home does not receive their program in the school setting, he or she remains entitled to a free appropriate public education (FAPE). [\[5\]\[6\]\[7\]\[8\]](#)**

### **Instruction for Students Confined to Hospitals**

**The District shall either provide or confirm that school aged students confined to hospital settings located in Philadelphia receive appropriate educational services pursuant to and consistent with state and federal law and regulations and District policies and procedures. [\[2\]\[6\]\[10\]](#)**

### **Excusals from Attendance**

**If a condition exists which prevents a child from the ability to benefit from study, the student may be entered into the inactive roll with the Pennsylvania Department of Education's approval, until such time as the student may benefit from study. [\[11\]](#)**

~~The parent/guardian shall submit the required application and medical documentation for homebound instruction to the District, and shall include:~~

- ~~1. A written request by the student's parent(s)/guardian(s) documenting the urgent reasons accompanied by medical documentation from a physician for an acute condition that prevents the student attending school for a period of at least four (4) weeks.~~

~~2. A written signed request for homebound instruction from the licensed physician, licensed psychiatrist or by a licensed treating specialist,~~

~~(a) certifying the nature of the illness or disability,~~

~~(b) the necessity of homebound instruction that supports the student cannot be in a school setting,~~

~~(c) demonstrates a treatment plan that includes goals/supports that return the student to the school setting as quickly as possible, and~~

~~(d) the expected duration of confinement and provides a projected date when the student will return.~~

~~3. If the urgent reason is due to a condition that is treated by a specialist, the proper documentation will be required to be completed by the treating specialist. For example: respiratory dysfunction, documentation by a pulmonologist, allergist or immunologist will be requested. If the urgent reason is due to mental/behavioral conditions, documentation by a board certified psychiatrist will be requested.~~

~~4. A written consent signed by the parent/guardian consistent with FERPA, HIPAA and the Mental Health Act permitting designated school personnel to speak with the physician regarding information that pertains to the student's inability to attend school.~~

~~At any point, the district may request additional information to justify initial approval or continuation of homebound instruction.~~

~~The Superintendent or designee must request approval from the Department of Education to extend the period of homebound instruction for an individual, which shall be re-evaluated every three (3) months. [\[2\]](#)~~

~~Parents/Guardians and students are advised that a second request during a school year will be considered a request for continuance of homebound instruction at which time another request must be submitted within three (3) calendar weeks of the impending extension in order for homebound to be extended.~~

~~Upon submission for continuance, parent and student must meet with the school team to discuss plans for transition back to school.~~

### **Mandated Regulatory Procedures**

~~Parents/Guardians and students are advised that the granting of homebound instruction are subject to the following conditions:~~

- ~~● Students on homebound may not also work at a job and may not be involved in other activities outside the home. The premise of homebound is that students are unable to come to school and therefore should be unable to go to work, or leave their home for any length of time.~~
- ~~● Homebound instruction is not to be used as an educational option while a student is awaiting placement within or outside of the school district.~~

- ~~Homebound instruction is not intended, nor can it be construed, as a method of delivering a full curriculum and may not provide sufficient grades/credits for promotion.~~

~~If the student is denied any homebound instruction he/she will become subject to mandatory school attendance regulations.~~

~~The program of homebound instruction provided to each student shall be in accordance with the standards established by the state.~~

~~The SRC **Board** reserves the right to withhold homebound instruction when any one (1) of the following occurs:~~

- ~~1. The instructor's presence in the place of a student's home presents a hazard to the health of the teacher.~~
- ~~2. A parent/guardian or other adult in authority is not present with the student during the hours of instruction.~~
- ~~3. The medical, psychological or psychiatric condition of the student precludes any benefit from such instruction.~~

~~Students receiving homebound instruction may be counted for attendance purposes as if in school.~~

~~The Superintendent or designee may request approval from the Department of Education to extend the period of homebound instruction for an individual, which shall be re-evaluated every three (3) months. [\[2\]](#)~~

~~Parents/Guardians and students are advised that a second request during a school year will be considered a request for continuance of homebound instruction at which time another request must be submitted within three (3) calendar weeks of the impending extension in order for homebound to be extended.~~

~~Upon submission for continuance, parent and student must meet with the school team to discuss plans for transition back to school.~~

~~Any breach of the conditions set forth in this policy, in part or in whole may result in the withdrawal of approval of homebound instruction.~~

#### **Legal References:**

1. [24 P.S. 1329](#)
2. [22 PA Code 11.25](#)
3. [22 PA Code 11.41](#)
4. [Pol. 204 - Attendance](#)
5. [34 CFR § 300.39](#)
6. [34 CFR § 300.115](#)

7. [Basic Education Circular - Instruction in the Home BEC](#)
8. [Board Policy 113 - Special Education](#)
9. [22 PA Code 11.18](#)
10. [24 P.S. 13-1306](#)
11. [24 P.S. 13-1330\(2\)](#)

**Related Information:**

[Pol. 234 - Pregnant/Parenting/Married Students](#)

[PDE Elementary and Secondary Education Homebound Instruction](#)

## **Administrative Procedures for Home and Hospital Instruction (Attachment for Policy No. 117)**

### **Purpose**

The purpose of this home and hospital instruction procedure is to provide clear guidance on how the District's Home and Hospital Instruction Policy is implemented. This procedure is intended to help **parents/caregivers, as well as staff, understand and navigate District processes** ~~staff, students and families determine~~ if a student who is confined to the home or hospital for physical disability, illness, injury, urgent reasons, or when such confinement is recommended for psychological or psychiatric reasons, should be receiving homebound instruction, Instruction Conducted in the Home ("ICH"), or services for students confined to hospitals, and guidance on how to request and implement those services.

### **Definitions**

**Homebound Instruction** is a service the District may provide during a temporary period of excused absence not to exceed three (3) months, upon receipt of satisfactory evidence of mental, physical or other urgent reasons, but the term 'urgent reasons' shall be strictly construed and does not permit irregular attendance.

**Instruction Conducted in the Home (ICH)** is a restrictive special education placement option for students with disabilities, intended to be used as a last resort when a student's services and programs can only be conducted in the home or a mutually agreed upon location, as determined by the IEP Team.

**Instruction for Students Confined to Hospitals** is available for students admitted to and remaining as a registered resident patient in a hospital **located in Philadelphia**, upon the recommendation of a physician for not less than five (5) days.

**Free Appropriate Public Education (FAPE):** For a qualified student with a disability, special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the Pennsylvania Department of Education, including an appropriate preschool, elementary school, or secondary school education in Pennsylvania; and provided in conformity with an **Individualized Education Program** that is required under section 1414(d) of the Individuals with Disabilities Education Act and reasonably calculated to enable the student to make meaningful progress appropriate in light of the child's circumstances.

**Individualized Education Program (IEP):** The written educational statement for each student with a disability that is developed, reviewed, and revised by an IEP team in accordance with federal and state law and regulations.

**IEP team:** A group of individuals who are knowledgeable about the student, the

curriculum, and resources of the District, the meaning of the evaluation data, and the placement options for the student, who are responsible for developing, reviewing, or revising an IEP. The team includes the student's parents/~~caregivers~~ ~~guardians~~; general education teacher; special education teacher; District administrator and/or designee; other district staff who can interpret the instructional needs of the student based on the evaluation results; other individuals requested by the parent/~~caregiver~~ ~~guardian~~ who have special knowledge of the student, including related services personnel; and, whenever appropriate, the student with a disability.

### **Procedures**

**The Superintendent designates the Office of Prevention and Intervention and the Office of Diverse Learners as responsible for implementing and maintaining the requirements of this policy and its procedures.**

Homebound instruction, Instruction in the Home, Instruction for Students Confined to Hospitals, and Homeschooling are all different. These procedures discuss homebound instruction, Instruction in the Home and Instruction for Students Confined to Hospitals. For information regarding Homeschooling please refer to Board Policy 137- Home Education Program and its related procedures.

### **Homebound Instruction**

Homebound instruction is **an in-person and/or virtual** service the District may provide during a temporary period of excused absence not to exceed three (3) months to provide continuity of instruction to students who are unable to participate in their school of enrollment due to any of the following conditions:

1. A physical or medical condition as diagnosed and documented by a board-certified physician;
2. A mental or emotional condition as diagnosed and documented by a board certified psychiatrist;
3. Or other urgent reasons but the term 'urgent reasons' shall be strictly construed and does not permit irregular attendance.

Homebound instruction should be used as a last resort after all other options and /or alternative schedules have been exhausted. Homebound instruction is not intended, nor can it be construed, as a method of delivering a full curriculum and may not provide sufficient grades and or credits for promotion. Homebound instruction is not to be used as an educational option while a student is awaiting placement within or outside of the ~~school~~ ~~District~~.

**Homebound instruction is not a special education placement option or offer of FAPE for students with disabilities, however, there are occasions when a student with a disability may receive homebound instruction due to a temporary excusal from compulsory attendance in the same manner as the student's non-disabled peers. If a Student with an Individualized Education Program (IEP) is expected to be unable to**

**attend school for more than three (3) months or an extension of the initial authorization needs to be requested, the IEP team should convene to consider whether a change of placement to Instruction Conducted in the Home is necessary. The process for Instruction Conducted in the Home is further outlined below.**

A student who meets this criteria may be excused from their school of enrollment and provided homebound instruction for a period not to exceed three (3) months. Once a student is determined to be eligible for homebound instruction, they may be counted for attendance purposes as if in school. The program of homebound instruction provided to each student shall be in accordance with the standards established by the state.

### *Requesting Homebound Instruction*

The parent/~~caregiver guardian~~ who wishes to request homebound instruction for their child shall submit the required application and medical documentation for homebound instruction to the principal and school nurse, and shall include:

1. A written signed request for homebound instruction from the licensed physician, licensed psychiatrist or by a licensed treating specialist, including:
  - a. the nature of the illness or disability,
  - b. the necessity of homebound instruction that supports the student cannot be in a school setting,
  - c. a treatment plan that includes goals/supports that return the student to the school setting as quickly as possible; and
  - d. the expected duration of confinement and provides a projected date when the student will return.
2. A written request by the student's parent(s)/~~caregiver guardian~~(s) documenting the urgent reasons accompanied by medical documentation from a physician for an acute condition that prevents the student attending school for a period of at least **ten (10) days** ~~four (4) weeks~~.
  - a. If the urgent reason is due to a condition that is treated by a specialist, proper documentation is required by the treating specialist. For example: **If the urgent reason is due to respiratory dysfunction**, documentation by a pulmonologist, allergist or immunologist will be requested. If the urgent reason is due to mental/behavioral conditions, documentation by a board certified psychiatrist will be requested.
3. If additional information is required for clarification of the medical documentation, a written consent signed by the parent/~~caregiver guardian~~ consistent with FERPA, HIPAA and the Mental Health Act permitting designated school personnel to speak with the physician regarding information that pertains to the student's inability to attend school.

After verifying that all necessary forms and documents are submitted, the school nurse will submit the request to the Homebound Coordinator, in the Office of School Health Services for review. The Homebound Coordinator will, **within in a reasonable time**

**period**, make a determination regarding the approval of homebound instruction if the documentation provided (a) validates that the student cannot be in a school setting, (b) demonstrates a treatment plan that includes goals and or supports that return the student to the school setting as quickly as possible, and (c) provides a projected date when the student will return to school.

~~Pregnant students are expected to abide by the School District of Philadelphia's attendance policy.~~ If a pregnant student is unable to attend school for a certified medical reason (i.e. requires continuous bed rest, at risk for premature delivery, etc.), and wishes to receive homebound instruction, these procedures for applying for homebound instruction must be followed. More information regarding the procedures and resources available for pregnant and parenting students can be found in Board Policy 234.

The Homebound Coordinator will contact the school principal and school nurse **within a reasonable time period** with the decision and, if approved, the number of instructional hours to be provided and the end date of services. **The school principal will determine how to staff the instructional hours required. If staffing is not immediately available for homebound instruction, or later becomes unavailable, the school principal will elevate the issue to their Assistant Superintendent for assistance.**

If the student is denied any homebound instruction, the student must attend school and will be subject to mandatory school attendance regulations.

#### *Implementation of Homebound Instruction*

If the student is approved and in regular education, the MTSS team convenes to complete the "Education Plan for Homebound Instruction" (MEH-211) for the student. If the student receives special education services, the IEP team convenes to complete the "Education Plan for the Homebound Instruction" (MEH-211).

It is the responsibility of the school principal or principal's designee to identify a teacher for homebound instruction. Once identified, the teacher will contact the student's parent/~~caregiver~~ ~~guardian~~ to set up a schedule to deliver instruction.

Homebound instruction will consist of a minimum of five (5) hours of instruction per week. Quarterly progress reports and grades shall be submitted to the student's school of enrollment following the District's timeline for grade submission and at the termination of homebound instruction.

Students will be recorded as in attendance on days they are participating in homebound instruction.

#### *Requesting Extension of Homebound Instruction*

A request for continuance of homebound instruction must be submitted within three (3) calendar weeks of the impending extension in order for homebound **instruction** to be

extended. Upon submission for continuance, **the parent/caregiver** and student must meet with the school team to discuss plans for transition back to school.

Continuation of homebound instruction beyond three (3) months requires approval from the Pennsylvania Department of Education (PDE), as well as submission of a new Physician's Referral for Homebound Instruction, ([form SEC-137A](#)), which may or may not be approved. The Superintendent or designee must request approval from the Department of Education to extend the period of homebound instruction for an individual, which shall be re-evaluated every three (3) months.

If the need for homebound instruction goes beyond the initial three months, the school district should determine whether the student should be evaluated or considered for either an IEP, a change in IEP placement, or a 504 Service Agreement.

At any point, the District may request additional information about a student's absences and health status to justify approval and or continuation of homebound instruction. If the information is not provided, the District may terminate homebound instruction and the student shall be marked as truant.

#### *Conditions of Homebound Instruction*

Homebound instruction is not intended, nor can it be construed, as a method of delivering a full curriculum and may not provide sufficient grades and or credits for promotion. Homebound instruction is not a replacement or substitute for school attendance.

Parents/**caregivers** ~~Guardians~~ and students are advised that the granting of homebound instruction are subject to the following conditions:

1. Students on homebound **instruction** may not also work at a job and may not be involved in other activities outside the home. The premise of homebound **instruction** is that students are unable to come to school and therefore should be unable to go to work, or leave their home for any length of time.
2. For in-person instruction **in the home**, the conditions of the student's home may not be a hazard to the health and/or safety of the teacher.
3. A parent/**caregiver** ~~guardian~~ or other adult in authority must be present with the student during the hours of instruction.
4. The student's medical, psychological or psychiatric condition must not preclude their participation during the instructional session/s.

Any breach of the conditions set forth in this policy, in part or in whole may result in the withdrawal of approval of homebound instruction.

For further information regarding homebound instruction please refer to this [guidance document](#).

#### *Intermittent Homebound*

A student may be provided homebound instruction on an intermittent basis during short but repeated periods of absences due to exacerbation of a chronic medical condition that, although under treatment, have episodes of exacerbation and abatement of symptoms, resulting in recurring periodic absences (i.e. including by not limited to: kidney failure, cancer, asthma, and sickle cell anemia). The student is expected to return to school when the exacerbation subsides. The approval for intermittent homebound instruction will be granted for no longer than one (1) school year and will expire at the end of any school year.

### Instruction Conducted in the Home

Instruction Conducted in the Home (ICH) is a special educational placement made by a student's Individualized Education Program (IEP) team. **However, there are also instances where students with an Individualized Education Program (IEP) can receive homebound instruction (see above).**

The use of ICH is restricted to students whose needs require full-time special education services and programs outside the school setting for the entire day. Ordinarily, these will be students who, because of a severe medical condition or mobility impairment, are unable to leave home to attend school. IEP Teams must:

1. Develop an IEP for a student placed in ICH outlining specific accommodations, modifications, and **related** services that will be provided in the home setting;
2. Determine the type of educational services to be delivered. These could include one-on-one instruction, online learning platforms (i.e. [Academy of Continued Education](#)), or virtual classroom sessions, depending on the student's needs; and
3. Specify the frequency and duration of instruction to ensure the student receives appropriate educational support during the placement.

Although a student placed by their IEP team on Instruction Conducted in the Home does not receive their program in the school setting, he or she remains entitled to a free appropriate public education (FAPE) equal to their non-disabled peers, unless this amount of instruction would jeopardize the child's health or welfare.

~~The IEP should be reviewed periodically (at least annually) to assess the appropriateness of the ICH placement. The IEP team may need to modify services based on the student's progress or changing health conditions.~~

**The IEP must be reviewed at least annually. The IEP team should meet sooner if needed to assess whether a less restrictive placement is appropriate based on the student's progress or changing health conditions.**

A parent/~~caregiver~~ guardian or other adult in authority must be present with the student during the hours of instruction. Delivery of in-person instruction in the home may be withheld when the conditions of the student's home are hazardous to the health and/or

safety of the teacher. The teacher has the right to terminate instructional sessions if the student's medical, psychological or psychiatric condition precludes their meaningful participation. The IEP team should convene if any of these conditions regularly interfere with the delivery of instruction.

The District is required to report information about students on ICH to state or federal education departments as part of compliance with Child Find or Remedial Orders. This includes notifying the Department of Education about students placed in ICH and providing any necessary follow-up reports as required by the state.

#### Instruction for Students Confined to Hospitals

The District shall **confirm** that school-aged students confined to hospital settings located in Philadelphia **are provided** with educational services pursuant to and consistent with state and federal law and regulations and District policies and procedures.

**At or prior to discharge, parents/caregivers and students should meet with the school team to discuss plans for transition back to school. Planning may include an initial evaluation or a reevaluation for a 504 Service Agreement or an Individualized Education Program.**

For further information regarding the process for students confined to hospitals please refer to this [guidance document](#).

#### Nonattendance Without the Provision of Instruction

If a condition exists which prevents a child from being able to benefit from study, the student may be entered into the inactive roll with the Pennsylvania Department of Education's approval until such a time as the student is able to benefit from study.

The District may excuse a school age child from compulsory school attendance upon recommendation of the school physician and a psychiatrist or public school psychologist, or both, and with the approval of Pennsylvania Department of Education. Prior to seeking excusal and approval, the District must provide the child's parents/**caregivers** ~~guardians~~ with written notice of both the proposed excusal, including the reasons for the excusal, and an opportunity to be heard. Students so excused are entered on the inactive roll.

#### Maintenance Schedule

These Administrative Procedures and the protocols designated within shall be reviewed upon the review of the Policy, or upon the occurrence of a triggering event.

#### Related Information

[Board Policy 137](#)

[Board Policy 234](#)

[Education Plan for Students Receiving Homebound Instruction](#)

[Physician's Referral for Homebound Instruction \(form SEC-137A\)](#)

[Homebound Program Procedures](#)

[Protocol for Administration of Services to Students Confined to Hospitals](#)

[PDE Elementary and Secondary Education Homebound Instruction](#)

# THE SCHOOL DISTRICT OF PHILADELPHIA

No. 222

SECTION: 200 Pupils

TITLE: ~~Tobacco Product,  
Alternative Nicotine Product, and  
Vapor Product Use by Students~~  
**Promoting Tobacco and Vape Free  
Schools**

ADOPTED: August 24, 2011

REVISED: March 26, 2020

## 222 ~~TOBACCO PRODUCT, ALTERNATIVE NICOTINE PRODUCT, AND VAPOR PRODUCT USE BY STUDENTS~~ **PROMOTING TOBACCO AND VAPE FREE SCHOOLS**

### Purpose

The Board of Education (“Board”) recognizes that tobacco products, **including electronic cigarettes**, alternative nicotine products, and vapor products present a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of School District of Philadelphia (“District”) schools. **The purpose of this policy is to prohibit student possession, use, purchase and sale of tobacco and vaping products and assure a healthy environment for the wellbeing of our students and staff.**

### Definitions

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

**Administrator:** ~~Any person who has disciplinary and managerial authority to enforce school policies and penalties in the District, including but not limited to, principals, vice-principals, or office personnel.~~

**Alternative nicotine product:** ~~A product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting or sniffing, or by any other means. The term does not include a tobacco product, vapor product, or a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.)~~

**Any time:** ~~During normal school and non-school hours, during any district-sponsored event or any conveyance to and from school.~~

**Electronic smoking device:** ~~Any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. “Electronic smoking device” includes, but~~

~~is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, Juul, Suorin, or under any other product name or descriptor. “Electronic smoking device” includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods.~~

~~**Imitation tobacco product:** Any non-tobacco product designed to resemble a tobacco product including any edible or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include, but are not limited to: candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.~~

~~**Lighter:** A mechanical or electrical device typically used for lighting tobacco products.~~

~~**Nicotine product:** A product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or any other means.~~

~~**Off-campus, District-sponsored event:** Any event sponsored by the school or District that is not on District property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances, or theatrical productions.~~

~~**Parent/Guardian:** Any person that has legal guardian status over a student enrolled in the District.~~

~~**Smoking:** This includes inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. “Smoking” also includes carrying or using an activated electronic smoking device.~~

~~**Tobacco product:** For purposes of this policy, tobacco product encompasses not only tobacco but also vaping products including electronic cigarettes (e-cigarettes). Tobacco products, for purposes of this policy and in accordance with state law, shall be defined to include the following:~~

- ~~I.—Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, a cigar, a little cigar, chewing tobacco, pipe tobacco, snuff and snus;~~
- ~~II.—Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah;~~
- ~~III.—Any product containing, made or derived from either:
  - ~~A. tobacco, whether in its natural or synthetic form; or~~
  - ~~B. Nicotine, whether in its natural or synthetic form, which is regulated by the united states food and drug administration as a deemed tobacco product; and~~~~
- ~~IV.—Any component, part or accessory of the product or electronic device under subparagraphs (I), (II) and (III), whether or not sold separately.~~

**The term tobacco product does not include the following:**

**I.—~~[1][2] A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled.~~**

**A. ~~NOTE: This exception shall be governed by Board policy relating to Medications.[3]~~**

**H.—~~A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act.~~**

**A. ~~NOTE: Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of medical marijuana by students at any time on school property or during any school activities on school property. This exception shall be governed by Board policy relating to Controlled Substances/Paraphernalia.[4]~~**

**~~Tobacco-related devices: These include ashtrays, rolling papers, wraps, or pipes for smoking and any components, parts, or accessories of electronic smoking devices.~~**

**~~Vapor product:~~** A noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.[\[1\]](#)

**~~Visitor:~~** A parent/guardian, educator, official or other individual who is not a school employee or independent contractor, and who visits a school or attends or participates in an event or activity at a school.

### **Authority**

The Board prohibits possession, use or sale of tobacco products, alternative nicotine or vapor products **regardless of whether such products contain tobacco or nicotine**, by students at any time in a school building and on any property, buses, vans, and vehicles that are owned, leased, or controlled by the District.[\[1\]\[2\]\[3\]](#)

The Board prohibits possession, use, or sale of tobacco products, alternative nicotine or vapor products by students at off-campus, District-sponsored events. [1]

The Board also prohibits the possession of paraphernalia associated with tobacco products, alternative nicotine or vapor products, including but not limited to rolling papers, matches, and **lighters**.

**The Board prohibits student possession of any form of ~~medical~~ marijuana or other controlled substances at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the District; on property owned, leased or controlled by the District; or at school-sponsored activities that are held off school property.[4]**

**Tampering with devices installed to detect use of tobacco products shall be deemed a violation of this policy and subject to disciplinary action.[13]**

~~In the case of a student with a disability, including a student for whom an evaluation is pending, the District shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[4][5][6][7][8][9]~~

### **Delegation of Responsibility**

The Superintendent or designee shall annually notify students, parents/guardians and staff about this policy by publishing this policy in the student handbook, parent newsletters, posted notices, Code of Student Conduct, District website, and other efficient methods. [1]

The Superintendent or designee shall develop ~~a~~Administrative ~~p~~Procedures to implement this policy.

### **Mandated Regulatory Procedures**

All tobacco products, alternative nicotine, or vapor products and/or paraphernalia discovered in the possession of students shall be confiscated and not returned.[1]

The Superintendent or designee may report incidents of possession, use or sale of tobacco products, alternative nicotine or vapor products by students on school property, at any off-campus, District-sponsored event or on a conveyance providing transportation to or from a school or off-campus, District-sponsored event to the local ~~police department~~ **law enforcement agency** that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and ~~SRC~~ **Board** policies.[9][10][11][12][13]

The Administrator or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use, or sale of tobacco products, alternative nicotine or vapor products immediately, or as soon as practicable. The Administrator or designee shall inform the parent/guardian whether or not the local ~~police department~~ **law enforcement agency** that has jurisdiction over the school property has been or may be notified of the incident. The Administrator or designee shall document attempts made to reach the parent/guardian.[9][10][14]

**In the case of a student with a disability, including a student for whom an evaluation is pending, the District shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies.[4][5][6][7][8][9]**

In accordance with state law, the Superintendent or designee shall annually, by July 31, submit all required reports of incidents of possession, use or sale of tobacco products, alternative nicotine or vapor products by students to the Office for Safe Schools on the required form, as required in alignment with the . [9][11]

**Legal References:**

1. [18 Pa. C.S.A. § 6306.1](#)
2. [18 Pa. C.S.A. § 6305](#)
3. [20 U.S.C. § 7183](#)
4. [22 Pa. Code 10.23](#)
5. [20 U.S.C. §§ 1400, et seq.](#)
6. [Policy 103.1](#) - Nondiscrimination - Qualified Students With Disabilities/Protected Handicapped Students
7. [Policy 113.1](#) - Discipline of Students With Disabilities
8. [Policy 113.2](#) - Behavior Support
9. [Policy 805.1](#) - Relations With Law Enforcement Agencies
- ~~10. [24 P.S. § 1302.1-A](#)~~
- ~~11. [24 P.S. § 1303-A](#)~~
- ~~12. [10. 22 Pa. Code § 10.2](#)~~
- ~~13. [11. 22 Pa. Code § 10.22](#)~~
- ~~14. [12. 22 Pa. Code § 10.25](#)~~
13. [Policy 218 - Student Conduct and Discipline](#)

**Related Information:**

- [24 P.S. § 510](#)
- [22 Pa. Code § 403.1](#)
- [20 U.S.C. § 7114](#)
- [20 U.S.C. §§ 7181, et seq.](#)
- [34 CFR Part 300](#)
- [Philadelphia Home Rule Charter - 12-300](#)
- [Policy 218.1](#) - Weapons

**Administrative Procedures for Promoting Tobacco and Vape Free Schools ~~Tobacco Product, Alternative Nicotine Product, and Vapor Product Use by Students~~**  
(Attachment for Policy No. 222)

**Purpose**

The School District of Philadelphia (“District”) recognizes that tobacco products present a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools.

**Definitions**

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

**Administrator:** Any person who has disciplinary and managerial authority to enforce school policies and penalties in the District, including but not limited to, principals, vice-principals, or office personnel.

**Alternative nicotine product:** A product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting or sniffing, or by any other means. The term does not include a tobacco product, vapor product, or a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.)

**Any time:** During normal school and non-school hours, during any district-sponsored event or any conveyance to and from school.

**Electronic smoking device:** Any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. “Electronic smoking device” includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, Juul, Suorin, or under any other product name or descriptor. “Electronic smoking device” includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods.

**Imitation tobacco product:** Any non-tobacco product designed to resemble a tobacco product including any edible or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include, but are not limited to: candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum

resembling chewing tobacco, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

**Lighter:** A mechanical or electrical device typically used for lighting tobacco products.

**Nicotine product:** A product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or any other means.

**Off-campus, District-sponsored event:** Any event sponsored by the school or District that is not on District property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances, or theatrical productions.

**Parent/Guardian:** Any person that has legal guardian status over a student enrolled in the District.

**Smoking:** This includes inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. “Smoking” also includes carrying or using an activated electronic smoking device.

**Tobacco product:** For purposes of this policy, tobacco product encompasses not only tobacco but also vaping products including electronic cigarettes (e-cigarettes). Tobacco products, for purposes of this policy and in accordance with state law, shall be defined to include the following:

- I. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, a cigar, a little cigar, chewing tobacco, pipe tobacco, snuff and snus;
- II. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah;
- III. Any product containing, made or derived from either:
  - A. tobacco, whether in its natural or synthetic form; or
  - B. Nicotine, whether in its natural or synthetic form, which is regulated by the united states food and drug administration as a deemed tobacco product; and
- IV. Any component, part or accessory of the product or electronic device under subparagraphs (I), (II) and (III), whether or not sold separately.

**The term tobacco product does not include the following: [1][2]**

- I. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled.

- A. **NOTE: This exception shall be governed by Board policy relating to Medications.[3]**
- II. **A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act.**
- A. **NOTE: Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of **marijuana, including** medical marijuana, by students at any time on school property or during any school activities on school property. This exception shall be governed by Board policy relating to Controlled Substances/Paraphernalia.[4]**

**Tobacco-related devices: These include ashtrays, rolling papers, wraps, or pipes for smoking and any components, parts, or accessories of electronic smoking devices.**

**Vapor product:** A noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.[1]

**Visitor:** A parent/guardian, educator, official or other individual who is not a school employee or independent contractor, and who visits a school or attends or participates in an event or activity at a school.

### **Procedures**

**The Superintendent designates the Office of Student Rights and Responsibilities as responsible for implementing and maintaining the requirements of this policy and its procedures.**

**The District is dedicated to the prevention of tobacco and vape use among youth and in schools. School Administrators should make every effort to educate students on the health effects of vaping and encourage a vape-free school environment through flyers/posters, educational materials, grade level town halls and classroom community meetings. School Administrators will encourage students to ask for help if they are facing nicotine-addiction and ensure students know who to go to in order to access this support.**

If reasonable suspicion exists that a student is thought to be in possession of tobacco products, alternative nicotine products, vapor products and/or **tobacco related products**, a **School Safety Officer or Administrator** may authorize a search of the student's belongings.[1] If the student is found to be in possession of tobacco products, alternative nicotine products, vapor products

and/or related paraphernalia, the item(s) will be confiscated and photographed by a School ~~Police~~ **Safety Officer or Administrator** and the guardian will be notified.

If a student is in possession of a lighter or matches, please refer to ~~Policy 218.1 – Weapons, which policy that addresses incendiary devices [2]~~ **the Behavior Matrix of the Code of Conduct for addressing code violation Possession/Use of an Incendiary Device.**

**If there is a potential medical concern for a student in possession of a vapor product, the student should be evaluated by the school nurse to determine if medical assistance is necessary. Signs of medical concern can include unconsciousness, trouble breathing, change in skin color, or complaints of their heart racing/high heart rate. The school nurse is not authorized to determine if a student is under the influence of an illicit substance, including tobacco and vapor products or to conduct drug testing.**

~~An appropriate referral for support and education and/or consequence should be implemented that, according to the current Code of Student Conduct, is limited to an “in-school” intervention.~~

**School Counselors will provide students who have violated this policy with a referral to the Student Assistance Program (SAP). School Administrators will work with the student and family to support the student with smoking cessation and develop a safety plan as needed.**

**School Administrators or Designee will provide an appropriate consequence, which may include but is not limited to a restorative conversation, phone call home and/or community service. Repeated violations of this policy may warrant short-term out-of-school suspension and/or parent conference. School Administrators should only resort to short-term suspensions after interventions have been provided to support the student. School Administrators must take a holistic and restorative approach to addressing violations of this policy.**

The Administrator or Designee may report incidents of possession, use or sale of tobacco products, alternative nicotine products, or vapor products by students on school property, at any off-campus, District-sponsored event, or on a conveyance providing transportation to and from a school or off-campus, District-sponsored event to the local ~~police~~ law enforcement agency in accordance with the Memorandum of Understanding with the Philadelphia Police Department.

### **Maintenance Schedule**

This procedure should be reviewed with each revision of the Code of ~~Student~~ Conduct.

### **Legal References:**

1. [Policy 226](#) - Student Searches
2. [Policy 218.1](#) - Weapons

3. [Policy 805.1](#) - Relations with Law Enforcement

**Related Procedures:**

Administrators can utilize the Guidelines for Discipline for the proper protocol relating to the discipline process. The guidelines are available on the District's website at <https://www.philasd.org/studentrights/programsservices/discipline-office/>  
<https://www.philasd.org/studentrights/#discipline>

# THE SCHOOL DISTRICT OF PHILADELPHIA

No. 831

Section: 800 Operations

Title: Data Privacy

Adopted:

Revised:

## 831 DATA PRIVACY

### **Purpose**

As a custodian of sensitive data belonging to students, employees, and parents, the Board of Education (“Board”) recognizes its responsibility to safeguard this data from unauthorized use, disclosure, disruption, modification, or destruction. While data privacy can be compromised by human error, hardware malfunction, natural disaster, security breach, as well as other causes and may not be completely preventable, the Board is committed to protecting the privacy of its students and employees in accordance with applicable laws, regulations and in light of best practices at the State and Federal levels.

This policy applies to all operations and activities within the School District of Philadelphia (“District”) and aims to outline the framework the District employs regarding the collection, use and protection of personal information of students, parents, guardians, staff and other individuals to identify and manage privacy risk and provide services while protecting individuals’ privacy.

### **Authority**

As authorized by the Pennsylvania Public School Code, the Board may adopt and enforce such reasonable rules and regulations as it may deem necessary and proper regarding the management of its school affairs. [1]

Furthermore, as required by the Family Educational Rights and Privacy Act (FERPA), and other relevant state and local privacy laws applicable to educational agencies, the Board shall protect all personally identifiable information in education records from disclosure to unauthorized parties and without parental consent. [2]

## **Delegation of Responsibility**

The Board directs the Superintendent or their designee, to develop Administrative Procedures and other protocols that outline how the District will:

- Manage information used in its systems throughout its life-cycle, from original collection to appropriate destruction.
- Manage and authorize the process for accessing student and employee personal and confidential information.
- Define roles, responsibilities and administrative procedures for permitted uses and disclosures of data.
- Review and update policies and regulations and determine whether activities comply with current state and federal regulations and laws.

The Superintendent or their designee shall develop Administrative Procedures and protocols that take into account industry best practices for privacy protection.

The Superintendent or their designee shall outline the plan for training users of District information assets and systems on privacy protection in the Administrative Procedures, in coordination with other offices.

The Superintendent or their designee shall report on the privacy protection strategy and implementation periodically to the Superintendent and the Board.

The Board emphasizes the shared responsibility of all individuals and teams across the District to uphold the privacy principles and administrative procedures set forth within this policy.

## **Legal References:**

[24 P.S. § 5-510](#)

[20 U.S.C.A. §1232g](#), et seq.

## **Related Information**

[Policy 200 - Enrollment of Students](#)

## **Administrative Procedures for Data Privacy**

(Attachment for Policy No. 831)

### **Purpose**

As a custodian of sensitive data belonging to students, employees, parents and other individuals, the Board of Education (“Board”) recognizes its responsibility to safeguard this data from unauthorized use, disclosure, disruption, modification, or destruction. While data privacy can be compromised by human error, hardware malfunction, natural disaster, security breach, etc., and may not be completely preventable, the purpose of Policy 831 and its Administrative Procedures is to promote confidentiality, integrity, and availability of the information assets owned and operated by the School District of Philadelphia (“District”). These Administrative Procedures and the protocols linked within establish a framework for managing privacy risks in line with the NIST Privacy Framework and the Fair Information Practice Principles (FIPPs).

### **Definitions**

**Access:** Viewing, editing, printing, downloading, copying or retrieving data from a computer, computer system, computer network or other medium.

**Availability:** The expectation that authorized users have access to information and IT services when required.

**Confidential Data:** Personally identifiable information about a student, parent/guardian, or employee that is prohibited from disclosure pursuant to state or federal law or information that is intended for the use of a particular persona/group and whose unauthorized disclosure could be harmful to the individual it identifies.

**Confidentiality:** The expectation that the information resource is only accessible to those with authorized access and that the information resource is protected throughout its lifecycle .

**Fair Information Practice Principles (FIPPs):** The Federal Privacy Council’s widely accepted principles for evaluating information systems, processes, programs, and activities that affect individual privacy.

**Information Asset:** Any data, information, or IT service which hosts District data and/or information, in any format, that the District owns or manages and for which the District is responsible. This can include software, hardware, data, intellectual property, and personal information.

**Integrity:** The safeguarding of the accuracy and completeness of information contained in a record and the processing methods that are applied to a given piece of information or data set.

**Lifecycle:** The stages through which information passes, typically characterized as creation or collection, processing, dissemination, use, storage, and disposition, to include destruction and deletion.

**National Institute of Standards and Technology (NIST):** Agency of the United States Department of Commerce whose mission promotes U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology.

**NIST Privacy Framework:** A voluntary tool designed to help organizations identify and manage privacy risk to build innovative products and services while protecting individuals' privacy.

**Personal Information:** Any data that can identify an individual either directly or indirectly.

**Privacy Risk:** The potential for harm or adverse effects on individuals resulting from the collection, use, sharing or disposal of their personal information.

**Sensitive Data:** Information that, if disclosed, could result in harm to an individual.

### **Procedures**

The Superintendent designates the Office of Information Security as responsible for implementing and maintaining the requirements of this policy and its procedures.

The District is committed to managing privacy risk to personal information across several domains: Identify; Govern, Control, Communicate and Protect as outlined in the National Institute of Standards and Technology (NIST) Privacy Framework. Under each domain, the Office of Information Technology and Data Management (OITDM) maintains protocols that take into account industry best practices and the Fair Information Practice Principles (FIPPs).

Where possible, these protocols are available to the public and linked below. However, several protocols remain confidential and accessible only to designated OITDM staff, in accordance with industry best practices. Publicly accessible protocols include details about providing training to users of District information assets and systems, where applicable.

### Privacy Protection Domains:

Under each of the below privacy protection domains, the District has established specific operational protocols. These protocols, identified and briefly described below, outline how the District manages its privacy programs.

#### *I. Identify*

- A. Data Inventory: Establishes a comprehensive inventory of personal information collected, processed and stored by the District.
- B. Privacy Risk Assessment (Internal & Confidential): Defines the process for identifying, evaluating, treating and reporting privacy risks associated with the use of personal information.
- C. Data Mapping (Internal & Confidential): Maps data flows to understand where personal information is collected, stored, processed and shared.

#### *II. Govern*

- A. Privacy Policies and Procedures: Establishes comprehensive privacy policies and procedures aligned with the NIST Privacy Framework and FIPPs.
- B. Roles and Responsibilities: Clearly defines roles and responsibilities regarding personal information protection.
- C. Training and Awareness: Provides all individuals within the District who have access to personal information with the necessary awareness, knowledge and skills to protect this information.
- D. Vendor Management: Ensures all contracts with third-party vendors and service providers include data privacy and security language compliant with the District's privacy policies and standards.

#### *III. Control*

- A. Access Control: Defines requirements for and controls user access to personal information.
- B. Change Management (Internal & Confidential): Establishes a coordinated method for managing changes to personal information handling practices to minimize potential negative impact on privacy.
- C. Data Protection Measures: Outlines the responsibilities and procedures for the protection of personal information, including access controls, data minimization, de-identification, encryption and secure disposal.
- D. Privacy Impact Assessment (Internal & Confidential): Evaluates the privacy impacts of new or changed data processing activities.
- E. Record Retention: Establishes protocols for the retention and secure disposal of personal information.

#### *IV. Communicate*

- A. Privacy Notices: Develops clear and transparent communication channels to inform individuals about how their personal data is processed and protected.
- B. Access Management: Establishes procedures that allow individuals to access, correct or request the deletion of their personal information.
- C. Complaint Handling: Establishes procedures for receiving and addressing privacy-related complaints and inquiries from individuals.

#### *V. Protect*

- A. Incident Response Plan (Internal & Confidential): Implements a comprehensive incident response plan to address data breaches, including notification to affected individuals and authorities as required.
- B. Backup Procedures (Internal & Confidential): Establishes protocols for regular backup of personal data to ensure data recovery in case of loss.
- C. Monitoring and Reporting (Internal & Confidential): Conducts regular monitoring and reporting of privacy controls to ensure ongoing compliance and identify potential vulnerabilities.
- D. Encryption and Data Protection (Internal & Confidential): To provide guidelines for the proper handling, storage, and transmission of sensitive data using encryption and other data protection methods to help prevent unauthorized access or disclosure.
- E. Privacy Audits (Internal & Confidential): Conducts regular privacy audits to assess compliance with privacy policies and procedures.

#### **Maintenance Schedule**

These Administrative Procedures and the protocols designated within shall be reviewed upon the review of the Policy, or upon the occurrence of a triggering event.

#### **Related Information:**

[NIST Privacy Framework](#)

[NIST Cybersecurity Framework Tools](#)

[Fair Information Practice Principles \(FIPPs\)](#)