



**WEST CHESTER AREA SCHOOL DISTRICT  
Education/Property & Finance Committee**

July 27, 2020  
6:15 p.m.  
ZOOM Meeting

**AGENDA**

**Education Committee:**

- ★ Approval of the Education Committee Meeting Minutes of June 15, 2020 (see attached) S. Tiernan
- ★ Approval of Revised Policy 016 Electronic Communication B. Sokolowski
- ★ Approval of New Administrative Guideline 204AG3 – Attendance Guidelines West Chester Cyber Program B. Sokolowski
- ★ Approval of Revised Policy 218 Student Discipline B. Sokolowski
- ★ Approval of Revised Policy 227 Controlled Substances/Paraphernalia B. Sokolowski
- ★ Approval of Revised Policy 237 Use of Personal Technology/Electronic Devices B. Sokolowski
- ★ Approval of Revised Policy 815.2 Communications with Students B. Sokolowski
- ★ Approval of Revised Policy 816.2 Use of Livestream Video on School District Property B. Sokolowski
  
- ★ Committee Voting Item

**Committee Protocol for Responding to Comments from the Public:**

1. *A community member will be called upon by the Committee Chair.*
2. *If the comment can be answered quickly, or in order to clarify information, someone will respond.*
3. *If a community member has a more detailed question about a topic, the committee chair may refer the person to the superintendent or appropriate administrator to make an appointment so the question can be answered in more detail.*



**WEST CHESTER AREA SCHOOL DISTRICT  
Pupil Services and Education Committees**

**Meeting Minutes  
June 15, 2020**

**Start:** 5:32 pm

**Finish:** 7:15 pm

**Attending Committee Members:** Sue Tiernan (Chair: Education Committee), Joyce Chester (Chair: Pupil Services Committee), Kate Shaw, Daryl Durnell

**Other Board Members:** Karen Herrmann, Gary Bevilacqua, Brian Gallen, Randell Spackman

**Administration:** Jim Scanlon, Robert Sokolowski, Leigh Ann Ranieri, Sara Missett, Tammi Florio, Michael Wagman, Chrissy Eagles

**Items listed on the Pupil Services and Education Committee Regular Agenda:**

1. Wellness Meeting Update
2. Approval of the Education Committee Meeting Minutes of May 11, 2020
3. Approval of New French Textbooks
4. Review of Elementary Optional Online Summer Learning Program
5. Approval of Resolution – Required 15-1502(a) of the Public School Code- Designated Local Holidays – 2020-21 WCASD Calendar
6. Review of NovaCare Middle School Athletic Training Services Contract
7. Policy Revisions
  - a. Policy 200 Revision – Enrollment of Students
  - b. Policy 204 Revision – Attendance
  - c. Policy 208 Revision – Withdrawal from School
  - d. Policy 209 Revision – Health Examinations/Screenings
  - e. Policy 233 Revision – Suspension and Expulsion
8. Final Redistricting Plan Update
9. Review of Health and Safety Plan

**A. Committee Actions and Outcomes:**

1. Approval of the Education Committee Meeting Minutes of May 11, 2020 **VOTE: 3-0**
2. Approval of New French Textbooks **VOTE: 3-0**
3. Approval of Resolution – Required 15-1502(a) of the Public School Code- Designated Local Holidays – 2020-21 WCASD Calendar **VOTE: 3-0**
4. Approval of Policy 200 Revision – Enrollment of Students **VOTE: 3-0**
5. Approval of Policy 204 Revision – Attendance **VOTE: 4-0**
6. Approval of Policy 208 Revision – Withdrawal from School **VOTE: 4-0**
7. Approval of Policy 209 Revision – Health Examinations/Screenings **VOTE: 4-0**
8. Approval of Policy 233 Revision – Suspension and Expulsion **VOTE: 4-0**
9. Approval of Final Redistricting Plan Update **VOTE: 4-0**
10. Approval of Preliminary Health and Safety Plan **VOTE: 4-0**
11. Approval of Athletic Departments Resocialization of Sports Recommendation **VOTE: 4-0**

**B. Items to be placed on upcoming Board Agenda:**

1. Approval of New French Textbooks
2. Approval of Resolution – Required 15-1502(a) of the Public School Code- Designated Local Holidays – 2020-21 WCASD Calendar
3. Policy Revisions

- a. Policy 200 Revision – Enrollment of Students
  - b. Policy 204 Revision – Attendance
  - c. Policy 208 Revision – Withdrawal from School
  - d. Policy 209 Revision – Health Examinations/Screenings
  - e. Policy 233 Revision – Suspension and Expulsion
4. Approval Final Redistricting Plan
  5. Approval of Preliminary Health and Safety Plan
  6. Approval of Athletic Departments Resocialization of Sports Recommendation

**Items to be discussed at a later date:** None

Book	Policy Manual
Section	000 Local Board Procedures
Title	Electronic Communications
Code	016
Status	Review
Adopted	August 1, 2015
Last Reviewed	November 24, 2014

### **Purpose**

The Board acknowledges that email and other forms of electronic communication facilitate communication among Board members and the district administration and can be a valuable tool. The purpose of this policy is to clarify guidelines related to the special nature of electronic communication.

### **Definition**

**Electronic communications** shall include both asynchronous message exchange such as email, texting, and voicemail, and synchronous or real-time exchanges such as chat rooms or instant messaging or any future means of electronic communication.

### **Guidelines**

#### 1. Confidentiality

Electronic communications are not confidential or private. Electronic communication should not be used by Board members to relay or discuss any confidential or nonpublic information about employees, students, or other school matters including any legal matters or communications from or directed to legal counsel, due to the risk of interception or improper disclosure for the risk of waiver of the attorney/client privilege.

#### 2. Open Records Laws

Board members shall not say anything in electronic communications that would be inappropriate in a Board meeting. Email and email attachments received or prepared for use in Board business or containing information relating to Board business are likely to be regarded as permanent school district records that may be inspected by any person upon request, unless otherwise made confidential by law. Because there is risk of disclosure in litigation, the same care in drafting electronic communications should be made as with other forms of communication and all electronic communications shall be in compliance with the district's acceptable use policy.[\[1\]](#)[\[2\]](#)[\[3\]](#)

#### 3. Open Meetings Laws

Board members shall not use electronic communication for extensive back-and-forth deliberations on district matters or as a substitute for deliberations at Board meetings or for other communications or business properly confined to Board meetings. State open meeting laws require that all Board meetings be open to the public. An electronic communications deliberation of a quorum of Board members could constitute a meeting under state open meeting laws.[\[4\]](#)

A Board member shall be able to attend a Board meeting, and participate in Board deliberations and voting, through electronic communications, but only under extraordinary circumstances.[5]

### **Deletions and Litigation Hold Strategy**

Because of the limits on the number and length of messages that can be maintained on the computer network, messages will be automatically deleted after **one calendar year** ~~ninety (90) days~~. Archiving email that qualifies as a public record is the sole responsibility of the Board member. If a Board member becomes aware of the reasonable likelihood of litigation, the Board member shall immediately contact the solicitor so that the district may develop a litigation hold strategy. Should a litigation hold strategy be implemented, Board members shall comply with the strategy.

Legal

1. [65 P.S. 67.101 et seq](#)
2. Pol. 801
3. Pol. 352
4. [65 Pa. C.S.A. 701 et seq](#)
5. Pol. 006.1
- Pol. 252



Book	Policy Manual
Section	200 Pupils
Title	Attendance Guidelines - WC Cyber Program
Code	204AG3
Status	Review

In order to be successful in the WC Cyber Program, students are required to complete schoolwork as they would if they were to attend a physical school. For students in grades K–5, attendance will be taken in several ways. Teachers will count students present as work is posted in Seesaw and/or Schoology, or, they can confirm attendance via email from a parent/caregivers. For students in grades 6-12, student attendance will be taken daily by the Cyber Teacher. To be marked "Present" for a day of cyber instruction, the student must log into the Cyber Homeroom course and complete the "Daily Check-In" form by 10:45 a.m. Students who fail to complete the daily attendance procedures and requirements by 10:45 a.m. will be marked as absent. The Cyber Teacher will send the attendance to the building attendance secretary for all cyber students.

Parents/Guardians shall provide a written explanation for the absences of a student. These shall be required in advance for types of absence where advance notice is possible.

Excuse forms shall be completed and turned in by the student within three (3) days after return from an absence. The absence of any student failing to comply with this time period will automatically become unlawful and the relevant school laws shall be applied.

## **Absences**

Absences will generally be recognized as cumulative or noncumulative. Cumulative absences refer to days that contribute to the allotted number of days a student may be absent. Noncumulative absences are absences that do not contribute to the specified days students may be absent.

**Cumulative Absences.** Cumulative absences include both excused and unlawful absences.

**Excused absences:** Those absences where a licensed practitioner of the healing arts or upon any other satisfactory evidence furnished, shows that a student is unable to attend school and/or class, or is prevented from study because of illness or other urgent reasons, including but not limited to the following:

1. A maximum of ten (10) days absence for students verified by a parental note. All absences beyond the tenth day of parental cumulative absences will require a note from a licensed practitioner of the healing arts.
2. Family vacation, preapproved by the principal, at his/her sole discretion, while school is in session, up to a maximum of five (5) days per school year. The following will be taken into consideration by the principal in granting permission for the trip:
  - a. The student's academic standing.
  - b. The student's attendance record.
  - c. The effect the absence will have on the student's educational welfare.
  - d. The exceptionality of the request.
3. In lieu of family vacation days, parents may use the five (5) designated days as parent notes for illness or other urgent reasons previously listed. No more than fifteen (15) total days may be excused via a parental note.

**Unlawful absences:** Any absence which does not meet the definition of an excused absence, including, but not limited to the following:

1. Any day for which a written excuse is not submitted within three (3) school days of a student's return from an absence, including notes from a licensed practitioner of the healing arts.
2. Any absence not excused by a note from a licensed practitioner of the healing arts after ten (10) or fifteen (15) total days of absences verified by receipt of parental excuses.
3. Truancy – Frequent or prolonged absence without satisfactory reason, or willful violation of the compulsory attendance laws, which are subject to the penalties provided for in the school laws of Pennsylvania.
4. Class cut.
5. Unlawful tardies as set forth herein. A tardy is defined as a minimum of one minute of lateness to school. Eight (8) tardies to school and/or early dismissals will be considered one (1) unlawful absence in grades K-8. Unlawful tardies and cutting class in grades 9-12 will be handled under discipline as a Level One offense.
6. Any absence due to a family vacation while school is in session after the fifth of the five (5) day maximum per school year.

For students who are 18 or older and not of compulsory school age, unlawful absences shall be classified as unexcused absences.

**Noncumulative absences.** The following absences do NOT count against the 15-day limit of cumulative absences:

1. Suspensions from school.
2. Illness verified by a note from a licensed practitioner of the healing arts submitted within three (3) days of a student's return.
3. Death in the family, when accompanied by a note within three (3) days of a student's return. Up to 5 days will be approved for an immediate family member. If services are occurring outside of the country, any additional days will need to be approved by the building administrator.
4. Religious holidays, when accompanied by a note within three (3) days of a student's return.
5. Preapproved college visits, when College Visit Permission/Verification Form 204AG2 is submitted.
6. Court hearings involving Children, Youth & Families or Juvenile Probation Officer.
7. A student can be excused from school to participate in a musical performance in conjunction with a national veterans' organization or incorporated unit for an event or funeral. The organization or unit must provide the student with a signed excuse detailing the date, location and time of the event or funeral. The student must furnish the excuse to the school district prior to being excused.
8. **Up to 15 days of consecutive absences:** Parents can use 5 vacation days and 10 parent notes. Notes from a licensed practitioner of the healing arts will be required for all future absences or they will be considered unlawful for students of compulsory age and unexcused for students over the age of 17. If a student does not return on the 16th day, the district will follow the compulsory attendance guidelines. Unless the district has been provided with evidence that the absence may be legally excused or the district is pursuing compulsory attendance prosecution, the student will be dropped from the district's active attendance roll after 10 days of absence. If the student is in the US, the absence will be coded as withdrawn-dropped. If the student is out of the country, the absence will be coded as withdrawn-moved. If the student returns, the parent will need to reenroll the student. Removal from the district's active attendance roll does not remove the parent/guardian's compulsory attendance obligations for the student and the district may pursue citations and/or referral to Children, Youth & Families.
9. **A single absence more than 5 consecutive days in length:** A licensed practitioner of the healing arts note is required by the 6<sup>th</sup> day of absence, even if parent notes have not been exhausted.
10. **15 or more days of absences, excused by a licensed practitioner of the healing arts:** The school nurse will call the licensed practitioner of the healing arts to seek more information regarding the absences to ensure that the appropriate supports can be put in place for the students.

11. **Notifications/Student Attendance Improvement Plan (SAIP):** Parents/guardians will be contacted via mail and/or phone call regarding their child's fourth unlawful absence with a request to complete a Student Attendance Improvement Plan (SAIP). The SAIP conference can include the student, family, school team, and outside supports. At the sixth unlawful absence a referral to Children, Youth and Families or an attendance improvement program will be completed and citations can be issued to a District Magistrate.
12. **A College Visit Permission/Verification form (204AG2)** must be completed and is required for each college visit. The student must submit the form to the building principal or designee in advance of the college visit for approval. The building principal or designee may approve the college visit in his or her sole discretion. If approved, the form must be signed by a representative of the college and then submitted to the attendance secretary within 3 days of returning from the visit. If the form is not preapproved by the building principal or designee, signed by a representative of the college or isn't timely submitted, it will be considered an unlawful absence.

### **Attendance Monitoring Process**

Students who have frequent absences from one or more cyber courses will be monitored more closely to support their progress in the WC Cyber Program.

1. Whenever a student misses ten (10) days (five (5) for a semester course) of cumulative absence or has missed the same class ten (10) days (five (5) for a semester course), the student's counselor and/or Cyber Administrator may meet with the student and review the attendance record. As a result of the meeting, the parent/guardian may be notified in writing of the student's absence record. Parents/Guardians may be notified that all absences beyond the tenth absence will require a note from a licensed practitioner of the healing arts.
2. An Attendance Review Team (ART), consisting of the Cyber Administrator, counselor and other staff deemed necessary by the administrator, may review the student's absence record when a student has missed a total of ten (10) days (five (5) for a semester course) of cumulative absence or has missed the same class ten (10) times (five (5) for a semester course). The team may hold a parent/guardian conference with the student to discuss the absence record. The Cyber Administrator shall make the request for the conference in writing if the parent/guardian does not respond to a phone call. As part of this conference, it may be deemed necessary for the student to report to the Cyber Center to work with the Cyber Teacher to get their learning back on pace.
3. The team shall continue to monitor the student's absence record. When the student has missed a total of fifteen (15) days (eight (8) for a semester course) of cumulative absence or has missed the same class fifteen (15) times, the team may review the record again and notify the parent/guardian in writing of the record and possible consequences, including the requiring the student to attend in person sessions at the Cyber Center (Fugett Middle School) and/or the potential removal from the WC Cyber Program. The team will consider if a cyber setting is the best learning environment for the student on a case-by-case basis. A parent/guardian conference may be requested.
4. When a student has missed a total of twenty (20) days (ten (10) for a semester course) of cumulative absence or has missed the same class twenty (20) times, the ART may reconvene to review the student's absence record. The team shall determine if a recommendation for no course credit (high school students, only) will be made to the Cyber Administrator. The team shall consider whether to make a recommendation for retention in grade (elementary and middle school students, only). The team will also consider if a cyber setting is the best learning environment for the student on a case-by-case basis.
5. The Cyber Administrator shall review the recommendation by the team and make a recommendation to the Cyber Administrator that no course credit be awarded (high school students, only). If the Cyber Administrator supports the recommendation, the parent/guardian shall be notified in writing of the consequence. The decision of the Cyber Administrator shall be final. Where it is determined that course credit will be denied, the student will earn the grade for the course, but be denied the credit. Where a recommendation for retention is made (elementary and middle school, only), referrals consistent with Board Policy 215 will be made.
6. The Superintendent or his designee shall review any recommendation by the team that the student be removed from the Cyber program and be returned to their school of residence. If the Superintendent or his designee supports the recommendation, the parent/guardian shall be notified in writing of the



student's return to their school of residence. The decision of the Superintendent or his designee shall be final. Notwithstanding the foregoing, the District shall comply with placement procedures for students IEPs of 504 plans where required by law.



Book	Policy Manual
Section	200 Pupils
Title	Student Discipline
Code	218
Status	Review
Adopted	August 1, 2015
Last Revised	July 25, 2016

### **Purpose**

The Board finds that student conduct is closely related to learning. An effective educational program requires a safe and orderly school environment.

### **Authority**

The Board shall establish fair, reasonable, and nondiscriminatory rules and regulations regarding the conduct of all students in the school district during the time they are under the supervision of the school, **which specifically includes during both in person instruction and instruction delivered as part of a cyber program or by other virtual platforms**, or at any time while on school property, present at school-sponsored activities, and traveling to or from school and school-sponsored activities.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

The Board shall adopt a Code of Student Conduct/Disciplinary Action Schedule to govern student discipline, and students shall not be subject to disciplinary action because of race, sex, color, religion, sexual orientation, national origin, or handicap/disability. Each student must adhere to Board policies and the Code of Student Conduct/Disciplinary Action Schedule governing student discipline.[\[1\]](#)[\[2\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)

The Board prohibits the use of corporal punishment by district staff to discipline students for violations of Board policies and district rules and regulations.[\[8\]](#)

Any student disciplined by a district employee shall have the right to notice of the infraction.[\[9\]](#)

Suspensions and expulsions shall be carried out in accordance with Board policy.[\[9\]](#)

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.[\[5\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)

### **Off-Campus Activities**

This policy shall also apply to student conduct that occurs off school property and would otherwise violate the Code of Student Conduct/Disciplinary Action Schedule if any of the following circumstances exist:

1. The conduct occurs during the time the student is traveling to and from school, or traveling to and from school-sponsored activities, whether or not via school district furnished transportation.
2. **The conduct occurs while under the supervision of the District as part of a cyber program or other virtual platform.**
3. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.[\[15\]](#)[\[16\]](#)

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

### **Delegation of Responsibility**

The Superintendent or his/her designee shall ensure that reasonable and necessary rules and regulations are developed to implement Board policy governing student conduct.(See Policy 218AG1)[17]

The Superintendent or his/her designee shall publish and distribute to all staff, students, and parents/guardians the rules and regulations for student behavior contained in the Code of Student Conduct/Disciplinary Action Schedule, the sanctions that may be imposed for violations of those rules, and a listing of students' rights and responsibilities. A copy of the Code of Student Conduct/Disciplinary Action Schedule shall be available in each school, and may be printed in the student handbooks.[1][7]

The building principal shall have the authority to assign discipline to students, subject to the policies, rules, and regulations of the district and to the student's due process right to notice, hearing, and appeal where such due process rights exist.[18][19]

Teaching staff and other district employees responsible for students shall have the authority to take reasonable actions, including the assignment of disciplinary action, which may be necessary to control the conduct of students in all situations and in all places where students are within the jurisdiction of this Board, and when such conduct interferes with the educational program of the schools or threatens the health and safety of others.[18]

Reasonable force may be used by teachers and school authorities under any of the following circumstances: to quell a disturbance, obtain possession of weapons or other dangerous objects, for the purpose of self-defense, and for the protection of persons or property.[8]

The Superintendent shall report to the Board the methods of discipline imposed by administrators, and incidences of student misconduct, in the degree of specificity required by the Board.

Legal

1. 22 PA Code 12.3
2. 22 PA Code 12.4
3. 24 P.S. 510
4. Pol. 103
5. Pol. 103.1
6. 22 PA Code 12.2
7. Pol. 235
8. 22 PA Code 12.5
9. Pol. 233
10. 20 U.S.C. 1400 et seq
11. 22 PA Code 10.23
12. Pol. 113.1
13. Pol. 113.2
14. Pol. 805.1
15. Pol. 122
16. Pol. 123
17. Pol. 218AG1
18. 24 P.S. 1317
19. 24 P.S. 1318
- 20 U.S.C. 7114
- 22 PA Code 10.2
- 22 PA Code 10.21
- 22 PA Code 10.22
- 22 PA Code 10.25
- 22 PA Code 12.1 et seq
- 22 PA Code 403.1
- 24 P.S. 1302.1-A
- 24 P.S. 1303-A
- 34 CFR Part 300
- 35 P.S. 780-101 et seq
- 35 P.S. 780-102
- Pol. 204
- Pol. 218.1
- Pol. 218.2
- Pol. 218.3
- Pol. 222
- Pol. 227
- Pol. 237
- Pol. 247
- Pol. 248
- Pol. 249
- Pol. 252
- Pol. 805





Book	Policy Manual
Section	200 Pupils
Title	Controlled Substances/Paraphernalia
Code	227
Status	Review
Adopted	August 1, 2015
Last Revised	April 27, 2020
Last Reviewed	June 22, 2015
Prior Revised Dates	9/23/2019

### **Purpose**

The Board finds that the possession, use, distribution or delivery of controlled substances by students while engaged in activities subject to control by the district is a matter of concern and injurious to the health, safety and welfare of students.

Through curriculum, the Multi Tiered Systems of Supports Team, community support and resources, strong and consistent administrative and faculty commitment, rehabilitative efforts and disciplinary procedures, the district will strive to educate, prevent, and intervene in the use and abuse of all controlled substances by students.

### **Definitions**

**Multi Tiered Systems of Supports (MTSS)** - a multidisciplinary team that includes teachers, administrators, nurse, and counselors. This team is trained to understand and work with adolescent chemical use, abuse, and dependency. The team's primary role is to identify, refer and intervene when student chemical substance use, abuse, possession, and/or distribution is suspected.

**Controlled substance** - controlled substances include, but are not limited to: alcohol, drugs, narcotics and/or other health endangering compounds such as anabolic steroids and other performance enhancing substances, tranquilizers, amphetamines, synthetic opiates, marijuana, LSD and other hallucinogens, glue, solvent-containing substances, look-alike drugs, any prescription or patent drug, any other mood-altering substance, and all regulated and controlled substances identified and prohibited by federal and state laws.<sup>[1]</sup><sup>[2]</sup><sup>[3]</sup><sup>[4]</sup>

**Cooperative behavior** - is the student's willingness to reasonably and helpfully work with staff and school personnel, and to comply with Multi Tiered Systems of Supports Team requests and recommendations.

**Distribution** - to attempt to or to succeed in delivering, selling, passing, sharing, or giving to another person, or to assist in distributing any controlled substance as defined by this policy.

**Drug paraphernalia** - includes all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. Paraphernalia includes, but is not limited to:<sup>[2]</sup>

1. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.

2. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
3. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
4. Diluents and adulterants, such as quinine hydrochloride, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances.
5. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.
6. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use, in compounding controlled substances.
7. Capsules, balloons, envelopes and other containers used, intended for use or designed for use, in packaging small quantities of controlled substances.
8. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
9. Hypodermic syringes, needles, and other objects used, intended for use or designed for use in injecting controlled substances into the human body.
10. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing alcohol, marijuana, cocaine, hashish, hashish oil or any other controlled substance into the human body, including, but not limited to:
  - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
  - b. Water pipes.
  - c. Carburetion tubes and devices.
  - d. Smoking and carburetion masks.
  - e. Roach clips; meaning objects used to hold burning material such as a marijuana cigarette, that has become too small or too short to be held in the hand.
  - f. Miniature cocaine spoons and cocaine vials.
  - g. Chamber pipes.
  - h. Carburetor pipes.
  - i. Electric pipes.
  - j. Air-driven pipes.
  - k. Chillums.
  - l. Bongs.
  - m. Ice pipes or chillers.
  - n. Vaporizers.
  - o. E-cigarettes when used as a delivery device for controlled substances.

In determining whether an object is drug paraphernalia, school authorities shall consider, in addition to all other logically relevant factors; statements by an owner or by anyone in control of the object concerning its use; the proximity of the object, in time and space, to a direct violation of this policy; the proximity of the object to controlled substances; the existence of any residue or controlled substances on the object; direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object; to deliver it to persons

whom s/he knows, or should reasonably know; intend to use the object to facilitate a violation of this policy; the innocence of an owner or of anyone in control of the object, as to a direct violation of this policy, should not prevent a finding that the object is intended for use or designed for use as drug paraphernalia; instructions, oral or written, provided with the object concerning its use; descriptive materials accompanying the object which explain or depict its use; national and local advertising concerning its use; the manner in which the object is displayed for sale; whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products; direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise; the existence and scope of legitimate uses for the object in the community; and expert testimony concerning its use.

**Immediate precursor** - a substance which is designated as being a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance.[2]

**Look-alike drugs** - substances that are designed or intended to resemble (in appearance or odor) a controlled substance prohibited by this policy, or used in a manner likely to induce others to believe the material is a controlled substance.

**Manufacture** - the production, preparation, propagation, compounding, conversion or processing of a controlled substance, other drug or device or the packaging or repackaging of such substance or articles but does not include the activities of a practitioner who, as an incident to his/her administration, or dispensing such substance or article in the course of his/her professional practice, prepares, compounds, packages or labels such substance or article. The term **manufacturer** means a person who manufactures a controlled substance, other drug or device.[2]

**Marijuana** - consists of all forms, species and/or varieties of the genus *Cannabis sativa* L., whether growing or not; the seeds therefore; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin.[2]

**Narcotic** - means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis: (i) opium, (ii) any opiate having an addiction-forming or addiction-sustaining capacity similar to morphine, but not including the isoquinoline alkaloids or opium, (iii) any compound, manufacture, salt, derivative or preparation of opium or any opiate, and (iv) any substance, compound, manufacture, salt derivative or preparation thereof, which is chemically identical with any of the substances referred to in (i), (ii) or (iii).[2]

**Possession, Active** - to possess or hold without attempt to distribute any controlled substance.

**Possession, Constructive** - a person's ability and intent to exercise control over, individually or with other persons, any controlled substance. Ability and intent to control a prohibited substance may be inferred from all the circumstances.

**Prescription medication** - consists of medication prescribed by a licensed physician and requiring administration during school hours in accordance with the procedures set forth in Board policy.[3][4]

**Reasonable suspicion** - is generally defined as a conclusion arrived at by a reasonable, prudent and conscientious mind, from facts at hand; it is not caused by such improper motives as a dislike for the student or malice, but only from the facts which are known. If they logically, rationally, and in the exercise of good common sense, lead a reasonable, prudent and discreet person to conclude that a student has illegal material on school property or on his/her person, this is a reasonable suspicion, but there must be a fair and conscientious consideration of only the facts that are known.

**Uncooperative behavior** - is the student's resistance or refusal, either oral, physical or passive, to comply with reasonable school personnel requests or recommendations. Defiance, assault, deceit and flight are examples of uncooperative student behavior. Uncooperative behavior includes refusal to comply with Multi Tiered Systems of Supports Team requests and recommendations.

**Under the influence** - shall include any consumption or ingestion of controlled substances by a student.

**Authority**



The Board prohibits any student from knowingly possessing, using, transmitting, manufacturing, selling, distributing or being under the influence of any controlled substance during travel to and from school; on school property; in school buses, vans or other vehicles used by, owned by, leased by or under the control of the district; while participating in a school activity/event held away from the school; **while under the supervision of the district as part of cyber program or other virtual platform**; or who conspires, aids, or abets the use, abuse, active possession or constructive possession of controlled substances.[5][6][7]

The following rules, regulations, and guidelines shall be used by all district personnel when situations involve students' unlawful possession, use, transmission, manufacturing, sale, distributing and/or abuse of controlled substances or drug paraphernalia.

Appropriate disciplinary action will be taken by the Board as outlined in applicable Board policy.[8][9][10]

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.[11][12][13][14][15][16]

### Off-Campus Activities

This policy shall also apply to student conduct that occurs off school property, and would otherwise violate the Code of Student Conduct/Disciplinary Action Schedule if any of the following circumstances exist:[8]

1. The conduct occurs during the time the student is traveling to and from school, or traveling to and from school-sponsored activities, whether or not via school district furnished transportation.
2. **The conduct occurs while under the supervision of the District as part of a cyber program or other virtual platform.**
3. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.[17][18]
4. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
5. The conduct has a direct nexus to attendance at school or a school-sponsored activity, for example, a transaction conducted outside of school pursuant to an agreement made in school that would violate the Code of Student Conduct/Disciplinary Action Schedule if conducted in school.
6. The conduct involves the theft or vandalism of school property.
7. There is otherwise a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.

### **Delegation of Responsibility**

The Superintendent or his/her designee shall develop administrative regulations to identify and control substance abuse in the schools which:

1. Establish procedures to appropriately manage situations involving students suspected of using, possessing, being under the influence, or distributing controlled substances.[19][20][21]
2. Disseminate to students, parents/guardians, and staff the Board policy and administrative regulations governing student use of controlled substances.

### **Guidelines**

#### Limitations

None of the provisions of this policy shall be construed to prohibit or regulate a student's use, possession, or transportation of medication prescribed for that student by a licensed physician according to that student's needs.[3][4]

#### Medication

The administration of all medication shall be in accordance with applicable Board policy.[3][4]

## Responsibility

All personnel of the school district shall report to their immediate supervisor any student, employee, or other person who violates the Board's controlled substance prohibition.

The supervisors shall report such information to the Superintendent immediately and confirm the same in writing as soon as possible relating to the specific sequence of events in each case.

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of controlled substances to the Office for Safe Schools.[16][20]

## Search and Seizure

Appropriate searches and seizures of contraband on school premises shall be conducted in compliance with Board policy. Student searches must be justified at their inception by reasonable suspicion that policy or law has been violated or is being violated, and that evidence of the violation will be disclosed by the search. The search actually conducted must be reasonable related in scope to the circumstances which justified the search at its inception.[22]

## Violation of Policy for Possession and/or Use

A student who violates this policy shall be subject to the following disciplinary, rehabilitative and punitive actions. The Board reserves the right to use any other lawful measures deemed necessary to control and eliminate the use of controlled substances even if the same is not provided for specifically in any rule or regulation enumerated herein.[8][10]

An infraction occurs when a student manufactures, uses, abuses, possesses, actively or constructively, or is under the influence of controlled substances or drug paraphernalia during travel to and from school, on school property, in school buses, vans or other vehicles, used by or owned by, leased by, or under control of the district, or while participating in a school activity/event held away from school premises, or at any school-sponsored activity anywhere, **while under the supervision of the District as part of a cyber program or other virtual platform**, or who conspires, aides, or abets the use, abuse, active possession or constructive possession of controlled substances.

### *First Offense –*

1. The principal will be immediately notified of any violation of this policy. The principal shall initiate appropriate disciplinary action in accordance with the district's policies.[8][10]
2. The principal or designee will meet with the student to ascertain the circumstances related to a possible policy violation.
3. The principal or designee will promptly notify the student's parent(s)/guardian(s) concerning the incident and will seek additional information that could guide disposition of the possible policy violation.
4. The student may be sent home or removed from the school to receive medical attention, if required. When parent(s)/guardian(s) cannot be reached, the principal or other school authority will decide to obtain medical treatment for the student or to temporarily isolate the student.
5. The principal will notify the appropriate legal authorities for investigation and disposition, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[16]
6. The principal or designee will schedule a hearing in accordance with Board policy.[10]
7. Should it be determined the offense was committed by the student, the student will be externally suspended from school for ten (10) days.

### *Second Offense –*

1. Any person who violates this policy a second time commits a second offense. All requirements, procedures, due process, and penalties that govern a first offense under this policy will apply under the second offense. In addition, the following disciplinary action and requirements apply:

- a. The student will obtain a drug and alcohol assessment and will comply with all assessment recommendations as a condition for readmission to school after the suspension or required rehabilitation. Any student who receives a second offense and who refuses to obtain a drug and alcohol assessment, or who obtains the assessment and does not comply with the assessment recommendations, will be recommended for expulsion. **Expulsion** is exclusion from school by the Board for a period that exceeds ten (10) school days and may be permanent.[10]

#### *Additional Requirements –*

Any student who violates this policy (regardless of the number of offenses) will:

1. Be assessed by a licensed drug and alcohol designated facility, or similar type alternative program approved by the administration, and comply with any recommendations from the evaluation and any recommendations that follow, until the date of discharge from the provider, not to exceed one (1) calendar year. If the recommendations are not followed, the student will be recommended for expulsion. **Further, the student must successfully complete the assessment within seven (7) days of the informal hearing, by a drug and alcohol facility, or district-approved program.**
2. Parent(s)/Guardian(s) may select similar type alternative programs for students to attend as specified in paragraph (1) above. However, parent(s)/guardian(s) must have the principal's written approval prior to any student's participation in an alternative program. Prior to receiving the principal's written approval for a student to attend an alternative program, parent(s)/guardian(s) must give written consent to the principal or designee to obtain all complete records when the student attends an alternative program. The district will not pay any expense incurred by the student or parent(s)/guardian(s) when the student participates in an alternative program.
3. While a student is suspended out-of-school and attending the alternate education program, s/he shall not participate in or attend as a spectator any school-sponsored activity. School-related and/or school-sponsored activities include, but are not limited to, clubs, musical groups, publications, athletics, and other activities such as National Honor Society, Student Council, and class activities (spirit week, Homecoming, class trips, fundraisers, dances, proms, and commencement). ~~Further, the student must successfully complete the assessment within seven (7) days of the informal hearing, by a drug and alcohol facility, or district-approved program.~~
4. Eligibility for participation in school extracurricular activities (including athletics, clubs, and organizations) shall be further limited in accordance with the Extracurricular Code of Conduct.
5. If the student refuses to participate in or does not successfully complete the programs mentioned herein, as scheduled by the district, the student will be recommended for expulsion.

#### Violation for Distribution

A student who violates this policy shall be subject to the following disciplinary, rehabilitative, and punitive actions. The Board reserves the right to use any other lawful measures deemed necessary to control and eliminate the use and distribution of controlled substances even if the same is not provided for specifically in any rule or regulation enumerated herein. An infraction occurs when a student attempts to or succeeds in delivering, distributing, or transmitting controlled substances or possesses with the intent to distribute, deliver or transmit.

#### *First Offense –*

1. The principal will be immediately notified of any violation of this policy. The principal shall initiate appropriate disciplinary action in accordance with the district's policies.[8][10]
2. The principal or designee will meet with the student who will explain the circumstances related to a possible policy violation.
3. The principal or designee will promptly notify the student's parent(s)/guardian(s) concerning the incident and will seek additional information that could guide disposition of the possible policy violation.
4. The principal will notify the appropriate legal authorities for appropriate investigation and disposition, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[16]
5. The principal or designee will schedule a hearing in accordance with Board policy.[10]

6. Should it be determined the offense was committed by the student, the student will be externally suspended from school for ten (10) days, and a Board hearing shall be held with administration recommendation for exclusion of the student from school for period to be determined by the Board.
7. Refer the student to an appropriate agency for counseling and treatment.
8. While a student is suspended out-of-school and attending the alternate education program, s/he shall not participate in or attend as a spectator any school-sponsored activity. School-related and/or school-sponsored activities include, but are not limited to, clubs, musical groups, publications, athletics, and other activities such as National Honor Society, Student Council, and class activities (spirit week, Homecoming, class trips, fundraisers, dances, proms, and commencement).
9. Eligibility for participation in school extracurricular activities (including athletics, clubs, and organizations) shall be further limited in accordance with the Extracurricular Code of Conduct.

### Anabolic Steroids

In addition to the consequences in this policy, anabolic steroid use bears additional consequences in regard to extracurricular participation.

The Board prohibits the use of anabolic steroids, except for valid medical purposes, by any student involved in school-related athletics or extracurricular activities. Body building and muscle enhancement, increasing muscle bulk or strength, or the enhancement of athletic ability are not valid medical purposes. Human Growth Hormone (HGH) shall not be included as an anabolic steroid under the provisions of the law.[\[23\]](#)

Education regarding the dangers of anabolic steroids shall be provided in other district controlled substance (drug and alcohol) programs.[\[24\]](#)

The following minimum penalties are prescribed for any student found in violation of the anabolic steroid regulations required above, in addition to the consequences outlined in this policy. Violation of those rules and regulations include:[\[25\]](#)

1. **First Offense** – the student shall be suspended from school athletics and extracurricular activities for the remainder of the season.
2. **Second Offense** – the student shall be suspended from school athletics and extracurricular activities for the remainder of the season and the following season.
3. **Third Offense** – the student shall be permanently suspended from school athletics and extracurricular activities.

No student shall be eligible to resume participation in school athletics or extracurricular activities unless there has been a medical determination that no residual evidence of steroids exists. The Board may require participation in any drug counseling, rehabilitation, testing, or other programs, beyond those already detailed herein, as a condition of reinstatement into a school athletic or extracurricular activities program.[\[25\]](#)

### Student Seeking Help

Any student who is self-referred, or who is voluntarily referred by anyone else and who seeks help with a controlled substance use/abuse and/or dependency, and who is not under the immediate influence of a controlled substance is not subject to the provisions of this policy as outlined for first offense violations.

School personnel to whom a student reports, and from whom s/he seeks help may consult with the student, or may refer the student to a faculty member designated by the principal (e.g., counselor, Intervention Specialist, Multi Tiered Systems of Supports Team, nurse, etc.).

If help is required, the designated faculty member may advise and assist the student in seeking appropriate psychological, medical, or other types of help.

If medical treatment appears necessary, the parent(s)/guardian(s) shall be notified.

Follow-up by the Intervention Specialist or MTSS case manager with the student and the referral agency shall be imperative.

### Multi Tiered Systems of Supports Team

### *Referral Phase –*

Referrals may come from a multitude of sources. Staff, students, parents/guardians, etc., may inform the Multi Tiered Systems of Supports Team of any suspicions, issues, behaviors, or concerns that appear to be drug/alcohol or mental health related. Community concerns also will be noted and these will be investigated if they seem appropriate.

### *Assessment Phase –*

Once a referral has been received and considered, appropriate members of the team will be assigned to start the tracking by collecting data from attendance, discipline, counselors, and the nurse. These records will be reviewed by the whole team and a decision made to get further information from the appropriate teachers or to make an alternate assignment immediately. All data collected from teachers on observable behavior, academic performance, and physical appearance will be confidential. If the data strongly suggests D/A or M/H concerns, the team may have the Intervention Specialist complete a screening. Once fully satisfied that the student's profile reflects D/A or M/H concerns an intervention will be planned.

### *Intervention Phase –*

During this phase the Intervention Specialist will be actively involved in determining the appropriate modality of treatment and proper placement (in-patient or out-patient).

This may require meetings with the student, or student and parent/guardian where information that has been gathered is discussed and options are explored.

### Suspected Visitors

Visitors suspected of using, possessing, transmitting, manufacturing, selling, transporting, or distributing controlled substances or of encouraging or promoting such activity while on school property or during the course of school-sponsored activities shall be reported to the building principal, who shall report the visitors to local law enforcement officials, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[16][26][27]

### Reasonable Suspicion/Testing

If based on the student's behavior, medical symptoms, vital signs or other observable factors, the building principal has reasonable suspicion that the student is under the influence of a controlled substance, the student may be required to submit to drug or alcohol testing. The testing may include but is not limited to the analysis of blood, urine, saliva, or the administration of a Breathalyzer test.

### Use of Breathalyzer

All students, whether during the school day, prior to or during an extracurricular, interscholastic, or other school-related or school-sponsored function, whether conducted on or away from school property, may be required to submit to a Breathalyzer as a condition of participation in the extracurricular, interscholastic, or other school-related or school-sponsored function.

It is not the intent of the policy to randomly test students. It is the intent of the Breathalyzer procedure to serve as a deterrent to students attending district functions after consuming alcohol.

Refusal to submit to a Breathalyzer procedure will be considered to be a positive test and the student will be disciplined in accordance with Board policy.[8]

## Legal

1. 21 U.S.C. 812
2. 35 P.S. 780-102
3. Pol. 210
4. Pol. 210.1
5. 22 PA Code 12.3
6. 24 P.S. 510
7. 24 P.S. 511
8. Pol. 218
9. Pol. 227
10. Pol. 233
11. 20 U.S.C. 1400 et seq
12. 22 PA Code 10.23
13. Pol. 103.1
14. Pol. 113.1
15. Pol. 113.2
16. Pol. 805.1
17. Pol. 122
18. Pol. 123
19. 24 P.S. 1302.1-A
20. 24 P.S. 1303-A
21. 42 Pa. C.S.A. 8337
22. Pol. 226
23. 35 P.S. 807.1
24. 35 P.S. 807.2
25. 35 P.S. 807.3
26. Pol. 904
27. Pol. 907
- 35 P.S. 780-101 et seq
- 35 P.S. 807.1 et seq
- 22 PA Code 10.2
- 22 PA Code 10.21
- 22 PA Code 10.22
- 22 PA Code 10.25
- 22 PA Code 403.1
- 20 U.S.C. 7114
- 20 U.S.C. 7118
- 20 U.S.C. 7161
- 21 U.S.C. 801 et seq
- 34 CFR Part 300
- Pol. 000
- Pol. 805



Book	Policy Manual
Section	200 Pupils
Title	Use of Personal Technology/Electronic Devices
Code	237
Status	Review
Adopted	August 1, 2015
Last Reviewed	June 22, 2015

### **Purpose**

In consideration of the recent proliferation and extensive utilization of personal technology devices, the district recognizes the need to establish guidelines for the use of such so as not to disrupt the primary function of the schools.

### **Definitions**

**Personal technology devices (personal technology)** shall be defined as any device capable of capturing, storing, and/or transmitting information, including text, audio, and/or video data, not owned by the district. These include, but are not limited to, such devices as:

1. Cellular telephones and smartphones.
2. Handheld, tablet, and laptop computers.
3. Digital music players, including without limitation iPods and MP3 players.
4. Digital and video cameras.

**Network** shall be defined as the group of interconnected computers systems, both wired and wireless, owned and used by the district in order to share analog and digital information, both voice and data, and access technology and the Internet.

### **Authority**

The Board prohibits use of personal technology by students during the school day in district buildings; on district property; on district buses and vehicles; during the time students are under the supervision of the district; and in locker rooms, bathrooms, health suites and other changing areas at any time, unless use is permitted under the guidelines of this policy.[\[1\]](#)

The Board prohibits possession of laser pointers and attachments and telephone paging devices/beepers by students in district buildings; on district property; on district buses and vehicles; and at school-sponsored activities.[\[2\]](#)

### **Electronic Images and Photographs; Recordings**

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

**Personal technology devices/electronic devices that have the capability to take photographs or to record audio or video shall not be used for such purposes while on District property, while under**

**District supervision or while a student is engaged in District- sponsored activities, unless expressly authorized in advance by the building Principal or designee.**

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

Off-Campus Activities

This policy shall also apply to student conduct that occurs off school property and would otherwise violate the Code of Student Conduct/Disciplinary Action Schedule if any of the following circumstances exist:[3]

1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, whether or not via school district furnished transportation.
2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.[4][5]
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, for example, a transaction conducted outside of school pursuant to an agreement made in school, that would violate the Code of Student Conduct/Disciplinary Action Schedule if conducted in school.
5. The conduct involves the theft or vandalism of school property.
6. There is otherwise a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.

**Guidelines**

The district will monitor the use of all personal technology and, if connected to the network, monitor and log network utilization which may include deep packet inspection. The district reserves the right, in its sole discretion, to inspect, copy, store, remove, or otherwise alter any data, file, or system resources, encrypted or unencrypted, which may undermine authorized use of the network or the Internet.

In addition, the use of personal technology shall not violate local, state, or federal law, **or** district policies, including **but not limited to** policies regarding Internet safety and acceptable use or discipline.[3][6]

The student must have read and understood the district's acceptable use policy. The student cannot bring personal technology if the student or student's parent's/guardian's have opted out of the acceptable use policy.[6]

Exceptions

~~The building administrator may grant approval for possession and use of a telephone paging device/beeper by a student for the following reasons:[2]~~

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

Devices With Cellular or Satellite Connectivity

Students shall not use cellular or satellite connectivity except when granted by the building administrator for the following reasons:

1. Health, safety, or emergency reasons.
2. An individualized education program (IEP).[7]
3. Classroom or instructional-related activities, as outlined in this policy.
4. Other reasons determined appropriate by the building principal.



## Devices Without Cellular or Satellite Connectivity Including Tablet and Mobile Computers, Digital Music Players and Digital and Video Cameras

Personal technology, such as laptop, tablet, and mobile computers, digital music players and digital and video cameras brought to school shall be restricted to classroom or instructional-related activities and its use shall follow all district policies and shall not be used in a manner that causes a disruption of school activities.

Personal technology can be connected to the network, including access to the Internet, under the following conditions:

1. The student must follow the process defined by the Department of Technology for connecting personal technology to the district network and will not transfer or loan the technology for use by other students.
2. A Bring Your Own Technology Agreement must be filled out annually and returned to the Office of Technology prior to accessing the network or Internet. Personal technology discovered on the district network without a completed form may be confiscated by building administration or the Office of Technology.
3. The district retains the right to determine where and when personal technology may access the network.
4. The district has preferred access to the network and all network devices.
5. As applicable, all personal technology should be running up-to-date virus detection software and operating system critical updates prior to accessing the network.
6. Software residing on personal technology must be personally owned or currently licensed. The student must be able to provide evidence of proper licensing for all software installed on the personal technology when requested.
7. District-owned software or resources may not be installed on personal technology unless designated by the Office of Technology or other written permission from the district.
8. Any software or application that degrades network performance, that consumes resources and/or bandwidth, or that is prohibited by district technology guidelines must not be used while connected to the network. This may include instant messaging, an ISP client, file sharing, streaming applications, and any software identified as a threat to district computer security.
9. Installation of a network device such as a personal wireless access point, router, hub or switch is prohibited.
10. Users may not create, implement or host their own servers or services while using personal technology at any time.
11. Users may not run software or take any actions that evade or interfere with the district's ability to monitor network use, scanning or reconnaissance or have the ability to hack into or in any way access private and/or confidential district or other third party resources or information.
12. File storage on the network or a district-provided Internet resource is limited to schoolwork only.
13. The district is not responsible for providing or loaning any equipment, cabling, or software needed to connect to the network or technology resources. The district will provide no technical support for personal technology.
14. The Director of Information Technology, Superintendent, or designee has the right to deny the connection of personal technology to the network for any reason. Personal technology may be removed from the district network at any time and for any reason on the recommendation of personnel listed above.

Students shall be responsible for following district rules pertaining to electronic images and photographs, as outlined in this policy.

### **Delegation of Responsibility**

The district shall not be liable for the loss, damage, or misuse of any personal technology brought to school by a student or the inadvertent loss of data or interference with files for any reason.

The user of personal technology shall, at the discretion of the district, bear the costs of ensuring compliance with this policy.

Responsibility for the maintenance and repair of personal technology rests solely with the student.

Violations of this policy by a student may result in disciplinary action and confiscation and analysis of personal technology by school personnel or designee and/or transfer of personal technology to law enforcement agencies.[3][8][9]

The Office of Technology will promulgate procedures regarding the implementation of this policy. The district and school personnel will support the expectations and responsibilities outlined in this policy and will work cooperatively with the Office of Technology to ensure network and data security.

The Superintendent or designee shall annually notify students, parents/guardians and employees about the Board's personal technology device policy.

Legal

[1. 24 P.S. 510](#)

[2. 24 P.S. 1317.1](#)

3. Pol. 218

4. Pol. 122

5. Pol. 123

6. Pol. 252

7. Pol. 113

8. Pol. 226

9. Pol. 233

Pol. 000

Book	Policy Manual
Section	800 Operations
Title	Electronic Communication With Students
Code	815.2
Status	Review
Adopted	August 1, 2015
Last Reviewed	July 27, 2015

### **Purpose**

The Board recognizes that students are deeply engaged in electronic forms of communication. Employees may choose to utilize electronic communications to communicate with students. The purpose of this policy is to ensure that electronic communications between an employee and a student is done for appropriate educational purposes with the knowledge of the parents/guardians of the student and consistent with the public and professional standards for communicating with students.

### **Delegation of Responsibility**

The Board directs that the administration of this policy shall be the responsibility of the Superintendent, Assistant Superintendent, and Director of Human Resources or their designees.

The Board directs the Director of Human Resources to create and maintain administrative regulations, to be known as Expectations for Communicating Electronically with Students, and to communicate these administrative regulations to employees on an annual basis.

### **Guidelines**

All electronic communications conducted by an employee with a student shall relate directly to educational or extracurricular programs or activities of the district. Authorized methods of electronic communication are the following:

1. District-provided email.
2. District-sponsored web site (including school and teacher web pages).
3. Telephones (not including texting, unless otherwise permitted by this policy or administrative regulations).
4. Other electronic communication methods that are authorized by the administration in support of educational or extracurricular programs or activities, including but not limited to social networking ~~web sites~~ **and video conferencing**. ~~such as Facebook and MySpace.~~[1]

Unacceptable forms of communications are set forth in the administrative regulations of this policy.

Calling or texting to student personal cell phones shall only occur in emergency or time sensitive circumstances.

### **Usage**

All electronic communications occurring at any time by employees to students shall be professional.

Employees shall be prohibited from using any authorized electronic communication methods with students for purposes not related to educational or extracurricular programs or activities of the district except as specifically authorized by school administration or in the event that an employee and a student are immediate family members or close relatives.

The Board recognizes that text messaging may be a form of electronic communication that is valuable when emergency or time sensitive contact with students by employees is necessary. Such contexts include but are not limited to the following:

1. Employee coaches who need the ability to quickly reach student athletes, team members, etc.
2. Employee advisors of extracurricular programs or activities who need the ability to quickly reach student participants.
3. Employees chaperoning district field trips who need the ability to monitor the locations of students.

Employees shall only use text messaging to communicate with students in emergency or time sensitive situations. It shall not be utilized as a regular method of communication with students.

Employees who anticipate the need for emergency or time sensitive contact with students by text message shall make parents/guardians aware at the beginning of the school year/athletic season that they may use texting to communicate with students.

Employees may utilize an Internet resource called "Remind", or other similar resource, where messages are uploaded by the employee to the site; that message is then texted out to students so that there is no direct texting between employees and students, and there is no access to employee or student phone numbers, provided also the usage otherwise complies with the requirements of this policy, and parents/guardians are notified at the beginning of the school year that the Internet resource may be utilized. Finally, there is no cost to the district.

### Reporting

Employees shall report to the building principal or his/her designee any student-initiated electronic communication that may be construed as improper and/or inappropriate. Such reports shall be made immediately or at the employee's first available opportunity.

Records of any reported improper and/or inappropriate electronic communications shall be maintained by the building principal in accordance with the district's records retention schedule.

Any suspected violation of this policy shall be investigated by the employee's building principal or his/her designee.

The building principal or his/her designee shall meet with the employee to review his/her response to the allegation.

### Violations

Employees shall be required to comply with Board policy regarding electronic communications with students. Any failure to do so may constitute cause for disciplinary action, up to and including termination from employment. Should an employee's failure to comply also violate state or federal law, the Superintendent or his/her designee shall report such violation to the proper authorities.[2]

Legal

1. Pol. 815.1

2. Pol. 317

Pol. 000

Pol. 252

Pol. 352

Pol. 800



Book	Policy Manual
Section	800 Operations
Title	Use of Livestream Video on School District Property
Code	816
Status	Review
Adopted	May 24, 2017

### **Purpose**

The Board recognizes that livestream video may be helpful to the district and its employees in both fulfilling its educational mission and in expanding the reach of school district events and activities to those not able to attend in person. The Board further recognizes that without parameters, livestream video may pose risks to the district and its employees, and may otherwise disrupt the educational environment.

### **Delegation of Responsibility**

The Superintendent shall develop procedures to implement this policy, and shall delegate to his/her designee(s) the right to enforce this policy.

### **Definition**

**Livestream video**, as used in this policy, shall mean utilizing any camera located on school district property, which includes district provided transportation, to broadcast live video content through the Internet, including through a social media platform.

### **Guidelines**

#### **Student Initiated Use of Livestream Video**

The Board prohibits student-initiated use of livestream video at any time during the school day, including transportation to and from school, or at any school-sponsored event that is not open to the general public, unless the building administrator has authorized the use of livestream video by giving written consent.

#### **Employee Initiated Use of Livestream Video**

The Board authorizes the use of livestream video for instructional and other educational purposes at the direction of teachers, administrators, and other employees, if approved by the building administrator.

Any in-school use of livestream video by students for educational purposes shall be supervised by a professional employee or by an administrator.

Prior to approving the use of livestream video for educational purposes, the building administrator shall ensure that adequate precautions are in place to limit the sharing of personal information with individuals not directly affiliated with the school district.

~~Parents/Guardians and students shall be notified prior to the use of a livestream in their classroom. The administration shall develop guidelines to ensure that students are not recorded whose parents/guardians have elected to opt them out of video or audio recording.~~

~~No recording of a livestream of academic instruction shall be maintained. The building administrator shall make reasonable efforts to ensure that authorized parties to a livestream of academic instruction do not~~

record the livestream. However, the school district provides no guarantee that an outside party will not access or record the instruction. By participating in a livestream, all participants acknowledge and accept the risk of the access or recording of the instruction by an outside party and have no expectation of privacy in the recording. The livestream shall not be used for any other purpose including employee evaluations.

### **Livestream Video of Classroom Instruction/Distance Learning**

**The Board authorizes the use of livestream video to deliver academic and special education instruction remotely when approved by the building administrator.**

**Students shall be notified prior to the use of a livestream in their classroom or other areas of the school where they may be captured on the livestream.**

**Livestreams shall be set up to visually capture the teacher/instructor/therapist and his/her materials, but may unintentionally capture other students attending to the same instruction in-person.**

**Prior to approving instruction via livestream, the building administrator shall determine if such instruction shall be recorded, and if so how long such recording shall be maintained to provide student access. Access shall be provided to students only through a secure password-protected classroom management system and no such recordings shall be posted publicly on the internet. Students shall be notified prior to a livestream being recorded.**

**Videos of distance-learning livestreams are the property of the District. Students are prohibited from reposting such videos on the internet, removing them from the classroom management system, and/or from sharing them with other individuals.**

**The District's media release forms do not prohibit a student's voice or likeness from appearing in a video of classroom instruction. Such videos are not posted publicly, and are maintained temporarily for student access.**

**Students who access academic instruction via livestreaming shall be considered present for attendance purposes during those hours during which they received instruction.**

### **Livestream of School District Events Open to the Public**

This policy does not prevent employees, students, parents, and/or members of the public from livestreaming school district events open to the public. Students, parents, employees, and members of the public should not have any expectation of privacy while attending public events; they may be captured and broadcast on a livestream just as they could at any other public or community event, or facility open to the public.

However, school district administrators may prohibit livestreaming at specific events hosted by the school district on a case-by-case basis to comply with the law, to comply with contract terms, or to prevent a substantial disruption to the public event.

The Board prohibits livestreaming of copyrighted musical performances, theatrical performances, or any material or performance in violation of copyright law.

### **Livestream Video in Lieu of Homebound Instruction**

Upon acceptance of a physician or healing arts practitioner's recommendation that homebound instruction is medically necessary, the Board directs that consideration be given to whether or not the student should receive livestream access to his/her essential academic classes in lieu of homebound tutoring. Consideration must be given to:

- The severity of the student's medical condition, and whether or not the student can benefit from livestream academic instruction.
- The recommendation of the student's physician.
- Input from the student's parents.
- The age and specific needs of the student, including whether the student has the technical proficiency to access the livestream at home.

- Whether providing livestream instruction may be counter-productive, in that it may prolong the student's absence from school.

Students who have verifiable access to their essential academic instruction via livestreaming shall be considered present for attendance purposes for those hours during which they received instruction. Livestream access to academic instruction is in lieu of and not in addition to homebound tutoring.

The decision whether or not to provide livestream access to academic instruction in lieu of homebound tutoring rests in the sole discretion of the district. Nothing in this policy shall be construed to require the district to provide livestream access to any particular student.

### **Telepresence Robots**

**The Board authorizes the use of telepresence robots in the District's buildings when approved by a Student's IEP or Section 504 team due to a long term illness or disability preventing regular school attendance. The use of telepresence robots shall be considered an employee-initiated livestream, subject to the conditions outlined above. The Superintendent or his/her designee shall develop procedures outlining employee responsibilities regarding the use of such robots in the District's schools.**

### Livestream Video for Routine Illnesses and Absences

No teacher or administrator shall be required to provide a livestream of academic instruction for a student's routine illness or absence. If a student or parent/guardian requests access to such a livestream due to extenuating circumstances, the decision whether or not to provide such a livestream shall be in the sole discretion of the teacher and building administrator.

### Proper Attire/Code of Conduct

Any student participating in a livestream for academic instruction shall abide by the district's policies and Code of Conduct and may be held accountable for violations of board policies and the Code of Conduct while participating in the livestream. Students participating in a livestream of academic instruction shall be dressed in proper attire consistent with the district's dress code.

### Acceptable Use of District's Network

If a livestream utilizes the district's Internet connection, the district's Acceptable Use Policy applies and is incorporated herein by reference. **District livestream videos are property of the District. Any reposting or reproduction of such videos, or screenshots from such a video, is prohibited.**

### Use of Personal Devices

If any livestream authorized pursuant to this policy utilizes a personal mobile device, the district's mobile device policies apply and are incorporated herein by reference.

### Accommodations for Disabilities

**The Board directs that public livestreams of school district events be as accessible as reasonably feasible for individuals with disabilities as for non-disabled members of the public.**

Nothing in this policy shall affect the provision or use of livestreaming as stated in an Individualized Education Program or Section 504 Service Agreement.

### Penalties for Violations

Violation of this policy, its administrative guidelines, and/or state or federal laws will result in discipline. Employees may be subject to discipline up to and including dismissal. Students may be subject to discipline up to and including expulsion.[1][2][3]

### Development of Administrative Guidelines

The Superintendent or his/her designee may develop administrative guidelines to implement this policy. The Superintendent shall ensure that all students and employees are made aware of this policy and any



administrative guidelines by means of the employee and student handbooks, the school district website, or other reasonable means.

Legal

1. Pol. 218

2. Pol. 233

3. Pol. 317

WEST CHESTER AREA SCHOOL DISTRICT  
*Combined Education and Property & Finance Committee Meeting*  
Monday – July 27, 2020  
6:15 p.m.

Zoom Meeting

AGENDA

- Approval of June 15, 2020 P&FC Minutes (see attached) Mr. Bevilacqua
- Update on Financing Plan (see attached) Mr. Scully

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(Board & Public)

*Committee Protocol for Responding to Comments from the Public*

1. *A community member will be called upon by the Committee Chair.*
2. *If the comment can be answered quickly, or can be answered in order to clarify information, someone will respond.*
3. *If a community member has a more detailed question about a topic, the committee chair may refer the person to the superintendent or appropriate administrator to make an appointment so the question can be answered in more detail.*

Committee Meeting Minutes  
 WEST CHESTER AREA SCHOOL DISTRICT  
 June 22, 2020 – Property & Finance Committee (VIA ZOOM)

Attending Committee Members: Mr. Gary Bevilacqua-Chair, Mr. Brian Gallen, Dr. Karen Herrmann, Mr. Randell Spackman

Other Board Members: Ms. Joyce Chester, Mr. Daryl Durnell, Mr. Chris McCune, Dr. Kate Shaw, Mrs. Sue Tiernan

Administration: Mr. John Scully, Dr. James Scanlon, Mr. Kevin Campbell, Mr. Justin Matys, Mr. Michael Wagman, Dr. Bob Sokolowski, Dr. Leigh Ann Ranieri, Dr. Jeff Ulmer, Dr. Sara Missett, Dr. Tammi Florio, Dr. Rebecca Eberly

Also Present: Members of the public

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Action or outcomes from the meeting: (Unless noted, all votes were 4-0.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                   |
| The committee approved the May 18, 2020 Property & Finance Committee Minutes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Mr. Bevilacqua                    |
| Mr. Scully and Mr. Bamber, PFM, provided the committee with a financing update. Mr. Bamber advised the Board that the District has the opportunity to refinance Series AA of 2010 and Series A of 2015 for approximate net savings of \$558,275. Mr. Bamber reviewed the timeline for the refunding, which has a parameter resolution being approved in July and settlement occurring in September. The consensus of the committee was to move forward with the refunding and have a resolution presented in July for approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Mr. Scully/<br>Mr. Bamber,<br>PFM |
| Mr. Scully provided the committee with an update on Act 1 Property Tax Exclusion Amount and Homestead/Farmstead Exclusion Resolution: On April 15, 2020 the Commonwealth’s Budget Secretary certified that \$621.0 million in state-funded local tax relief would be available in 2020-21. On May 19, 2020, due to the COVID-19 pandemic’s impact on state gaming revenue projections, the Commonwealth’s Budget Secretary advised Districts that the amount of state-funded local tax relief would need to be corrected. On June 1, 2020, the Commonwealth’s Budget Secretary revised the certification of state-funded local tax relief for fiscal year 2020-21, restoring the amount available to the amount contained in the original April 15, 2020 certification. This year, the State provided the District with \$3,570,346.02 for property tax relief which equates to a \$143.59 exclusion amount for each qualified property. Annually, the Board must approve to accept these funds and use them for tax relief purposes through a resolution. The committee recommended approval to adopt the 2020-21 Homestead/Farmstead Exclusion Resolution. | Mr. Scully                        |
| Items to be placed on board agenda June 22, 2020:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                   |
| <ul style="list-style-type: none"> <li>• Approval of 2020-21 Homestead/Farmstead Exclusion Resolution</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                   |
| MEMO items for board agenda June 22, 2020:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                   |
| <ul style="list-style-type: none"> <li>• Approval of 2020-21 Property Casualty/Liability Insurance</li> <li>• Approval of 2020-21 Student Accident Insurance</li> <li>• Approval of 2020-21 CCIU Marketplace Services Contract</li> <li>• Approval of Food Service Contract Addendum</li> <li>• Approval of 2020-21 Adult School Lunch Price Increase</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                   |

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| Items to discuss at a later date: |  |
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|                                   |  |

Next Meeting Date: July 27, 2020

**WEST CHESTER AREA SCHOOL DISTRICT,  
Chester and Delaware Counties, Pennsylvania**

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**RESOLUTION**

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**INCURRING NONELECTORAL DEBT TO BE EVIDENCED BY GENERAL OBLIGATION BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$20,500,000, TO REFUND ALL OR PORTIONS OF THIS SCHOOL DISTRICT'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES AA OF 2010 AND SERIES A OF 2015; ACCEPTING A PROPOSAL FOR THE PURCHASE OF BONDS; SETTING FORTH THE PARAMETERS, SUBSTANTIAL FORM OF AND CONDITIONS TO ISSUE THE BONDS; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THIS SCHOOL DISTRICT TO SECURE THE BONDS; APPOINTING A PAYING AGENT AND SINKING FUND DEPOSITORY; PROVIDING FOR THE REDEMPTION OF THE REFUNDED BONDS; AND AUTHORIZING RELATED DOCUMENTS AND ACTIONS.**

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**WHEREAS**, West Chester Area School District, located in Chester and Delaware Counties, Pennsylvania (the "School District"), is a school district of the Commonwealth of Pennsylvania (the "Commonwealth"), and a "Local Government Unit" within the meaning of the Local Government Unit Debt Act, 53 Pa.C.S. Chs. 80-82 (the "Debt Act"), governed by its Board of School Directors (the "School Board"); and

**WHEREAS**, The School Board, by its resolution adopted on November 22, 2010, authorized and secured this School District's \$28,220,000 aggregate principal amount General Obligation Bonds, Series AA of 2010, dated as of December 30, 2010 (the "2010AA Bonds"), to refund its 2003 Bonds that financed improvements to public school buildings, and which 2010AA Bonds will become subject to optional redemption on or after September 15, 2020; and

**WHEREAS**, The Department of Community and Economic Development (the "Department") approved the debt proceedings of this School District related to the 2010AA Bonds, as evidenced by Certificate of Approval No. GOB-17132, dated December 16, 2010; and

**WHEREAS**, The School Board, by its resolution adopted on March 23, 2015, authorized and secured this School District's \$9,690,000 aggregate principal amount General Obligation Bonds, Series A of 2015, dated September 29, 2015 (the "2015A Bonds"), to finance improvements to elementary school buildings, and which 2015A Bonds will become subject to optional redemption on or after November 15, 2020; and

**WHEREAS,** The Department approved the debt proceedings of this School District related to the 2015A Bonds, as evidenced by Certificate of Approval No. GOB-151020-01, dated October 20, 2015; and

**WHEREAS,** The School Board has determined to retire all or portions of the outstanding 2015A Bonds and/or the 2010AA Bonds (the “Refunded Bonds”), as described in a refunding report (the “Refunding Report”), prepared for this School District by its independent municipal advisor PFM Financial Advisors LLC (the “Financial Advisor”), at such time as the total reduction in debt service resulting from refunding the Refunded Bonds (the “Refunding Projects”), after using proceeds of the Bonds to pay the costs of issuing such Bonds, equals at least 2.0% of the principal amount of the Refunded Bonds to be retired (the “Required Savings”); and

**WHEREAS,** The School Board shall issue one or more series of general obligation bonds in the maximum aggregate principal amount of Twenty Million Five Hundred Thousand Dollars (\$20,500,000) (the “Bonds”), to undertake the Refunding Projects, including paying the costs of issuing the Bonds; and

**WHEREAS,** The School Board has determined that the Bonds shall be offered in a private sale by negotiation, at a net purchase price of not less than 95.0% nor more than 135% of the aggregate principal amount of the Bonds issued (including underwriting discount and original issue discount or premium), plus any accrued interest (collectively, the “Purchase Price”); and

**WHEREAS,** A Proposal for the Purchase of Bonds, dated July 27, 2020 (the “Proposal”), has been received from the Financial Advisor, containing the financial parameters for, and conditions to, the underwriting and issuance of the Bonds, which are consistent with the maximum yields to maturity and maximum principal payment amounts by fiscal year set forth in **Exhibit A** attached hereto (the “Bond Parameters”), and will be supplemented by one or more Addendums to the Proposal (each an “Addendum”), identifying a purchaser of the Bonds and containing the final terms and conditions of the Bonds, within the Purchase Price and Bond Parameters; and

**WHEREAS,** The School Board desires to accept the Proposal, award the sale of the Bonds, authorize the issuance of nonelectoral debt and authorize appropriate action, all in connection with the Refunding Projects, and in accordance with the Debt Act; and

**WHEREAS,** The School Board has determined to appoint Manufacturers and Traders Trust Company (the “Paying Agent”), having corporate trust offices in Harrisburg, Pennsylvania, and Buffalo, New York, as the paying agent and sinking fund depository for the Bonds; and

**NOW, THEREFORE, BE IT RESOLVED,** by the School Board, as follows:

**SECTION 1.** The School Board hereby authorizes the issuance of the Bonds pursuant to this Resolution, in accordance with the Debt Act, to undertake the Refunding Projects. Eckert Seamans Cherin & Mellott, LLC is retained by this School District as its bond counsel in connection with the issuance of the Bonds.

**SECTION 2.** The School Board finds that it is in the best financial interests of this School District to sell the Bonds in a private sale by negotiation and determines that the debt to be incurred pursuant to this Resolution shall be nonelectoral debt.

**SECTION 3.** The Refunding Projects are both authorized by Section 8241(b)(1) of the Debt Act (reduction in total debt service over the life of each issue). The capital projects or facilities originally financed by the 2010AA Bonds have reasonably expected remaining useful lives of at least two (2) years. The capital projects or facilities originally financed by the 2015A Bonds have reasonably expected remaining useful lives of at least twelve (12) years. The first maturity of principal of the Bonds will not be deferred beyond two years from the issue date of the Bonds.

**SECTION 4.** The School Board accepts the Proposal of the Financial Advisor, and the President or Vice President of the School Board is authorized to sign the Proposal on behalf of this School District. This School District's Director of Business Affairs or Superintendent are hereby authorized to direct the Financial Advisor when to market the Bonds, to approve the Addendum identifying an underwriter and containing the final terms and conditions of the Bonds within the Bond Parameters, and to take other related actions to achieve at least the Required Savings. The Addendum to be presented by the Financial Advisor, so approved, shall be executed and delivered by the President or Vice President of the School Board and included as a part of the Proposal accepted by this Resolution.

**SECTION 5.** The Bonds, when issued, will be general obligation bonds of this School District.

**SECTION 6.** The Bonds shall be issuable as one or more series, as fully registered bonds, without coupons, in denominations of \$5,000 principal amount or any integral multiple thereof.

Each of the Bonds shall bear interest from the interest payment date next preceding the date of registration and authentication of such bond, unless: (a) such bond is registered and authenticated as of any interest payment date, in which event such bond shall bear interest from such interest payment date; or (b) such bond is registered and authenticated after a Record Date (hereinafter defined) and before the next succeeding interest payment date, in which event such bond shall bear interest from such interest payment date; or (c) such bond is registered and authenticated on or prior to the Record Date next preceding the first interest payment date, in which event such bond shall bear interest from the dated date of the Bonds; or (d) as shown by the records of the Paying Agent, interest on such bond shall be in default, in which event such bond shall bear interest from the date to which interest was last paid on such bond. Interest on each of the Bonds shall be payable initially on a date selected by this School District, and thereafter, semiannually, until the principal sum thereof is paid or provision for payment thereof duly has been made. Except as to distinguishing series or subseries, numbers, denominations, interest rates and maturity dates, the Bonds and the Paying Agent's certificates of authentication shall be substantially in the forms and shall be of the tenor and purport hereinafter set forth, with insertions and variations (including CUSIP numbers) approved by this School District, the Financial Advisor and the Paying Agent, as may be appropriate for different series, denominations and maturity dates.

Principal, premium, if any, and interest with respect to the Bonds shall be payable in lawful money of the United States of America.

The principal of and premium, if any, on the Bonds shall be payable to the registered owners thereof or their transferees, upon presentation and surrender of the Bonds at the place or places set forth in the Bonds. Payment of interest on the Bonds shall be made by check mailed to the registered owners thereof whose names and addresses appear at the close of business on the fifteenth (15th) day next preceding each interest payment date (the "Record Date") on the registration books maintained by the Paying Agent on behalf of this School District, irrespective of any transfer or exchange of any Bonds subsequent to the Record Date and prior to such interest payment date, unless this School District shall be in default in payment of interest due on such interest payment date. In the event of any such default, such defaulted interest shall be payable to the persons in whose names the Bonds are registered at the close of business on a special record date for the payment of such defaulted interest established by notice mailed by the Paying Agent on behalf of this School District to the registered owners of the Bonds not less than fifteen (15) days preceding such special record date. Such notice shall be mailed to the persons in whose names the Bonds are registered at the close of business on the fifth (5th) day preceding the date of mailing.

If the date for payment of the principal of or interest on any Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the Commonwealth are authorized or required by law or executive order to close, then the date for payment of such principal or interest shall be the next succeeding day that is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized or required to close, and payment on such date shall have the same force and effect as if made on the nominal date established for such payment.

**SECTION 7.** This School District and the Paying Agent may deem and treat the persons in whose names the Bonds shall be registered as the absolute owners thereof for all purposes, whether such Bonds shall be overdue or not, and payment of the principal of, premium, if any, and interest on the Bonds shall be made only to or upon the order of the registered owners thereof or their legal representatives, but registration of a transfer of ownership may be made as herein provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, to the extent of the sum or sums so paid, and neither this School District nor the Paying Agent shall be affected by any notice to the contrary.

**SECTION 8.** Registration of the transfer of ownership of Bonds shall be made upon surrender of any of the Bonds to the Paying Agent, accompanied by a written instrument or instruments in form, with instructions, and with guaranty of signature satisfactory to the Paying Agent, duly executed by the registered owner thereof or his attorney-in-fact or legal representative. The Paying Agent shall enter any transfer of ownership of any of the Bonds in the registration books and shall authenticate and deliver, at the earliest practicable time, in the name of the transferee or transferees, a new fully registered bond or bonds of authorized denominations of the same series, maturity and interest rate for the aggregate principal amount that the registered owner is entitled to receive. Bonds may be exchanged for a like aggregate principal amount of Bonds of other authorized denominations of the same series, maturity and interest rate.

**SECTION 9.** If Bonds shall be subject to optional redemption or mandatory redemption prior to stated maturity, this School District and the Paying Agent shall not be required to register the transfer of or exchange any of the Bonds then considered for redemption during the period beginning at the close of business on the fifteenth (15th) day next preceding any date of



selection of such Bonds to be redeemed and ending at the close of business on the day of mailing of the notice of redemption, as hereinafter provided, or to register the transfer of or exchange any portion of any of the Bonds selected for redemption in whole or in part until after the redemption date.

**SECTION 10.** This School District shall cause to be kept, and the Paying Agent shall keep, books for the registration, exchange and transfer of Bonds in the manner provided herein and therein so long as Bonds shall remain outstanding. Such registrations, exchanges and transfers shall be made without charge to bondholders, except for actual costs, including postage, insurance and any taxes or other governmental charges required to be paid with respect to the same.

**SECTION 11.** The Bonds shall bear interest, with a Purchase Price resulting in yields to maturity, and principal maturing or payable upon mandatory sinking fund redemptions, in the maximum annual amounts in each fiscal year as set forth in **Exhibit A**.

**SECTION 12.** The Bonds may be subject to optional redemption by this School District prior to maturity, on such date or dates and under such terms as may be determined in the manner described in Section 4 hereof. The Bonds may be subject to mandatory redemption prior to maturity, to be set forth in the Addendum, not in excess of any annual principal payment amount set forth in **Exhibit A** hereof.

**SECTION 13.** This School District appoints the Paying Agent as the paying agent with respect to the Bonds and directs that the principal of, premium, if any, and interest on the Bonds shall be payable at a designated corporate trust office of the Paying Agent, in lawful money of the United States of America.

Any corporation or association into which the Paying Agent, or any appointed successor to it, may be merged or converted or with which it, or any appointed successor to it, may be consolidated, or any corporation or association resulting from any merger, conversion or consolidation to which the Paying Agent shall be a party, or any corporation or association to which the Paying Agent, or any appointed successor to it, sells or otherwise transfers all or substantially all of its corporate trust business, including its functions under this Resolution, shall be the successor paying agent hereunder, without the execution or filing of any paper or any further act on the part of this School District, and thereafter references herein to the "Paying Agent" shall refer to such resulting corporation or association, or to such transferee, as the case may be.

If the Paying Agent at any time shall resign or shall be removed by this School District, the Board of School Directors shall appoint a successor paying agent that is duly qualified in accordance with the Act to serve as paying agent for the Bonds and sinking fund depository with respect to the Sinking Fund created herein, and the principal of, redemption premium, if any, and interest on the Bonds shall be payable, when due, at a designated office of the successor paying agent located in the Commonwealth and at such additional payment offices as the successor paying agent shall designate. Upon acceptance of such appointment and the transfer by the Paying Agent to the successor paying agent of the appropriate documents, records, and funds, references herein to the "Paying Agent" shall thereafter refer to such successor paying agent.

**SECTION 14.** The form of the Bonds shall be substantially as set forth in **Exhibit B**, which is attached hereto and made part hereof, with appropriate insertions, omissions and variations.

**SECTION 15.** The Bonds shall be executed in the name of and on behalf of this School District by the manual or facsimile signature of the President or Vice President of the School Board, and the official seal or a facsimile of the official seal of this School District shall be affixed thereto and the manual or facsimile signature of the Secretary of the School Board shall be affixed thereto in attestation thereof; and said officers are authorized to execute and to attest the Bonds.

**SECTION 16.** No bond constituting one of the Bonds shall be entitled to any benefit under this Resolution nor shall it be valid, obligatory or enforceable for any purpose until such bond shall have been registered and authenticated by the Certificate of Authentication endorsed thereon duly signed by the Paying Agent; and the Paying Agent is authorized to register and authenticate the Bonds in accordance with the provisions hereof.

**SECTION 17.** This School District covenants to and with registered owners, from time to time, of the Bonds that shall be outstanding, from time to time, pursuant to this Resolution, that this School District shall: (i) include the amount of the debt service on the Bonds, for each fiscal year of this School District in which the sums are payable, in its budget for that year, (ii) appropriate those amounts from its general revenues for the payment of the debt service, and (iii) duly and punctually pay or cause to be paid from the Sinking Fund (hereinafter identified) or any other of its revenues or funds the principal of and interest on each of the Bonds at the dates and places and in the manner stated therein, according to the true intent and meaning thereof; and, for such budgeting, appropriation and payment, this School District shall and does pledge, irrevocably, its full faith, credit and taxing power. As provided in the Debt Act, the foregoing covenant of this School District shall be specifically enforceable.

**SECTION 18.** There is hereby created, pursuant to the requirements of the Debt Act, one or more sinking funds for the Bonds (collectively, the “Sinking Fund”) including, if applicable, multiple series or subseries, or a mandatory sinking fund. The Sinking Fund shall be administered in accordance with the Debt Act.

**SECTION 19.** This School District appoints the Paying Agent as the sinking fund depository with respect to the Sinking Fund.

**SECTION 20.** This School District covenants to make payments out of the Sinking Fund, or out of any other of its revenues or funds, at such times and in such annual amounts, as shall be sufficient for prompt and full payment of all obligations of the Bonds when due.

**SECTION 21.** The School Board hereby authorizes the preparation of a Preliminary Official Statement and Official Statement for use in the marketing of the Bonds and authorizes the Business Manager of this School District to approve the form of such Preliminary Official Statement and the form of a final Official Statement with respect to the Bonds of this School District, with such insertions and amendments as shall be necessary or appropriate to reflect the final terms and provisions of the Bonds, the accepted Proposal and this Resolution. The President of the School Board shall affix his or her signature to the Official Statement, as such officer, and

such execution of the Official Statement shall constitute conclusive evidence of the approval of the Official Statement by the School Board.

**SECTION 22.** The President or Vice President and the Secretary, respectively, of the School Board are authorized and directed, as required, necessary and/or appropriate: (a) to prepare, to certify and to file with the Department the debt statement required by the Debt Act; (b) to prepare and to file with the Department any statements required by the Debt Act that are necessary to qualify all or any portion of the debt of this School District that is subject to exclusion as self-liquidating or subsidized debt for exclusion from the appropriate debt limit of this School District as self-liquidating or subsidized debt; (c) to prepare and to file the application with the Department, together with a complete and accurate transcript of the proceedings for the required approval relating to the debt, of which debt the Bonds, upon issue, will be evidence, as required by the Debt Act; (d) to pay or to cause to be paid to the Department all proper filing fees required in connection with the foregoing; and (e) to take other required, necessary and/or appropriate action.

The School Board authorizes and directs that an appropriate borrowing base certificate be prepared for filing with the Department as required by the Debt Act. The President or Vice President and the Secretary, respectively, of the School Board are hereby authorized to prepare and to execute, or to authorize the preparation and execution of such borrowing base certificate.

**SECTION 23.** If applicable, as determined from the Addendum, the School Board authorized and directs the purchase of municipal bond guaranty insurance with respect to the Bonds. The officers and agents of this School District are authorized and directed to take all required, necessary and/or appropriate action with respect to such insurance, as contemplated in the Addendum, including the payment of the premium of such insurance.

**SECTION 24.** The President or Vice President and the Secretary, respectively, of the School Board are authorized and directed to contract with the Paying Agent for its services as paying agent for the Bonds and as sinking fund depository in connection with the Sinking Fund established for the Bonds.

**SECTION 25.** It is declared that the debt to be incurred hereby, together with any other indebtedness of this School District, is not in excess of any limitation imposed by the Debt Act upon the incurring of debt by this School District.

**SECTION 26.** The officers and agents of this School District are authorized to deliver the Bonds and to authorize payment of all costs and expenses associated with the issuance of the Bonds as provided for in the Proposal, but only after the Department has certified its approval pursuant to the provisions of the Debt Act or at such time when the filing authorized to be submitted to the Department pursuant to the Debt Act shall be deemed to have been approved pursuant to applicable provisions of the Debt Act.

**SECTION 27.** This School District covenants to and with purchasers of the Bonds that it will make no use of the proceeds of such Bonds, or of any other obligations deemed to be part of the same "issue" as Bonds under applicable Federal tax regulations, that will cause such Bonds to be or become "arbitrage bonds" within the meaning of Section 103(b)(2) and Section 148 of the

Internal Revenue Code of 1986, as amended (the “Code”), and the Treasury Regulations implementing said Sections of the Code.

This School District further covenants to and with purchasers of the Bonds that it will make no use of the proceeds of the Bonds, of the proceeds of any other obligations deemed to be part of the same “issue” as the Bonds under applicable federal tax regulations, or of any property or facilities financed with the proceeds of the Bonds or of any such other obligations deemed to be part of the same “issue” as the Bonds, that will cause the Bonds to be or become “private activity bonds” within the meaning of Section 141 of the Code and the Treasury Regulations implementing said Sections of the Code. This School District shall comply with all other requirements of the Code, if and to the extent applicable, to maintain continuously the Federal income tax exemption of interest on the Bonds.

If applicable, the President or Vice President of the School Board is authorized to represent in a certificate delivered when the Bonds are issued, that this School District does not then reasonably expect to issue tax-exempt obligations that, together with all tax-exempt obligations reasonably expected to be issued by all entities that issue bonds on behalf of this School District and all “subordinate entities” (within the meaning of Section 265(b)(3)(E) of the Code) of this School District, in the aggregate, will exceed Ten Million Dollars (\$10,000,000) (excluding obligations issued to refund (other than to advance refund) any obligation to the extent that the amount of the refunding obligation does not exceed the outstanding amount of the refunded obligation) in the calendar year of issuance and, accordingly, thereby designate the Bonds (to the extent they are not “deemed designated” under Section 265(b)(3)(D)(ii) of the Code), on behalf of this School District, as “qualified tax-exempt obligations,” as defined in Section 265(b)(3)(B) of the Code, for the purposes and effect contemplated by Section 265 of the Code.

**SECTION 28.** This School District does hereby authorize the optional redemption(s) of the Refunded Bonds on the earliest date(s) on or after the issue date of the Bonds, as authorized by the Refunded Bonds (the “Redemption Date”), in accordance with the rights and privileges reserved to this School District in the Refunded Bonds, and as described in the Addendum.

Officers and agents of the School Board are hereby authorized and directed to give irrevocable instructions to the paying agent or trustee for the Refunded Bonds to redeem the Refunded Bonds in accordance with this election of the School Board, *following the acceptance of the final terms and conditions of the Bonds and Addendum as described in section 4 hereof* and the consummation of the final sale, issuance and delivery of the Bonds.

If applicable, this School District, simultaneously with delivery of the Bonds, shall enter into a bond retirement agreement (the “Bond Retirement Agreement”) with the paying agent of the Refunded Bonds (the “Redemption Agent”). The Bond Retirement Agreement shall provide for a deposit of Bond proceeds into the sinking funds originally established for the Refunded Bonds, with the Redemption Agent sufficient to pay the debt service due on the Refunded Bonds through the Redemption Date. The President or Vice President and the Secretary, respectively, of the School Board are authorized and directed to execute, to attest, and to seal, as appropriate, and to deliver such Bond Retirement Agreement simultaneously with such delivery of the Bonds. This School District approves the Bond Retirement Agreement in form satisfactory to the Solicitor and Bond Counsel for this School District and as shall be approved by the officers of the School Board

executing the same. Such approval of such officers shall be conclusively presumed to have been given by their execution of the Bond Retirement Agreement.

The officers and agents of this School District are hereby authorized and directed to take all such actions and provide all such documentation as may be necessary and appropriate to accomplish the redemption and retirement of the Refunded Bonds.

**SECTION 29.** If applicable, the President, Vice President or Treasurer of the School Board, or the Superintendent or Director of Business Affairs, respectively, of this School District is each hereby authorized and directed to execute and deliver agreements, orders or subscriptions for purchase of United States Treasury Certificates of Indebtedness, Bonds, Bonds, State and Local Government Series or other securities of the United States of America, collateralized certificates of deposit or other investments satisfying the requirements of 53 Pa.C.S. §8250, as described in updates to the Refunding Report, from proceeds of the Bonds and, if applicable, other funds to be deposited under the Bond Retirement Agreement, and to do, to take and to authorize such other acts as shall be necessary or appropriate to retire the Refunded Bonds, as described in the Refunding Report and this Resolution.

**SECTION 30.** If applicable, the Secretary of the Board of this School District is hereby authorized and directed to execute and to submit to the Pennsylvania Department of Education, promptly following settlement for the Bonds, the appropriate application and other documents and information necessary to obtain state reimbursement with respect to the debt service on the Bonds.

**SECTION 31.** This School District shall enter into, and hereby authorizes and directs the President or Vice President of the School Board to execute, a Continuing Disclosure Certificate (the "Certificate") on behalf of this School District on or before the date of issuance and delivery of the Bonds. Such Certificate shall be executed and delivered to satisfy the terms and conditions of the accepted Proposal for sale of the Bonds and Securities and Exchange Commission Rule 15c2-12, and shall be substantially in the form previously utilized by this School District, together with any changes therein made and approved by the executing officer of the School Board, whose execution and delivery thereof shall constitute conclusive evidence of such approval. A copy of the Certificate shall be filed with the Secretary of the School Board and shall be and hereby is made part of this Resolution.

This School District hereby covenants and agrees that it will comply with and carry out all of the provisions of the Certificate. Notwithstanding any other provision of this Resolution, failure of this School District to comply with the Certificate shall not be considered an event of default with respect to the Bonds; however, any registered owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause this School District to comply with its obligations under this Section and such Certificate.

**SECTION 32.** The Bonds shall be made available for purchase under a book-entry only system available through The Depository Trust Company, a New York corporation ("DTC"). If applicable, at or prior to settlement for the Bonds, this School District and the Paying Agent shall execute or signify their approval of a Representation Letter in substantially the form on file with DTC (the "Representation Letter"). The appropriate officers of this School District and the Paying

Agent shall take such action as may be necessary from time to time to comply with the terms and provisions of the Representation Letter, and any successor paying agent for the Bonds, in its written acceptance of its duties under this Resolution, shall agree to take any actions necessary from time to time to comply with the requirements of the Representation Letter.

**SECTION 33.** Notwithstanding the foregoing provisions of this Resolution, the Bonds shall initially be issued in the form of one fully-registered bond for the aggregate principal amount of the Bonds of each maturity, and the following provisions shall apply with respect to the registration, transfer and payment of the Bonds:

(a) Except as provided in subparagraph (g) below, all of the Bonds shall be registered in the name of Cede & Co., as nominee of DTC; provided that if DTC shall request that the Bonds be registered in the name of a different nominee, the Paying Agent shall exchange all or any portion of the Bonds for an equal aggregate principal amount of Bonds of the same series, interest rate and maturity registered in the name of such nominee or nominees of DTC.

(b) No person other than DTC or its nominee shall be entitled to receive from this School District or the Paying Agent either a Bond or any other evidence of ownership of the Bonds, or any right to receive any payment in respect thereof, unless DTC or its nominee shall transfer record ownership of all or any portion of the Bonds on the registration books (the "Register") maintained by the Paying Agent in connection with discontinuing the book-entry system as provided in subparagraph (g) below or otherwise.

(c) So long as any Bonds are registered in the name of DTC or any nominee thereof, all payments of the principal or redemption price of or interest on such Bonds shall be made to DTC or its nominee in accordance with the Representation Letter on the dates provided for such payments under this Resolution. Each such payment to DTC or its nominee shall be valid and effective to fully discharge all liability of this School District or the Paying Agent with respect to the principal or redemption price of or interest on the Bonds to the extent of the sum or sums so paid. In the event of the redemption of less than all of the Bonds outstanding of any maturity, the Paying Agent shall not require surrender by DTC or its nominee of the Bonds so redeemed, but DTC (or its nominee) may retain such Bonds and make an appropriate notation on the Bond certificate as to the amount of such partial redemption; provided that DTC shall deliver to the Paying Agent, upon request, a written confirmation of such partial redemption and thereafter the records maintained by the Paying Agent shall be conclusive as to the amount of the Bonds of such maturity which have been redeemed.

(d) This School District and the Paying Agent may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal or redemption price of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to holders of Bonds under this Resolution, registering the transfer of Bonds, obtaining any consent or other action to be taken by holders of Bonds and for all other purposes whatsoever; and neither this School District nor the Paying Agent shall be affected by any notice to the contrary. Neither this School District nor the Paying Agent shall have any responsibility or obligation to any participant in DTC, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any such participant, or any other person which is not shown on the Register as being a registered owner of

Bonds, with respect to (1) the Bonds, (2) the accuracy of any records maintained by DTC or any such participant, (3) the payment by DTC or any such participant of any amount in respect of the principal or redemption price of or interest on the Bonds, (4) any notice which is permitted or required to be given to holders of the Bonds under this Resolution, (5) the selection by DTC or any such participant of any person to receive payment in the event of a partial redemption of the Bonds, and (6) any consent given or other action taken by DTC as holder of the Bonds.

(e) So long as the Bonds or any portion thereof are registered in the name of DTC or any nominee thereof, all notices required or permitted to be given to the holders of such Bonds under this Resolution shall be given to DTC as provided in the Representation Letter.

(f) In connection with any notice or other communication to be provided to holders of Bonds pursuant to this Resolution by this School District or the Paying Agent with respect to any consent or other action to be taken by holders of Bonds, DTC shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action, provided that this School District or the Paying Agent may establish a special record date for such consent or other action. This School District or the Paying Agent shall give DTC notice of such special record date not less than 15 calendar days in advance of such special record date to the extent possible.

(g) The book-entry only system for registration of the ownership of the Bonds may be discontinued at any time if either (1) after notice to this School District and the Paying Agent, DTC determines to resign as securities depository for the Bonds, or (2) after notice to DTC and the Paying Agent, this School District determines that continuation of the system of book-entry transfers through DTC (or through a successor securities depository) is not in the best interests of this School District. In either of such events (unless in the case described in clause (2) above, this School District appoints a successor securities depository), the Bonds shall be delivered in registered certificate form to such persons, and in such maturities and principal amounts, as may be designated by DTC, but without any liability on the part of this School District or the Paying Agent for the accuracy of such designation. Whenever DTC requests this School District and the Paying Agent to do so, this School District and the Paying Agent shall cooperate with DTC in taking appropriate action after reasonable notice to arrange for another securities depository to maintain custody of certificates evidencing the Bonds.

**SECTION 34.** The President and Vice President and the Secretary, respectively, of the Board are authorized and directed to perform such acts as may be necessary to facilitate the marketing and settlement of the Bonds and the refunding of the Refunded Bonds.

**SECTION 35.** Any reference in this Resolution to an officer or member of the School Board shall be deemed to refer to his or her duly qualified successor in office, or other authorized representative, if applicable.

**SECTION 36.** In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of this School District that such remainder shall be and shall remain in full force and effect.

**SECTION 37.** All resolutions or parts of resolutions, insofar as the same shall be inconsistent herewith, shall be and the same expressly are repealed.

**SECTION 38.** This Resolution shall be effective in accordance with the Debt Act.



**DULY ADOPTED**, by the School Board, in lawful session duly assembled, this 27<sup>th</sup> day of July, 2020.

WEST CHESTER AREA SCHOOL DISTRICT,  
Chester and Delaware Counties, Pennsylvania

By: \_\_\_\_\_  
(Vice) President of the Board of  
School Directors

ATTEST:

\_\_\_\_\_  
Secretary of the Board of  
School Directors

(SEAL)

**EXHIBIT A**

**WEST CHESTER AREA SCHOOL DISTRICT**  
**Chester and Delaware Counties, Pennsylvania**  
\$20,500,000 Maximum Aggregate Principal Amount  
General Obligation Bonds

| <u>Date</u>   | <u>Max<br/>Principal</u> | <u>Max<br/>Rate</u> | <u>Interest</u>     | <u>Semi-Annual<br/>Debt Service</u> | <u>Fiscal Year<br/>Debt Service</u> |
|---------------|--------------------------|---------------------|---------------------|-------------------------------------|-------------------------------------|
| 3/15/2021     | 3,810,000                | 5.500               | 579,409.72          | 4,389,409.72                        | 4,389,409.72                        |
| 9/15/2021     |                          |                     | 458,975.00          | 458,975.00                          |                                     |
| 3/15/2022     | 5,120,000                | 5.500               | 458,975.00          | 5,578,975.00                        | 6,037,950.00                        |
| 9/15/2022     |                          |                     | 318,175.00          | 318,175.00                          |                                     |
| 3/15/2023     | 200,000                  | 5.500               | 318,175.00          | 518,175.00                          | 836,350.00                          |
| 9/15/2023     |                          |                     | 312,675.00          | 312,675.00                          |                                     |
| 3/15/2024     | 200,000                  | 5.500               | 312,675.00          | 512,675.00                          | 825,350.00                          |
| 9/15/2024     |                          |                     | 307,175.00          | 307,175.00                          |                                     |
| 3/15/2025     | 200,000                  | 5.500               | 307,175.00          | 507,175.00                          | 814,350.00                          |
| 9/15/2025     |                          |                     | 301,675.00          | 301,675.00                          |                                     |
| 3/15/2026     | 200,000                  | 5.500               | 301,675.00          | 501,675.00                          | 803,350.00                          |
| 9/15/2026     |                          |                     | 296,175.00          | 296,175.00                          |                                     |
| 3/15/2027     | 200,000                  | 5.500               | 296,175.00          | 496,175.00                          | 792,350.00                          |
| 9/15/2027     |                          |                     | 290,675.00          | 290,675.00                          |                                     |
| 3/15/2028     | 2,080,000                | 5.500               | 290,675.00          | 2,370,675.00                        | 2,661,350.00                        |
| 9/15/2028     |                          |                     | 233,475.00          | 233,475.00                          |                                     |
| 3/15/2029     | 2,095,000                | 5.500               | 233,475.00          | 2,328,475.00                        | 2,561,950.00                        |
| 9/15/2029     |                          |                     | 175,862.50          | 175,862.50                          |                                     |
| 3/15/2030     | 2,115,000                | 5.500               | 175,862.50          | 2,290,862.50                        | 2,466,725.00                        |
| 9/15/2030     |                          |                     | 117,700.00          | 117,700.00                          |                                     |
| 3/15/2031     | 2,130,000                | 5.500               | 117,700.00          | 2,247,700.00                        | 2,365,400.00                        |
| 9/15/2031     |                          |                     | 59,125.00           | 59,125.00                           |                                     |
| 3/15/2032     | 2,150,000                | 5.500               | 59,125.00           | 2,209,125.00                        | 2,268,250.00                        |
| <b>TOTALS</b> | <b>20,500,000</b>        |                     | <b>6,322,784.72</b> | <b>26,822,784.72</b>                | <b>26,822,784.72</b>                |

**EXHIBIT B**

**(FORM OF BOND)**

[The following Legend is to be printed on any Bonds registered in the name of The Depository Trust Company or Cede & Co., its nominee: “**Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL in as much as the registered owner hereof, Cede & Co., has an interest herein.**”]

Number

\$

UNITED STATES OF AMERICA  
COMMONWEALTH OF PENNSYLVANIA  
COUNTIES OF CHESTER AND DELAWARE  
WEST CHESTER AREA SCHOOL DISTRICT  
GENERAL OBLIGATION BOND, SERIES \_\_ OF 20 \_\_

| <u>INTEREST</u><br><u>RATE</u> | <u>MATURITY</u><br><u>DATE</u> | <u>DATE</u><br><u>OF SERIES</u> | <u>CUSIP</u> |
|--------------------------------|--------------------------------|---------------------------------|--------------|
| %                              |                                |                                 |              |

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_)

WEST CHESTER AREA SCHOOL DISTRICT, located in Chester and Delaware Counties, Pennsylvania (the “Issuer”), a school district existing under laws of the Commonwealth of Pennsylvania (the “Commonwealth”), for value received, promises to pay to the order of the registered owner named hereon, or registered assigns, on the maturity date stated hereon, upon presentation and surrender hereof, the principal sum stated hereon, unless this General Obligation Bond, Series \_\_ of 20 \_\_ (the “Bond”), shall be redeemable and duly shall have been called for earlier redemption and payment of the redemption price shall have been made or provided for, and to pay initially on \_\_\_\_\_, \_\_\_\_\_, and thereafter semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, to the registered owner hereof, interest on said principal sum, at the rate per annum stated hereon, until said principal sum has been paid or provision for payment thereof duly has been made. Interest on this Bond shall be payable from the interest payment date next preceding

the date of registration and authentication of this Bond, unless: (a) this Bond is registered and authenticated as of any interest payment date, in which event this Bond shall bear interest from such interest payment date; or (b) this Bond is registered and authenticated after a Record Date (hereinafter defined) and before the next succeeding interest payment date, in which event this Bond shall bear interest from such next succeeding interest payment date; or (c) this Bond is registered and authenticated on or prior to the Record Date next preceding \_\_\_\_\_, \_\_\_\_\_, in which event this Bond shall bear interest from the Date of Series set forth above; or (d) as shown by the records of the Paying Agent (hereinafter defined), interest on this Bond shall be in default, in which event this Bond shall bear interest from the date to which interest was last paid on this Bond. The interest on this Bond is payable by check drawn on Manufacturers and Traders Trust Company (the "Paying Agent"), or its successor. The principal of and premium, if any, on this Bond, when due, are payable upon surrender hereof at the designated corporate trust office of the Paying Agent. Payment of the interest hereon shall be made to the registered owner hereof whose name and address shall appear, at the close of business on the fifteenth (15th) day next preceding each interest payment date (the "Record Date"), on the registration books maintained by the Paying Agent, irrespective of any transfer or exchange of this Bond subsequent to such Record Date and prior to such interest payment date, unless the Issuer shall be in default in payment of interest due on such interest payment date. In the event of any such default, such defaulted interest shall be payable to the person in whose name this Bond is registered at the close of business on a special record date for the payment of such defaulted interest established by notice mailed by the Paying Agent to the registered owner of this Bond not less than fifteen (15) days preceding such special record date. Such notice shall be mailed to the person in whose name this Bond is registered at the close of business on the fifth (5th) day preceding the date of mailing. Principal, premium, if any, and interest with respect to this Bond are payable in lawful money of the United States of America.

This Bond is one of a series of bonds of the Issuer, known generally as "General Obligation Bonds, Series \_\_\_ of 20\_\_" (the "Bonds"), all of like date and tenor, except as to numbers, denominations, dates of maturity, rates of interest, and provisions for redemption, in the aggregate principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_).

The Bonds have been authorized for issuance in accordance with provisions of the Local Government Unit Debt Act, 53 Pa.C.S. Chs. 80-82 (the "Debt Act"), of the Commonwealth, and by virtue of a duly adopted resolution (the "Resolution") of the Issuer. The Debt Act, as such shall have been in effect when the Bonds were authorized, and the Resolution shall constitute a contract between the Issuer and registered owners, from time to time, of the Bonds.

The Issuer has covenanted, in the Resolution, to and with registered owners, from time to time, of the Bonds that shall be outstanding, from time to time, pursuant to the Resolution, that the Issuer shall: (i) include the amount of the debt service for the Bonds, for each fiscal year of the Issuer in which such sums are payable, in its budget for that year, (ii) appropriate such amounts from its general revenues for the payment of such debt service, and (iii) duly and punctually pay or cause to be paid, from the sinking fund established under the Resolution or any other of its revenues or funds, the principal of and interest on each of the Bonds at the dates and place and in the manner stated therein, according to the true intent and meaning thereof; and, for

such budgeting, appropriation and payment, the Issuer has pledged and does pledge, irrevocably, its full faith, credit and taxing power.

This Bond shall not be entitled to any benefit under the Resolution, nor shall it be valid, obligatory or enforceable for any purpose, until this Bond shall have been authenticated by the Paying Agent.

The Bonds are issuable only in the form of registered bonds, without coupons, in the denominations of \$5,000 principal amount or any integral multiple thereof. Bonds may be exchanged for a like aggregate principal amount of Bonds of other authorized denominations of the same maturity and interest rate upon surrender of such Bonds to the Paying Agent, with written instructions satisfactory to the Paying Agent.

The Issuer and the Paying Agent may deem and treat the registered owner hereof as the absolute owner hereof (whether or not this Bond shall be overdue) for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the Issuer and the Paying Agent shall not be affected by any notice to the contrary.

This Bond may be transferred by the registered owner hereof upon surrender of this Bond to the Paying Agent, accompanied by a written instrument or instruments in form, with instructions, and with guaranty of signature satisfactory to the Paying Agent, duly executed by the registered owner of this Bond or his attorney-in-fact or legal representative. The Paying Agent shall enter any transfer of ownership of this Bond in the registration books and shall authenticate and deliver at the earliest practicable time in the name of the transferee or transferees a new fully registered bond or bonds of authorized denominations of the same series, maturity and interest rate for the aggregate principal amount which the registered owner is entitled to receive.

The Issuer and the Paying Agent shall not be required to issue or to register the transfer of or exchange any Bonds then considered for redemption during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Bonds to be redeemed and ending at the close of business on the day of mailing of the applicable notice of redemption, as hereinafter provided, or to register the transfer of or exchange any portion of any bond selected for redemption until after the redemption date.

The Bonds stated to mature on or after \_\_\_\_\_, \_\_\_\_, are subject to redemption prior to maturity, at the option of the Issuer, as a whole, on \_\_\_\_\_, \_\_\_\_, or on any date thereafter, upon payment of the principal amount thereof, together with accrued interest to the date fixed for redemption.

The Bonds stated to mature on or after \_\_\_\_\_, \_\_\_\_, are subject to redemption prior to maturity, at the option of the Issuer, from time to time, in part, in any order of maturity selected by the Issuer, on \_\_\_\_\_, \_\_\_\_, or on any date thereafter. If less than all Bonds of any particular maturity are to be redeemed, the Bonds of such maturity to be redeemed shall be drawn by lot by the Paying Agent. Any such redemption shall be upon payment of the principal amount to be redeemed, together with accrued interest thereon to the date fixed for redemption.

The Bonds stated to mature on \_\_\_\_\_, \_\_\_\_\_, are subject to mandatory redemption prior to maturity, in the amounts and on \_\_\_\_\_ of the year(s) set forth in the following schedule as drawn by lot by the Paying Agent in behalf of the Issuer:

| <u>Year</u> | <u>Amount</u> |
|-------------|---------------|
|             | \$            |
|             | \$ .          |

Any such redemption shall be upon application of money available for the purpose in the Mandatory Sinking Fund established under the Resolution and shall be upon payment of the principal amount to be redeemed, together with accrued interest thereon to the date fixed for redemption. In lieu of such mandatory redemption, the Paying Agent, as sinking fund depository, in behalf of the Issuer, may purchase, from money available for the purpose in the Sinking Fund established under the Resolution, at a price not to exceed the principal amount plus accrued interest, or the Issuer may tender to the Paying Agent, all or part of the Bonds subject to being drawn for redemption in any such year.

In the case of any partial redemption of Bonds of any maturity that is subject to mandatory sinking fund redemption, the Issuer shall be entitled to designate whether the amount to be redeemed shall be credited against the principal amount of such Bonds due at maturity or credited against the principal amount of such Bonds scheduled to be called for mandatory sinking fund redemption on any particular date or dates, in each case in an integral multiple of \$5,000 principal amount.

If this Bond is of a denomination larger than \$5,000, a portion of this Bond may be redeemed. For the purposes of redemption, this Bond shall be treated as representing the number of Bonds that is equal to the principal amount hereof divided by \$5,000, each \$5,000 portion of this Bond being subject to redemption. In the case of partial redemption of this Bond, payment of the redemption price shall be made only upon surrender of this Bond in exchange for Bonds of authorized denominations of the same maturity and interest rate and in aggregate principal amount equal to the unredeemed portion of the principal amount hereof; Provided, however, that should this Bond be registered in the name of The Depository Trust Company (“DTC”) or Cede & Co., as nominee for DTC, or any other nominee of DTC, or any other successor securities depository or its nominee, this Bond need not be surrendered for payment and exchange in the event of a partial redemption hereof and the records of the Paying Agent shall be conclusive as to the amount of this Bond which shall have been redeemed.

Notice of redemption shall be deposited in first class mail not less than 30 days prior to the date fixed for redemption and shall be addressed to the registered owners of the Bonds to be redeemed at their addresses shown on the registration books kept by the Paying Agent as of the day such Bonds are selected for redemption. Failure to mail any notice of redemption or any defect therein or in the mailing thereof shall not affect the validity of any proceeding for redemption of other Bonds so called for redemption as to which proper notice has been given.

On the date designated for redemption, notice having been provided as aforesaid, and money for payment of the principal, premium, if any, and accrued interest being held by the Paying Agent, interest on the Bonds or portions thereof so called for redemption shall cease to

accrue and such Bonds or portions thereof so called for redemption shall cease to be entitled to any benefit or security under the Resolution, and registered owners of such Bonds or portions thereof so called for redemption shall have no rights with respect thereto, except to receive payment of the principal to be redeemed and accrued interest thereon to the date fixed for redemption, together with the redemption premium, if any.

The Issuer, in the Resolution, has established a sinking fund with the Paying Agent, as the sinking fund depository, into which funds for the payment of the principal of and the interest on the Bonds shall be deposited not later than the date fixed for the disbursement thereof. The Issuer has covenanted, in the Resolution, to make payments from such sinking fund or from any other of its revenues or funds, at such times and in such annual amounts as shall be sufficient for prompt and full payment of all obligations of this Bond.

It hereby is certified that: (i) all acts, conditions and things required to be done, to happen or to be performed as conditions precedent to and in issuance of this Bond or in creation of the debt of which this Bond is evidence have been done, have happened or have been performed in due and regular form and manner, as required by law; and (ii) the debt represented by this Bond, together with any other indebtedness of the Issuer, is not in excess of any limitation imposed by the Debt Act upon the incurring of debt by the Issuer.

*[This Bond has been designated by the Issuer as a “qualified tax-exempt obligation”, as defined in Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended (the “Code”), for purposes and effect contemplated by Section 265 of the Code (relating to expenses and interest relating to tax-exempt income of certain financial institutions).]*

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed in its name by the manual or facsimile signature of the President of the Board of School Directors, and its official seal or facsimile thereof to be affixed hereto and the manual or facsimile signature of the Secretary of the Board of School Directors to be affixed hereto in attestation thereof, all as of the Date of Series.

WEST CHESTER AREA SCHOOL DISTRICT,  
Chester and Delaware Counties, Pennsylvania

By: \_\_\_\_\_  
President of the Board of School Directors

ATTEST:

\_\_\_\_\_  
Secretary of the Board of School Directors

(SEAL)

\_\_\_\_\_



(FORM OF PAYING AGENT'S CERTIFICATE)

CERTIFICATE OF AUTHENTICATION AND CERTIFICATE AS TO OPINION

It is certified that:

- (i) This Bond is one of the Bonds described in the within-mentioned Resolution; and
- (ii) An original Opinion issued by Eckert Seamans Cherin & Mellott, LLC, dated and delivered on the date of the original delivery of, and payment for, such Bonds is on file at our designated corporate trust office, where the same may be inspected; and

MANUFACTURERS AND TRADERS TRUST  
COMPANY,  
as Paying Agent

By: \_\_\_\_\_  
Authorized Representative

Date of Registration and Authentication:

\_\_\_\_\_

(FORM OF ASSIGNMENT)

ASSIGNMENT

FOR VALUE RECEIVED, \_\_\_\_\_, the undersigned, hereby sells, assigns and transfers unto

\_\_\_\_\_ (the "Transferee")  
Name

\_\_\_\_\_  
Address

Social Security or Federal Employer Identification No. \_\_\_\_\_ the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_, as attorney-in-fact, to transfer the within Bond on the books kept for registration thereof with full power of substitution in the premises.

\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an institution that is a participant in a signature guarantee program recognized by the Securities Transfer Association.

NOTICE: No transfer will be made in the name of the Transferee unless the signature(s) to this assignment correspond(s) with the name(s) appearing upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever and the Social Security or Federal Employer Identification Number of the Transferee is supplied. If the Transferee is a trust, the names and Social Security or Federal Employer Identification Numbers of the settlor and beneficiaries of the trust, the Federal Employer Identification Number and date of the trust and the name of the trustee must be supplied.

\_\_\_\_\_

CERTIFICATE

I, the undersigned, Secretary of the Board of School Directors of WEST CHESTER AREA SCHOOL DISTRICT, located in Chester and Delaware Counties, Pennsylvania (the "School District"), certify that: the foregoing is a true and correct copy of a Resolution that was duly adopted by affirmative vote of a majority of all members of the Board of School Directors of this School District at a meeting duly held on July 27, 2020; said Resolution duly has been recorded in the minute book of the Board of School Directors of this School District; a notice with respect to the intent to adopt said Resolution has been published as required by law; said Resolution was available for inspection by any interested citizen requesting the same in accordance with the requirements of the Local Government Unit Debt Act of the Commonwealth of Pennsylvania and such notice; and said Resolution has not been amended, altered, modified or repealed as of the date of this Certificate.

I further certify that the Board of School Directors of this School District met the advance notice and public comment requirements of the Sunshine Act, 65 Pa.C.S. §701 *et seq.*, by advertising the time and place of said meeting, by posting prominently a notice of said meeting at the principal office of this School District or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment prior to adoption of said Resolution, all as required by such Act.

I further certify that: the total number of members of the Board of School Directors of this School District is nine (9); the vote of members of the Board of School Directors of this School District upon said Resolution was called and duly was recorded upon the minutes of said meeting; and members of the Board of School Directors of this School District voted upon said Resolution in the following manner:

|                  |   |
|------------------|---|
| Gary Bevilacqua  | - |
| Joyce Chester    | - |
| Brian Gallen     | - |
| Karen Herrmann   | - |
| Chris McCune     | - |
| Kate Shaw        | - |
| Randell Spackman | - |
| Susan Tiernan    | - |

IN WITNESS WHEREOF, I set my hand and affix the official seal of this School District, this 27<sup>th</sup> day of July, 2020.

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Secretary of the Board of  
School Directors

(SEAL)