

# **BYLAWS**

# **BYLAWS**

## **0100 - DEFINITIONS**

Whenever the following items are used in these bylaws and policies, they shall have the meaning set forth below:

### **Board**

The Mathews Local School District Board of Education (“Board”).

### **Bylaw**

Rule of the Board for its own governance.

### **Certificated Staff Member**

Either a teacher hired by the Board pursuant to R.C. 3319.07 or an administrator and/or business manager hired by the Board pursuant to R.C. 3319.02 and/or R.C. 3319.03.

### **Classified Employee**

A non-teaching employee hired by the Board pursuant to R.C. 3319.081.

### **School District**

The Mathews Local School District (“School District”).

### **May**

This word is used when an action by the Board or its designee is permitted but not required.

### **Meeting**

Any prearranged discussion of the public business of the Board by a majority of its members, designees, and/or committees.

### **Policy**

A general, written statement by the Board which defines its expectations or position on a particular matter and authorizes appropriate action that shall or may be taken to establish and/or maintain those expectations.

### **President**

The chief executive officer of the Board. (See Bylaw 0170)

### **Professional Staff Member**

An employee who implements or supervises one (1) or more aspects of the Board's program and whose position requires a professional credential from the Division of Teacher Education and Licensing.

### **Secretary**

The Treasurer of the Board.

### **Shall**

This word is used when an action is required. (The word "shall" or "will" signifies a required action.)

### **Social Media**

Social media are online platforms where users engage one another and/or share information and ideas through text, video, or pictures. Social media consists of any form of online publication or presence that allows interactive communication, including, but not limited to, text messaging, instant messaging, websites, web logs ("blogs"), wikis, online forums (e.g., chat rooms), virtual worlds, and social networks. Examples of social media include, but are not limited to, Facebook, Facebook Messenger, Google Hangouts, Twitter, LinkedIn, YouTube, Flickr, Instagram, Pinterest, Snapchat, Skype, and FaceTime. Social media does not include sending or receiving email through the use of School District-issued email accounts. Apps and services shall not be considered social media unless they are listed on the School District's website as School District-approved social media platforms/sites.

### **Student**

A person who is officially enrolled in any program offered by the School District.

### **Superintendent**

The chief executive officer of the School District hired by the Board pursuant to R.C. 3319.01. In any Board policy, the word "Superintendent" implies delegation of responsibilities to appropriate individuals as determined by the Superintendent unless the Board policy specifically states otherwise.

### **Treasurer**

The chief fiscal officer of the School District.

## **Vice-President**

The Vice-President of the Board. (See Bylaw 0170)

## **Voting**

A vote at a meeting of the Board. A Board member shall be physically present in order to cast a vote and have that vote officially recorded in the Board minutes.

Citations to the Ohio Revised Code are noted as R.C. (Revised Code). Citations to Ohio Administrative Code are noted as A.C. (Administrative Code). Citations to the Federal Register are noted as FR, to the Code of Federal Regulations as C.F.R., and to the United States Code as U.S.C.











0121 - **AUTHORITY**

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The supervision of the system of public education of this School District shall be conducted by the Board.

## 0122 - **BOARD POWERS**

The Board has no power outside a meeting authorized pursuant to R.C. 121.22 and Bylaw 0165.2 for special meetings.

The Board only speaks through its minutes.

The Board shall be a body politic and corporate, and, as such, capable of suing and being sued; contracting and being contracted with; acquiring, holding, possessing, and disposing of real and personal property; taking and holding in trust for the use and benefit of the Board any grant or devise of land and any donation or bequest of money or other personal property.

The Board shall have the management and control of all the public schools of whatever name or character that it operates in the School District.

The Board shall make any rules that are necessary for its government and the government of its employees, students, and all other persons entering upon its school grounds or premises.

#### 0122.1 – **BOARD MEMBER POWERS**

No members of the Board individually possess any of the powers that reside in the Board as set forth above and contained in these bylaws and policies.

**0123 - CODE OF ETHICS/CODE OF CONDUCT**

Each member of the Board shall comply with the Ohio Ethics Laws.



## 0131 - **LEGISLATIVE**

The Board shall make any rules that are necessary for its government and the government of its employees, students, and all other persons entering upon its school grounds or premises.

All Board members and employees are engaged in the performance of legislative and/or quasi-legislative functions when engaged in legislative actions intended for consideration of the Board.

Engaging in the performance of legislative and/or quasi-legislative functions is necessary and essential to the exercise of powers of the Board, as well as its members and employees.

Engaging in the performance of legislative and/or quasi-legislative functions is within the discretion of all Board members and employees with respect to policy-making, planning, and enforcement powers by virtue of the duties and responsibilities of the respective offices and positions of the Board members and employees.

Any resolution shall only require one (1) reading.

By resolution, the Board may adopt, amend, and/or repeal any bylaws and policies that are not inconsistent with the law.

Bylaws shall be adopted, amended, repealed, or suspended by a simple majority vote. Policies shall be adopted, amended, or repealed by simple majority vote.





## 0133 - JUDICIAL

Certain policies, contracts, and laws require that the Board and/or its designee(s) conduct judicial, quasi-judicial, and prosecutorial functions.

The Board may assume jurisdiction over any dispute or controversy arising within the School District and concerning any matter in which authority has been vested in the Board and/or its designee(s) by policy, contract, or law.

Any person appearing as a witness before the Board or any of its designees/representatives in any administrative or executive proceeding or investigation, public or private, if the witness so requests, shall be permitted to be accompanied, represented, and advised by an attorney, whose participation shall be limited to the protection of the rights of the witness, and who may not examine or cross-examine witnesses. The witness shall be advised of the right to counsel before the witness is interrogated.

All Board members, designees, and employees are engaged in the performance of judicial, quasi-judicial, and prosecutorial functions when assuming jurisdiction over any dispute or controversy arising within the School District and concerning any matter in which authority has been vested in the Board and/or its designee(s) by policy, contract, or law.

Engaging in the performance of judicial, quasi-judicial, and prosecutorial functions is necessary and essential to the exercise of powers of the Board, as well as its members, designees, and employees.

Engaging in the performance of judicial, quasi-judicial, and prosecutorial functions is within the discretion of all Board members and employees with respect to policymaking, planning, and enforcement powers by virtue of the duties and responsibilities of the respective offices and positions of the Board members, designees, and employees.

0141 - **NUMBER**

The Mathews Local School District Board of Education shall consist of five (5) board members.

## 0141.2 - **CONFLICT OF INTEREST**

Board members shall not have any conflicts of interest prohibited by law.

Board members shall not accept any form of compensation from vendors. Such compensation includes, but is not limited to cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value.

A Board member whose spouse is an employee in the School District may not vote, authorize, or use the influence of his/her office to secure approval of an employment contract with his/her spouse.

## 0142 - **QUALIFICATIONS**

Each of the five (5) members of the Board shall meet the qualifications specified by law and courts of competent authority.

#### 0142.1 - **OATH**

Each member of the Board shall, before entering his/her duties of office, take an oath to support the Constitution of the United States and the Constitution of the State of Ohio and to perform faithfully the duties of his/her office.

### 0142.3 - **ORIENTATION**

The Board believes that the preparation of each Board member for the performance of Board duties is essential to the effectiveness of the Board's functioning. The Board shall encourage each Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the schools, and learn Board procedures.









## 0147 - COMPENSATION

**For terms expiring on December 31, 2023:** Board members shall be compensated for meetings and travel in an amount equal to the maximum allowable compensation permitted by law including, but not limited to, R.C. 3311.19(F).

**For terms commencing after January 1, 2021:** Board members shall be compensated for meetings and travel but it shall not exceed Seventy-Five Dollars and Zero Cents (\$75.00) per member for each meeting attended up to a maximum of eighteen (18) board meetings per year with a maximum annual compensation of One Thousand Three Hundred Fifty Dollars and Zero Cents (\$1,350.00) pursuant to Board Resolution No. 82-2020 (December 18, 2020).

Additionally, Board members shall be paid the maximum allowable compensation permitted by law including, but not limited to, R.C. 3311.19(F), for attendance at an approved training program.

Should applicable laws and regulations be amended to provide for an increase or decrease in the amount of compensation members may receive for the upcoming year, only newly elected and re-elected members shall be eligible to receive the increase, effective with the first day of their new or subsequent term. Current members shall continue to be paid at the rate in effect prior to the passage of the resolution and shall only receive the increased compensation, if re-elected, effective with the first day of their subsequent term.

Expenses of a Board member incurred in the performance of his/her duties and expenses of a member-elect in training and orientation shall be paid from the Board Service Fund, provided that each such member or member-elect submits a written statement of his/her expenses for approval by the Board at its next regular meeting.

A Board member shall be permitted to request coverage for himself/herself and/or family in the School District's group health and life insurance plan. This coverage is permissible only at the Board member's expense. This does not constitute "pecuniary interest" in any contract.

Within thirty (30) days after a Board member takes office, s/he has an opportunity to become a member of the State Employees Retirement System in accordance with R.C. 3309.012 and A.C. 3309-1.

The Board member shall notify the Treasurer/CFO whether or not s/he wishes to participate. The Treasurer/CFO shall ensure that the proper procedure is followed for completing the information required by the Retirement Board.



## 0148 - **PUBLIC EXPRESSIONS OF MEMBERS**

The Board President functions as the official spokesperson for the Board.

From time-to-time, however, individual Board members make public statements on school matters to local media and/or to local or State officials.

Board members should, when writing or speaking on school matters to the media, legislators, and other officials, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board unless such views have been memorialized pursuant to a resolution of the Board.

#### 0148.1 - **BOARD-EMPLOYEE COMMUNICATIONS**

As to all non-financial and non-public record matters, the line of communication to and from the Board and its employees shall flow through the Superintendent and/or the Superintendent's designees only.

As to all financial and public record matters, the line of communication to and from the Board and its employees shall flow through the Superintendent and/or the Superintendent's designees and/or the Treasurer and/or Treasurer's designees only.

#### **0151 - ORGANIZATIONAL MEETING**

The Board shall meet on a day occurring during January of each year and shall organize by electing one of its members the President and another the Vice-President, both of whom shall serve for one (1) year.

The Treasurer/CFO shall canvass the members of the incoming Board members no later than December 31 to establish the day of the organizational meeting prescribed by this School District by this section.

On or before the last meeting of the year - i.e., on or before December 31, the Board shall appoint one of its members to serve as the President Pro Tem (aka President Pro Tempore) at the organizational meeting.



## 0152 - **NEW MEMBERS, OFFICERS, AND OATHS**

The organizational meeting shall be called to order by the President Pro Tem who shall act as the presiding officer.

The oath of office shall be administered to new members.

The Board shall then proceed to the election of a President and a Vice- President and then the President shall act as the presiding officer.

Elections of officers shall be by roll-call majority vote of members physically present taken by the Treasurer/CFO.

If no such majority exists on the first vote, a second vote shall be cast for the two (2) candidates who receive the greatest number of votes. If no such majority exists on the second vote, subsequent votes shall be cast until one (1) candidate receives the greatest number of votes. The organizational meeting cannot adjourn until a President and Vice-President are elected.

Officers shall serve for one (1) year and until their respective successors are elected and shall qualify.

In the event that the office of President becomes vacant, the Vice-President shall succeed the President and the position of Vice-President shall be filled in the same manner as the election conducted at the organizational meeting.

## 0153 - **APPOINTEES/DESIGNEES**

At the organizational meeting, and throughout the calendar year, the Board may appoint those designees, delegates, and advisors as required and permitted by policies, contracts, and law.

#### **0154 - REGULAR MEETINGS OF THE BOARD**

At the time of the organization meeting, the Board shall fix the time for holding its regular meetings. Regular meetings shall be held at least once every two (2) months.

## 0155 - COMMITTEES

Consistent with Board policies, the Board may charge committees and/or sub-committees to conduct studies, make recommendations to the Board, and act in an advisory capacity, but shall not take action on behalf of the Board.

Whenever a committee and/or sub-committee meets for any pre-arranged discussion of public business of that committee or sub-committee, it shall abide by Bylaw 0165.2 for special meetings and the Ohio Sunshine Law as codified in R.C. 121.22 and applicable law. The law requires that the committee or sub-committee give public notice of each meeting as well as prepare, file, and maintain minutes of the proceedings. Such minutes shall also be available for inspection by the public. A committee and/or sub-committee may meet in executive session in accordance with the Ohio Sunshine Law as codified in R.C. 121.22 and applicable law.

## 0156 - APPOINTMENT OF LEGAL ADVISORS

Pursuant to R.C. 3313.35, the prosecuting attorney of the county in which the largest number of pupils supervised by the Board reside shall be the legal adviser of the Board. The prosecuting attorney shall prosecute all actions against a member or officer of a board for malfeasance or misfeasance in office, and the prosecuting attorney shall be the legal counsel of the Board and its officers in all civil actions brought by or against them and shall conduct such actions in the prosecuting attorney's official capacity. No compensation in addition to the prosecuting attorney's regular salary shall be allowed for such services.

When a civil action is between the Board and another board in the same county, the prosecuting attorney shall not be required to act for either of them.

The Board has the discretionary authority to employ private legal counsel (who is not the Law Director) to represent the Board and render legal services provided that such private legal counsel is paid from the school fund.

The Board also has the discretionary authority to employ legal counsel as "in-house" counsel for the Board.

#### 0162 - **QUORUM**

With respect to Board meetings, a simple majority of members present in person at a regular or special Board meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum. A simple majority of designees or committee/sub-committee members-

excluding ex-officio members - present in person at a designee meeting or committee/sub-committee shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

## **0163 - PRESIDING OFFICER**

The President shall preside at all regular and special meetings of the Board other than committee or sub-committee meetings. In the absence, disability, or disqualification of the President, the Vice-President shall act instead; if neither person is available, any member shall be designated by a majority of those present to preside. The act of any person so designated shall be legal and binding.



## 0164 - NOTICE OF MEETINGS

- A. At the time of the organization meeting, each Board shall fix the time for holding its regular meetings.
- B. Notice of the time, place, and purpose of each special meeting shall be provided consistent with Bylaw 0165.2 for special meetings and the Ohio Sunshine Laws (R.C. 121.22 and R.C. 3313.16) for all meetings of the Board.
- C. Any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings by reviewing the School District website or submitting a request to the Treasurer/CFO to be provided with electronic notification of same. And posting such meetings and material to the School District website shall establish a reasonable method by whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings.
- D. Any person may access the District website for time, date, agenda, and minutes of any regular, special, or emergency Board meetings.

## 0165.1 - REGULAR MEETINGS

Regular Board meetings shall be held at least once every two (2) months.

- A. It shall be the responsibility of the Superintendent to prepare an agenda of the items of business to come before the Board at each regular meeting.
- B. The agenda of the regular meetings or special meetings may be accompanied by a report from the Superintendent on information relating to the School District with any such recommendations as the Superintendent deems appropriate.
- C. The agenda for each regular meeting shall be mailed, emailed, or delivered to each Board member so as to provide proper time for the member to fully study the agenda.
- D. The Board shall transact business according to the approved agenda. The order of business may be altered, and items added at any meeting by a majority vote of the members present.

E. **Consent Agenda**

The Board may use a consent agenda. A member of the Board may request any item be removed from the consent resolution. No vote of the Board shall be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion.

F. **Rescheduled Regular Meeting**

The agenda for a rescheduled regular meeting shall be the agenda that had been established for that regular meeting and the agenda may be modified pursuant to "regular meeting" procedures detailed in Bylaw 0165.1 - Regular Meetings.

## 0165.2 - SPECIAL MEETINGS

A special meeting of the Board may be called by the Board President, Treasurer/CFO, or by any two (2) Board members by serving a written notice of the time and place of such meeting upon each member of the Board at least two (2) days prior to the date of such meeting. A special meeting of the Board's designees, committees, or sub-committees may be called by the Treasurer/CFO upon request of a designee or committee/sub-committee chairperson by serving a written notice of the time and place of such meeting upon each designee or committee/sub-committee member at least two (2) days prior to the date of such meeting. Such notices shall be signed by the official or members calling the meeting. Service by mail is good service.

The Board (or its designees, committees, or sub-committees as applicable) shall not hold a special meeting unless it gives at least twenty-four (24) hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action.

In the event of an emergency, the official or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

Special meetings of the Board shall be public. (R.C. 121.22 and R.C. 3313.16)

- A. Special meetings shall be called by the President or the Treasurer/CFO or by two (2) members of the Board by serving a written notice of the time and place of such meeting upon each Board member at least two (2) days in advance of the meeting. R.C. 3313.16.
- B. The agenda for a special meeting, other than a rescheduled regular meeting, is limited to the purpose set forth in the public notice that is provided at least twenty-four (24) hours in advance of the meeting. At the special meeting, the Board may only discuss those issues set forth on the agenda, whether in open session or executive session.

### 0165.3 – **RECESS/ADJOURNMENT**

The Board may adjourn or recess at any time. The recessed or adjourned meeting, when reconvened, shall take up its agenda at the point where the motion to adjourn or recess was acted upon.

Notice of a new meeting is required where a meeting is ended by adjournment.

Meetings may not be recessed from day to day but may be recessed for a period of time on a day scheduled for a regular or special meeting.

## 0166 - EXECUTIVE SESSION

The Board, as well as its designees, committees, and sub-committees, may hold an executive session only after a majority of a quorum of the Board (or its designees, committees, or sub-committees as applicable) determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the matters set forth in R.C. 121.22(G).

The motion and vote to hold that executive session shall state, with specificity, which one or more of the approved matters listed in R.C. 121.22(G) are to be considered at the executive session but shall not list any matter in which the Board (or its designees, committees, or sub-committees as applicable) has no intention of considering.

Upon receiving a second to the motion and a majority roll-call vote of those present and voting, the chairperson shall declare the Board as having recessed out of open session and into executive session.

No official action may be taken in executive session.

The chairperson of the Board (or its designees, committees, or sub-committees as applicable) ends its executive session and re-enters open session upon a simple declaration by the chairperson (i.e., no action is taken to end an executive session).

The Superintendent shall be responsible for advising the Board as to the proper executive session procedures for all executive sessions upon the consultation of legal counsel as needed.

## 0167 - **VOTING**

All motions shall require for adoption a simple majority vote of those present and voting, except as provided by statute, these bylaws, or parliamentary authority. Upon the demand of any member of the Board, the vote shall be recorded by roll call.

Unless a specified number of affirmative votes is required, an abstention shall be recorded and deemed to consent to the outcome of the voting. In situations in which a tie vote occurs and abstentions have been cast, the motion shall fail for lack of a majority.

All actions requiring a vote can be conducted by voice vote or show of hands, unless a roll-call vote is requested or required. A Board member shall be physically present at the meeting to vote. Each vote and abstention shall be recorded. Proxy voting is prohibited.

The Treasurer/CFO shall be responsible for advising the Board as to the number of votes needed for the adoption of any motion upon the consultation of legal counsel as needed.

#### **0167.1 - USE OF ELECTRONIC COMMUNICATION**

Private and public electronic communications are subject to the Ohio Sunshine Law (R.C. 121.22) and may constitute public records.

Any use of electronic communication between two or more Board members is discouraged.

## 0168 - MINUTES

The Treasurer/CFO shall record the proceedings of each meeting in a book to be provided by the Board for that purpose, which shall be a public record. All resolutions passed by the Board shall be memorialized in a manner that allows the public to access, understand, and comply with the actions of the Board.

If the Treasurer/CFO is absent from any meeting of the Board, the Board members present shall choose one of their number to serve in his/her place pro tempore.

At the next succeeding meeting, the record of proceedings at each meeting of the Board shall be read, corrected, and approved, which approval shall be noted in the proceedings. After such approval, the Board President shall sign the record and the Treasurer/CFO attest it.

By resolution, a Board may waive the reading of the record of any of its proceedings, provided that such record has been distributed to the members of the Board at least two (2) days prior to the date of the next succeeding meeting and that copies of such record are made available to the public and news media. Such regulation shall be in full force and effect until such time as amended or rescinded by the Board.



## 0169.1 - PUBLIC PARTICIPATION AT BOARD MEETINGS

There is no right for the public to participate in any regular or special meeting of the Board.

Whether public participation shall be permitted at any regular or special meeting of the Board shall be determined by the Board.

When public participation is permitted at any regular or special meeting of the Board, public participation shall be placed on the agenda at the end of all old and new business for a period not to exceed a total of fifteen (15) minutes.

The presiding officer of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business which shall be at the end of all old and new business.
- B. Individuals may not register others to speak during public participation.
- C. Participants shall be recognized by the presiding officer and shall be requested to preface the participant's comments by an announcement of the participant's name, address, and group affiliation when appropriate.
- D. Public participation shall be limited to a period not to exceed a total of fifteen (15) minutes.
- E. Within the maximum fifteen (15) minute public participation period, a participant shall be permitted to speak in the order in which the participant's name appears on the sign-in sheet until the fifteen (15) minute period expires. Upon expiration of the fifteen (15) minute period, there shall be no further public participation.
- F. Each statement made by a participant shall be limited to three (3) minutes duration.
- G. During the portion of the meeting designated for public participation, no participant may speak more than once on the same topic unless all others who wish to speak on that topic have been heard.
- H. All statements shall be directed to the presiding officer and no participant may address and/or question Board members individually.

- I. Tape and/or video recordings are permitted. The person operating the recorder shall contact the Superintendent prior to the Board meeting to review possible placement of the equipment, and shall agree to abide by the following conditions:
  1. No obstructions are created between the Board and the audience;
  2. No interviews are conducted in the meeting room while the Board is in session; and
  3. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.
- J. The presiding officer may:
  1. Interrupt, warn, or terminate a participant's session when they make comments that are repetitive, obscene, and/or comments that constitute a true threat (i.e., statements meant to frighten or intimidate one (1) or more specified persons into believing that they will be seriously harmed by the speaker or someone acting at the speaker's behest);
  2. Request any individual to stop speaking and/or leave the meeting when that person does not observe reasonable decorum;
  3. Request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the conduct and/or orderly progress of the meeting;
  4. Call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action; and/or
  5. Waive these rules, with the approval of the Board when necessary for the protection of privacy and/or the administration of the Board's business.

The Board may permit individuals to attend meetings remotely through live broadcast; however, public participation will be limited to those who are in attendance at the meeting site only. The Board is not responsible for any technology failures that prevent or disrupt any individual from attending remotely.

## **0169.2 - OPEN MEETINGS/SUNSHINE LAW**

Bylaw 0165.2 for special meetings and the Sunshine Law (R.C. 121.22 and R.C. 3313.16) apply to the Board, as well as its designees, committees, and sub-committees.







# **ADMINISTRATION**

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## 1100 – **DISTRICT ORGANIZATION**

The organization of this District shall be designed to meet the objectives set by the Board, ensure clear lines of authority and responsibility, and define each position with clarity.

The Superintendent shall be the chief executive officer of the District. The Superintendent shall define and establish those administrative positions required to implement the educational system and program of learning established by the Board. In each case, the Board shall approve the broad purpose and function of the position in harmony with applicable laws and regulations.

Responsibility shall flow clearly from the Superintendent through the administrative staff to the operational personnel.

It shall be the responsibility of the Superintendent to determine the need for and define operational requirements sufficient to ensure the smooth functioning of the District.

On occasion, the Superintendent may find it necessary to recommend to the Board the employment of specialists or consultants to maintain or support programs implemented by the Board in areas requiring specialized knowledge. These positions shall be considered by the Board on the merits of their potential contribution to the District and the specific conditions of the stated contract or agreement.



## **1121 - CRIMINAL HISTORY RECORD CHECK**

In accordance with applicable laws and regulations, the Board requires a criminal background check of each applicant the Superintendent recommends for employment on the District's professional staff as well as for current employees on a periodic basis. This requirement includes all substitutes and persons employed on a part-time basis such as coaches or activity supervisors. In addition, all professional staff members with a license, certificate, or permit issued by the Ohio Department of Education shall undergo a criminal background check as prescribed by law.

## 1130 - CONFLICT OF INTEREST

- A. The proper performance of school business is dependent upon the maintenance of unquestionably high standards of honesty, integrity, impartiality, and professional conduct by Board members, and the Board's employees, officers, and agents. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence in the District. For these reasons, the Board adopts the following guidance to assure that conflicts of interest do not occur. This guidance applies to all Board employees, officers, and agents, including members of the Board. This guidance is not intended to be all inclusive, nor to substitute for good judgment on the part of all employees, officers, and agents.
1. No employee, officer, or agent shall engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system.
  2. Employees, officers, and agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the Board.

Included, by way of illustration rather than limitation are the following:

- a. the provision of any private lessons or services for a fee;
- b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, officer's or agent's employment or professional relationship with the Board through his/her access to District records;
- c. the referral of any student or client/vendor for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals; and/or
- d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer, or agent or any business or professional practitioner with whom any employee, officer or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.

3. Employees, officers, and agents shall not make use of materials, equipment, or facilities of the District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.
- B. Exceptions to Part A of this policy shall be approved by the Superintendent **before** entering into any private relationship within the boundaries of the law. The Superintendent shall seek appropriate consultation before approving any exception.
  - C. Employees, officers, and agents cannot participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Employees, officers, and agents can not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.
  - D. To the extent that the District has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the District may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the District is unable, or appears to be unable, to be impartial.
  - E. Employees, officers, and agents shall disclose any potential conflict of interest which may lead to a violation of this policy to the District. Upon discovery of any potential conflict of interest, the District shall disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.
  - F. The District shall also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.
  - G. Employees, officers, and agents found to be in violation of this conflict-of-interest policy shall be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

## 1200 - STAFF ETHICS

The proper performance of school business and administration of an effective educational program requires the services of individuals of integrity, high ideals, and human understanding. To maintain and promote these essentials, the Board expects all administrators to maintain high standards in their working relationships, provide professional leadership in the District and community, and in the performance of their duties, to:

- A. recognize basic dignities of all individuals with whom they interact in the performance of duties;
- B. represent accurately their qualifications;
- C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;
- D. seek and apply the knowledge and skills appropriate to assigned responsibilities;
- E. keep in confidence legally confidential information;
- F. pledge that their actions and/or those of another on their behalf are not made with specific intent of advancing private economic interests;
- G. refuse to accept anything of value offered by another for the purpose of influencing judgment;
- H. refuse to accept compensation from any other source, other than the Board, for the performance of his/her official duties, any other act or service in his/her public capacity, for the general performance of the duties of his/her public employment, or as a supplement to his/her public compensation; and
- I. refrain from using his/her position or public property or permitting another person to use an employee's position or public property for partisan political or religious purposes. (This shall in no way limit constitutionally or legally protected rights as a citizen.)

In addition, the Board believes that each administrator should maintain standards of exemplary professional conduct by:

- A. making the well-being of students the fundamental value of all decision making and actions;
- B. fulfilling professional responsibilities with honesty and integrity;

- C. supporting the principle of due process and protecting the civil and human rights of all individuals;
- D. obeying local, State, and national laws;
- E. implementing the Board's policies, rules, and regulations;
- F. pursuing appropriate measure to correct those laws, policies, and regulations that are not consistent with sound educational goals;
- G. avoiding the use of his/her position for personal gain through political, social, religious, economic, or other influences;
- H. accepting academic degrees or professional certification only from duly accredited institutions;
- I. maintaining the standards and seeking to improve the effectiveness of the profession through research and continuing professional development; and
- J. honoring all contracts until fulfillment, release or dissolution mutually agreed upon by all parties to the contract.

## 1210 - **BOARD - SUPERINTENDENT RELATIONSHIP**

The Board believes that, in general, it is the primary duty of the Board to establish policies and that of the Superintendent to administer such policies. The Superintendent should be given the latitude to determine the best method of implementing the policies of the Board.

The Superintendent, as the chief executive officer of the District, is the primary professional advisor to the Board. S/He is responsible for the development, supervision, and operation of the school program and facilities.

The Board is responsible for determining the success of the Superintendent in meeting the goals established by the Board through evaluation(s) of the Superintendent's performance.

## 1214 - STAFF GIFTS

The Board considers the presentation of gifts to professional staff members by students and their parents an undesirable practice because it tends to embarrass students with limited means and gives the appearance of currying favor.

Based on the foregoing premise, it is the policy of the Board that professional staff members may accept gifts of nominal value from students or parents provided the total value is nominal.

The Superintendent may approve acts of generosity to individual staff members in unusual situations. However, at no time may a staff member accept compensation from any other source, other than the Board, for the performance of his/her official duties, any other act or service in his/her public capacity, for the general performance of the duties of his/her public employment, or as a supplement to his/her public compensation.

Professional staff members shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Furthermore, professional staff members shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, professional staff members who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the District, or a vendor with whom the District is doing business, whereby an individual professional staff member receives compensation in any form for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a professional staff member receives such compensation, albeit unsolicited, from a vendor, the professional staff member shall notify the Treasurer/CFO, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Treasurer/CFO.

## 1216 - STAFF DRESS AND GROOMING

The Board believes that professional staff members set an example in dress and grooming for their students to follow. A professional staff member who understands this precept and adheres to it enlarges the importance of his/her task, presents an image of dignity, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

The Board retains the authority to specify the following dress and grooming guidelines for staff that shall prevent such matters from having an adverse impact on the educational process. When assigned to District duty, all professional staff members shall:

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their professional responsibilities;
- C. dress in a manner that communicates to students a pride in personal appearance;
- D. dress in a manner that does not cause damage to District property; and
- E. be groomed in such a way that their hair style or dress does not disrupt the educational process nor cause a health or safety hazard.



## 1217 - WEAPONS

The Board prohibits professional staff members from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.

The term “weapon” includes any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, incendiary devices, explosives, and other objects defined as dangerous ordinances under State law.

The Superintendent shall refer a staff member who violates this policy to law enforcement officials, regardless of whether such staff member possesses a valid concealed weapon license. The staff member shall also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy.

Exceptions to this policy include:

- A. weapons under the control of law enforcement personnel;
- B. items approved by the Superintendent as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved (working firearms and ammunition shall never be approved);
- C. theatrical props used in appropriate settings; and
- D. starter pistols used in appropriate sporting events.

Staff members shall report any information concerning weapons and/or threats of violence by students, staff members, or visitors to the Superintendent. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

The Board directs the Superintendent to post notices prohibiting the carrying and possession of concealed weapons in a school safety zone, including schools and school buildings, on school premises and school buses, and at school activities. The notices shall contain a statement substantially in the following form:

Unless otherwise authorized by law, pursuant to Ohio Revised Code 2923.122, no person shall knowingly possess, have under the person’s control, convey, or attempt to convey a deadly weapon or dangerous ordinance into a school safety zone.

The Superintendent shall conspicuously post such notices at each entrance of a school and/or school building and in areas inside the building where visitors are required to report. Notices shall also be posted at each entrance leading into a school activity (particularly those activities held outside of the school building) and parcel of land. Further, notices shall be posted in each school bus and other Board-owned vehicle, including a school van.

## **1220 - EMPLOYMENT OF THE SUPERINTENDENT**

The Board vests the primary responsibility for administration of this District in the Superintendent. The appointment of the Superintendent is, therefore, one of the most important functions the Board can perform.

Whenever the position of Superintendent shall be vacant, the Board shall appoint a Superintendent as chief executive officer.

The Board shall appoint a Superintendent who meets the qualifications established by the Board.

The Superintendent so appointed shall devote himself/herself exclusively to the duties of his/her office.

Any candidate's intentional misstatement of fact material to his/her qualification for employment or the determination of his/her salary shall be considered by this Board to constitute grounds for his/her dismissal.

Prior to employment, the candidate selected shall also pass a background check performed by the Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation.

## 1220.01 - PICK-UP ON THE PICK-UP SUPERINTENDENT

The Board of Education has adopted a “pick-up on the pick-up” plan under both the State Teachers Retirement System of Ohio (“STRS”) and State Employees Retirement System of Ohio (“SERS”)

This “pick-up on the pick-up” of the total amount of employee contributions required to STRS and/or SERS shall only be contributed to the following class of employees:

- A. the R.C. 3319.01 position of the Superintendent,
- B. the R.C. 3313.22 position of the Treasurer, and
- C. those Board employees for whom an applicable collective bargaining agreement specifically provides for a “pick-up” of the total amount of employee contributions required to STRS and/or SERS.

For the above class of employees, the Board shall pay the employee’s entire share of the employee contribution of any and all STRS/SERS contributions as required by the laws of the State of Ohio.

This “pick-up on the pick-up” plan shall include payment of the entire employee STRS/SERS contribution by the Board as additional compensation to the employee.

This “pick-up on the pick-up” plan shall include payment of the employee’s entire employee STRS/SERS contribution by the Board in the employee’s salary for STRS/SERS retirement purposes.

This “pick-up on the pick-up” plan is a mandatory condition of employment for the above class of employees.

The above class of employees are prohibited from opting out of the “pick-up on the pick-up” plan.

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## 1230 - **RESPONSIBILITIES OF THE SUPERINTENDENT**

The Superintendent's job duties and responsibilities shall be determined by R.C. 3319.01 and the Board.

The Superintendent shall be the Board's chief executive for the matters identified by the Board's policies and those matters assigned to the Superintendent by the Board. The Board expects that at all times, the Superintendent shall work in good faith with the Board to maintain a professional, collaborative Board-Superintendent working relationship.

The Board expects that the Superintendent shall at all times:

- A. demonstrate professionalism, integrity, accountability, and educational leadership;
- B. collaborate with the Board and the District's Treasurer/CFO in the achievement of District goals and priorities;
- C. not cause or allow any District practice, activity, decision, or circumstance that is either imprudent, dishonest, unlawful or in violation of commonly accepted educational, management or professional ethics and practices;
- D. retain employees in accordance with Board approved salary schedules on a temporary basis pending the next meeting at which the Board can act; and
- E. maintain and expand programs, services, and opportunities.

### **Communication with the Board**

The Board expects that, at all times, the Superintendent shall keep the Board informed and supported in the Board's work. The Board shall expect the Superintendent to:

- A. submit data to the Board in a timely, accurate and understandable fashion, directly addressing the matter at issue and including the Superintendent's analysis and interpretations;
- B. make the Board aware of any actual or anticipated noncompliance with any of the Board's policies, or applicable law, regardless of the Board's meeting schedule;
- C. provide the Board with decision information required periodically by the Board and make the Board aware of relevant events or trends;
- D. present information to the Board in a concise and useable form; and

- E. deal with the Board in a way that does not favor or privilege certain Board members over others, except when responding to Board officers or committees duly charged by the Board.

## **1230.01 - DEVELOPMENT OF ADMINISTRATIVE GUIDELINES**

The bylaws and policies established by the Board shall govern the operation of the District consistent with the law. There shall be no administrative guidelines.

The Superintendent may develop procedures for the efficient operation of the District but any such procedures shall not constitute Board bylaws or policies. Nor shall any such procedures be binding upon the Board as a matter of law by virtue of creating a duty, contractual obligation, right, or other legal obligation upon the Board.

## 1231 - **OUTSIDE ACTIVITIES OF ADMINISTRATORS**

Staff members should avoid situations in which their personal interests, activities, and associations conflict with the interests of the District. If such situations threaten a staff member's effectiveness within the school system, the Superintendent and/or Board shall evaluate the impact of such interest, activity, or association upon the staff member's responsibilities.

Staff members may not dedicate work time to an outside interest, activity, or association.

Staff members may not use school property or school time to solicit or accept customers for private enterprises.

Staff members may not engage in business transactions on behalf of private enterprises in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information that the employee has obtained or may obtain by reason of his/her position or authority.

Staff members may not campaign on school property during working hours on behalf of any political issue, or candidate for local, State, or National office. The constitutional right to express political and other opinions as citizens is reserved to all employees.

Staff members should refrain from expressions that disrupt the efficient operation of the school and/or interfere with the maintenance of discipline by school officials.

Unless expressly approved by the Superintendent, staff members may not accept fees for tutoring when such tutoring is conducted during the normal workday.

Similarly, unless expressly approved by the Superintendent, staff members may not accept fees for remedial tutoring of students currently enrolled in one (1) or more of their classes.



## 1231.01 - RESEARCH AND PUBLISHING

- A. Staff members are encouraged to contribute articles to professional publications and to engage in approved professional research.
- B. Materials that are considered for publication and/or production, which identify the District in any manner, shall be cleared with the Superintendent prior to publication and/or production.
- C. Publications and productions shall be subject to the following copyright provisions:
  - 1. Rights to copyrights or patents of books, materials, devices, etc. developed by staff members on their own time shall be relinquished by the Board upon request of the staff member provided that:
    - a. the books, materials, devices, etc. were prepared without the use of Board data, facilities, and/or equipment;
    - b. the Board is granted the privilege of purchasing the materials or products free of any copyright or royalty charges;
    - c. the staff member does not become involved in any way in the selling of the product to the Board.

The final decision regarding whether materials were produced independent of any work assignment, and/or without using school equipment, facilities, data, or equipment rests with the Superintendent.

Staff members who desire to publish or produce materials on their own time should make such action known to the Superintendent prior to the time such work is started in order that proper procedures can be established to assure that Board interests and the interests of the staff member are protected.

- 2. All books, materials, devices, or products that result from the paid work time and/or prescribed duties of staff members shall remain the property of the Board. The Board shall retain all rights and privileges pertaining to the ownership thereof.

In the event that any of these products have commercial possibilities, the Superintendent is authorized to secure copyrights, patents, etc. that protect the Board's ownership of the product.

The Superintendent is authorized to negotiate with appropriate agencies for the production and distribution of products with commercial appeal. Such negotiations shall seek fair and appropriate compensation, including sharing of royalties, for the staff member(s) who developed the products.

## 1240 - EVALUATION OF THE SUPERINTENDENT

The performance of the Superintendent shall be monitored systematically.

### **Performance Monitoring**

The Board, as in its discretion it judges appropriate, may periodically monitor the Superintendent's performance throughout the evaluation year. Monitoring shall:

- A. determine the degree to which the Board's expectations and the Superintendent's annual performance goals are being met; and
- B. provide the opportunity for dialogue between the Board and the Superintendent on performance-related matters.

The Board may acquire monitoring data by one (1) or more of three (3) methods:

- A. by Superintendent report, in which the Superintendent reports information and documents performance-related matters to the Board;
- B. by external verification, in which an external, disinterested third party selected by the Board assesses performance and compliance with Board policies; or
- C. by direct Board evaluation, in which the Board assesses performance and compliance with the Board's policies.

The Board may monitor performance at any time, by any of the three (3) methods cited above.

### **Annual Performance Evaluation**

The Board shall conduct a formal summative evaluation of the Superintendent. The summative evaluation shall utilize information collected during the year from performance monitoring.

As part of the evaluation, the Board and Superintendent shall engage in dialogue on the Superintendent's performance towards the annual performance goals and the Board's expectations.

The Board shall prepare a written evaluation document, consisting of:

- A. the Board's consensus conclusion on whether or not each annual performance goal has been achieved or reasonable progress has been made towards its achievement;
- B. the Board's consensus conclusion on whether or not each expectation has been achieved or reasonable progress has been made towards its achievement; and

- C. the Board's consensus comments regarding the Superintendent's performance during the year.

The Board shall make the final determination as to whether or not any performance goal or expectation has been achieved or reasonable progress has been made.

### **Development of Evaluation Procedures**

The Board shall develop procedures to carry out this policy. The evaluation procedures may be amended at any time as determined by the Board.

The Board shall periodically monitor and discuss the evaluation procedures. Self-monitoring shall include comparison of the Board's activity and procedures with the principles set forth in the Board's policies.

The establishment of an evaluation procedure shall not create the expectation of continued employment. The Board shall be responsible for any final determination regarding the Superintendent's employment.

#### 1240.01 - **NON-REEMPLOYMENT OF THE SUPERINTENDENT**

The non-reemployment of the Superintendent shall be consistent with the law.

If the Superintendent fails to maintain required licensure throughout the term of employment, the Superintendent shall be immediately suspended without pay and such failure is grounds for termination.

## **1260 - INCAPACITY OF THE SUPERINTENDENT**

The incapacity of the Superintendent shall be determined consistent with the law as shall the appointment of a Superintendent Pro Tempore.

## **1266 - NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

### **Introduction**

The Board does not discriminate on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When the Board has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. Board employees, students, third-party vendors and contractors, guests, and other members of the School Board community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the Board's education programs and activities.

### **Coverage**

This policy applies to Sexual Harassment that occurs within the Board's education programs and activities and that is committed by a member of the School Board community or a Third Party.

This policy does not apply to Sexual Harassment that occurs off school grounds, in a private setting, and outside the scope of the Board's education programs and activities; such Sexual Misconduct/Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, Board policies, or applicable State and/or Federal laws.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the Board's education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by Board policies, applicable State and/or Federal laws if committed by a Board employee.

## Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

**Sexual Harassment:** “Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

- A. A Board employee conditioning the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct (often called “quid pro quo” harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board’s education program or activity; or
- C. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)A(v), or “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30). “Sexual assault” means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.
  - 1. Rape is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. Attempted rape is included.
  - 2. Sodomy is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - 3. Sexual Assault with an Object is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
  - 4. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim,



including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

5. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
  6. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent as defined by State law.
  7. Consent refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
  8. Incapacitated refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.
- D. “Domestic violence” includes felony or misdemeanor crimes of violence committed by:
1. A current or former spouse or intimate partner of the victim;
  2. A person with whom the victim shares a child in common;
  3. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  4. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
  5. Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.
- E. “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- F. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress.

**Complainant:** “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

**Respondent:** “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**Formal Complaint:** “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the Board investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the Board, a Complainant must be participating in or attempting to participate in the Board’s education program or activity. A “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Actual Knowledge:** “Actual knowledge” means notice of Sexual Harassment or allegations of Sexual Harassment to the Board’s Title IX Coordinator, or any Board official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the Board. “Notice” includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. This standard is not met when the only Board official with actual knowledge is the Respondent.

**Supportive Measures:** “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the Districts’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Board’s educational environment, or deter Sexual Harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus District services, mutual restrictions of contact between the parties, changes in work locations), leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), and other similar measures.

**Education Program or Activity:** “Education program or activity” refers to all operations of the Board including, but not limited to, in-person and online educational instruction, employment,

extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Board. It also includes locations, events and circumstances that take place off-school property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

**School Board community:** “School Board community” refers to students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

**Third Parties:** “Third Parties” include, but are not limited to, guests and/or visitors on School Board property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the Board, and other individuals who come in contact with members of the School Board community at school-related events/activities (whether on or off Board property).

**Inculpatory Evidence:** “Inculpatory evidence” is evidence that tends to establish a Respondent’s responsibility for alleged Sexual Harassment.

**Exculpatory Evidence:** “Exculpatory evidence” is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

**Day(s):** Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays),

**Eligible Student:** “Eligible Student” means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

### **Title IX Coordinator(s)**

The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Principal  
Baker Elementary School  
4095 Sheridan Drive  
Vienna, Ohio 44473  
(330) 637-3500

or

Special Education Supervisor  
Mathews High School  
4429 Warren-Sharon Road

Vienna, Ohio 44473  
(330) 637-3500

The Title IX Coordinator shall report directly to the Superintendent. Questions about this policy should be directed to the Title IX Coordinator.

The Superintendent shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, and Board employees with the Board of the following information:

The Board of the Mathews Local School District does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board's Title IX Coordinator is:

Principal  
Baker Elementary School  
4095 Sheridan Drive  
Vienna, Ohio 44473  
(330) 637-3500

or

Special Education Supervisor  
Mathews High School  
4429 Warren-Sharon Road  
Vienna, Ohio 44473  
(330) 637-3500

Any inquiries about the application of Title IX and its implementing regulations to the Board may be referred to the Title IX Coordinator, the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process and procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process and procedures are included in Policy 1266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: <https://go.boarddocs.com/oh/math/Board.nsf/Public>. The grievance process and procedures specifically address how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the Board will respond.

The Superintendent shall also prominently display the Title IX Coordinator's(s') contact information – including name(s) and/or title(s), phone number(s), office address(es), and e-mail address(es) – and this policy on the Board's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, and Board employees.

### **Grievance Process and Procedures**

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The Board's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this Grievance Process before imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the Board's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

### **Report of Sexual Discrimination/Harassment**

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s). Anonymous reports may be submitted using the online reporting form posted at <https://www.mathewslocal.org>.

Students, Board members, and Board employees are required, and other members of the School Board community, and Third Parties) are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Board employee, who will in turn notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and District in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the Superintendent, or another Board employee who, in turn, will notify the Superintendent of the report. The Superintendent will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment.

The Board does business with various vendors, contractors, and other third parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or third-party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in Board policies, the applicable Student Code of Conduct, and/or the applicable Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment, if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to R.C. 2151.412 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

If a Board employee fails to report an incident of Sexual Harassment of which the Board employee is aware, the Board employee may be subject to disciplinary action, up to and including termination.

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under 18 years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any

supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the Board to provide the supportive measures.

**Emergency Removal:** Subject to limitations and/or procedures imposed by State and/or Federal law, the Board may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the Board determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Student, Policy 5610.03 – Emergency Removal of Students, and Policy 5611 – Due Process Rights.

If the Respondent is a non-student employee, the Board may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the School Board community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

### **Formal Complaint of Sexual Harassment**

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above and by using the online reporting form posted at <https://www.mathewslocal.org>.

When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, the Board will follow its Grievance Process and Procedures, as set forth herein. Specifically, the Board will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person’s status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly make false statements or knowingly submit false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee/Administrator Handbook.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

## Timeline

The Board will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities.

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the Board's grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:
  - 1. Include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  - 2. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
  - 3. Inform the parties of any provision in the Student Code of Conduct, this policy, and/or the Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Title IX Coordinator may serve as the investigator.

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide



whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

### **Dismissal of a Formal Complaint**

The Board shall investigate the allegations in a Formal Complaint, unless the conduct alleged in the Formal Complaint:

- A. Would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. Did not occur in the Board's education program or activity; and/or
- C. Did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator shall dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, the Board may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Title IX Coordinator may dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation:

- A. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. The Respondent is no longer enrolled in the Board or employed by the Board; or
- C. Specific circumstances prevent the Board from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

### **Consolidation of Formal Complaints**

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

### **Informal Resolution Process**

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;
- B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a Board employee sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

## **Investigation of a Formal Complaint of Sexual Harassment**

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the Board, not the parties.

In making the determination of responsibility, the decision-maker(s) is(are) directed to use the clear and convincing evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The Board is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the Board with voluntary, written consent to do so; if a student party is not an Eligible Student, the Board must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. Present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. Have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The Board may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

No person is allowed to audio record or video record any meeting or grievance proceeding.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The Board will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one (1) days' notice with respect to investigative interviews.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the Board does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the investigator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior the decision-maker(s) issuing a determination regarding responsibility.

### **Determination of Responsibility**

The Superintendent shall be the decision-maker to issue a determination of responsibility unless a conflict exists in which case the Title IX Coordinator shall appoint another decision-maker. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

**Determination regarding responsibility:** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the clear and convincing evidence standard.

The written determination will include the following content:

- A. Identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the Board impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the Board's education program or activity should be provided by the Board to the Complainant(s); and
- F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

The following disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. Informal Discipline
- B. Formal Discipline

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable policies. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

The following disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. Verbal or written warning;

- B. Written reprimands;
- C. Performance improvement plan;
- D. Required counseling;
- E. Required training or education;
- F. Demotion;
- G. Suspension with pay;
- H. Suspension without pay; and/or
- I. Termination, and any other sanction authorized by any applicable Employee/Administrator Handbook.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, and Board policy.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the School Board community or Third Party who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. Verbal or written warning;
- B. Suspension or termination/cancellation of the Board's contract with the third-party vendor or contractor;
- C. Mandatory monitoring of the third-party while on school property and/or while working/interacting with students;
- D. Restriction/prohibition on the third-party's ability to be on school property; and
- E. Any combination of the same.

If the decision-maker(s) determines the third-party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate

remedies, including imposition of sanctions. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately imposing a disciplinary sanction/consequence, the Superintendent will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances.

The Board's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process and procedures, the Superintendent may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

The Title IX Coordinator is responsible for effective implementation of any remedies.

## **Appeal**

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter; and
- D. The recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the Sexual Harassment).

The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within five (5) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent from imposing any remedy, including disciplinary sanction, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers. As a general rule, the Superintendent shall be the decision-maker for the appeal.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The decision-maker(s) for the appeal shall determine when each party's written statement is due. The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker(s)' determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

## **Retaliation**

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex



discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **Confidentiality**

The Board will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the Board's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

### **Application of the First Amendment**

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution and the principles of academic freedom. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment and/or the principles of academic freedom.

### **Training**

The Board's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. The definition of Sexual Harassment (as that term is used in this policy);

- B. The scope of the Board’s education program or activity;
- C. How to conduct an investigation and implement the grievance process, appeals and informal resolution processes, as applicable; and
- D. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

## **Recordkeeping**

As part of its response to alleged violations of this policy, the Board shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the Board shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Board’s education program or activity. If the Board does not provide a Complainant with supportive measures, then the Board will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the Board in the future from providing additional explanations or detailing additional measures taken.

The Board shall maintain for a period of seven (7) calendar years the following records:

- A. Each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the Board’s education program or activity;
- B. Any appeal and the result therefrom;
- C. Any informal resolution and the result therefrom; and
- D. All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

The Board will make its training materials publicly available on its website. If a person is unable to access the Board’s website, the Title IX Coordinator will make the training materials available upon request for inspection by members of the public.

## **Outside Appointments, Dual Appointments, and Delegations**

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX

Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains discretion to appoint two or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Superintendent may delegate functions assigned to a specific Board employee under this policy, including, but not limited to, the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation may be decided by the Superintendent at any time.

### **Discretion in Application**

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

## **1310 - EMPLOYMENT OF THE TREASURER**

The Board vests the primary responsibility for the financial affairs of the District in the Treasurer. The appointment of the Treasurer is, therefore, one of the most important functions the Board can perform.

Whenever the position of Treasurer shall be vacant, the Board shall appoint a Treasurer as Chief Financial Officer. The Board shall appoint a Treasurer who meets the qualifications established by the Board.

The Treasurer so appointed shall devote himself/herself exclusively to the affairs of his/her duties, unless otherwise approved by the Board.

In lieu of executing a surety bond, the Board may authorize the Treasurer to be covered by an insurance policy issued by a Board-approved and accredited insurance carrier or joint self-insurance pool. The policy must cover the Board from losses caused by the fraudulent or dishonest actions of, and the failure to perform a duty prescribed by law of the Treasurer or other employee. Coverage must be equal to or greater than the amount required by the Board for a surety bond. The Treasurer shall deposit with the President of the Board a certified copy of documentation from the insurance provider that evidence proof of coverage before the employee is considered qualified for the position or undertakes official duties.

**1310.01 - PICK-UP ON THE PICK-UP TREASURER**

Board Policy 1220.01 shall be considered to be incorporated herein.

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## 1320 - DUTIES OF THE TREASURER

The Treasurer's job duties and responsibilities shall be determined by R.C. 3313.22, applicable laws and regulations, and the Board.

The Treasurer shall be the Board's chief fiscal officer for the matters identified by the Board's policies and those matters assigned to the Treasurer by the Board and law. The Board expects that at all times, the Superintendent shall work in good faith with the Board to maintain a professional, collaborative Board-Treasurer working relationship.

The Board expects that the Treasurer shall at all times:

- A. demonstrate professionalism, integrity, accountability, and fiscal leadership;
- B. collaborate with the Board and the District's Superintendent/CEO in the achievement of District goals and priorities;
- C. not cause or allow any District practice, activity, decision, or circumstance that is either imprudent, dishonest, unlawful or in violation of commonly accepted educational, management or professional ethics and practices;
- D. pursuant to applicable laws and regulations and Board policy, to make investments on interim and inactive funds;
- E. pursuant to applicable laws and regulations and without further action by the Board, pay bills within allocated appropriations as approved by the Board;
- F. transfer and advance monies among the accounts of any fund and between accounts of differing funds pursuant to applicable laws and regulations; and
- G. maintain and expand programs, services, and opportunities.

## **Communication with the Board**

The Board expects that the Treasurer/CFO shall at all times keep the Board informed and supported in the Board's work. The Board shall expect the Treasurer/CFO to:

- A. submit data to the Board in a timely, accurate and understandable fashion, directly addressing the matter at issue and including the Superintendent's analysis and interpretations;
- B. make the Board aware of any actual or anticipated noncompliance with any of the Board's policies, or applicable law, regardless of the Board's meeting schedule;
- C. provide the Board with decision information required periodically by the Board and make the Board aware of relevant events or trends;
- D. present information to the Board in a concise and useable form;
- E. deal with the Board in a way that does not favor or privilege certain Board members over others, except when responding to Board officers or committees duly charged by the Board.

## 1330 - EVALUATION OF THE TREASURER

The performance of the Treasurer shall be monitored systematically.

### **Performance Monitoring**

The Board, as in its discretion it judges appropriate, may periodically monitor the Treasurer's performance throughout the evaluation year. Monitoring shall:

- A. determine the degree to which the Board's expectations and the Treasurer's annual performance goals are being met; and
- B. provide the opportunity for dialogue between the Board and the Treasurer on performance-related matters.

The Board may acquire monitoring data by one (1) or more of three (3) methods:

- A. by Treasurer report, in which the Treasurer reports information and documents performance-related matters to the Board;
- B. by external verification, in which an external, disinterested third party selected by the Board assesses performance and compliance with Board policies; or
- C. by direct Board evaluation, in which the Board assesses performance and compliance with the Board's policies.

The Board may monitor performance at any time, by any of the three (3) methods cited above.

### **Annual Performance Evaluation**

The Board shall conduct a formal summative evaluation of the Treasurer. The summative evaluation shall utilize information collected during the year from performance monitoring.

As part of the evaluation, the Board and Treasurer shall engage in dialogue on the Treasurer's performance towards the annual performance goals and the Board's expectations for the Treasurer.

The Board shall prepare a written evaluation document, consisting of:

- A. the Board's consensus conclusion on whether or not each annual performance goal has been achieved or reasonable progress has been made towards its achievement;
- B. the Board's consensus conclusion on whether or not each Global Expectation has been achieved or reasonable progress has been made towards its achievement; and



- C. the Board's consensus comments regarding the Treasurer's performance during the year.

The Board shall make the final determination as to whether or not any performance goal or expectation has been achieved or reasonable progress has been made.

### **Development of Evaluation Procedures**

The Board shall develop procedures to carry out this policy. The evaluation procedures may be amended at any time as determined by the Board.

The Board shall periodically monitor and discuss the evaluation procedures. Self-monitoring shall include comparison of the Board's activity and procedures with the principles set forth in the Board's policies.

The establishment of an evaluation procedure shall not create the expectation of continued employment. The Board shall be responsible for any final determination regarding the Treasurer's employment.

## 1340 - **NON-REEMPLOYMENT OF THE TREASURER**

The non-reemployment of the Treasurer shall be consistent with the law.

If the Treasurer fails to maintain required licensure throughout the term of employment, the Treasurer shall be immediately suspended without pay and such failure is grounds for termination.

A Treasurer is automatically disqualified from service for failing to hold a valid Treasurer's license. In addition, a Treasurer who is unable to secure a surety bond or insurance policy as required by law is not considered an "otherwise qualified Treasurer," and is similarly disqualified from service. Otherwise, the termination of the Treasurer's contract shall be in accordance with R.C. 3319.16 for good and just cause.

#### **1350 - INCAPACITY OF THE TREASURER**

The incapacity of the Treasurer shall be determined consistent with the law as shall the appointment of a Treasurer Pro Tempore.

## 1400 - **JOB DESCRIPTIONS**

The Board recognizes that it is essential for District and employee accountability for each administrator to be fully aware of the duties and responsibilities of the administrator's position. Job descriptions document and describe the essential functions for administrative positions and thereby promote organizational effectiveness and efficiency. Therefore, the Board shall maintain continuously a comprehensive, coordinated set of job descriptions for administrative positions.

## 1411 - WHISTLEBLOWER PROTECTION

The Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable laws and regulations, and Board policies. The Board encourages staff to report possible violations of these Board expectations to their immediate supervisors.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates applicable laws and regulations, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee may report to the Superintendent. If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

After such a report is made, the immediate supervisor shall ask that employee's report be put in writing. Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct, and they do not make a report confirmed in writing to their immediate supervisor.

In the case of reporting suspected fraud or fraudulent activity, an employee may file a report using the Auditor of State's system for reporting fraud. This reporting mechanism may be used either in addition to or instead of filing a written report with the employee's supervisor or other District authority.

## **1415 - SEVERANCE**

### **Superintendent**

The Board provides the same severance benefits as those set forth in R.C. 124.39(B) for the Superintendent. Pursuant to R.C. 124.39(C), if the Superintendent dies during employment with the Board, the Superintendent's unused sick leave shall be paid in accordance with R.C. 2113.04 and applicable laws or to the Superintendent's estate with the "date of passing" serving as the "date of retirement" for the purposes of this severance payment.

For purposes of this policy, "retirement" means service retirement under the State Teachers Retirement System of Ohio and/or the School Employees Retirement System of Ohio.

### **Treasurer**

The Board provides the same severance benefits as those set forth in R.C. 124.39(B) for the Treasurer. Pursuant to R.C. 124.39(C), if the Treasurer dies during employment with the Board, the Treasurer's unused sick leave shall be paid in accordance with R.C. 2113.04 and applicable laws or to the Treasurers' estate with the "date of passing" serving as the "date of retirement" for the purposes of this severance payment.

For purposes of this policy, "retirement" means service retirement under the State Teachers Retirement System of Ohio and/or the School Employees Retirement System of Ohio.

### **Administrators**

The Board provides the same severance benefits as those set forth in R.C. 124.39(B) for the Administrators. Pursuant to R.C. 124.39(C), if the Administrator dies during employment with the Board, the Administrator's unused sick leave shall be paid in accordance with R.C. 2113.04 and applicable laws or to the Administrator's estate with the "date of passing" serving as the "date of retirement" for the purposes of this severance payment.

Payment of severance pay shall eliminate all obligations of the Board at the time of retirement from any further payment or restoration of sick leave unused.

For purposes of this policy, "retirement" means service retirement under the State Teachers Retirement System of Ohio and/or the School Employees Retirement System of Ohio.

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1416 – **“PICK-UP THE PICK-UP PLAN”**

Board Policy 1220.01 shall be considered to be incorporated herein.

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## **1417 - HOLIDAY**

### **Superintendent, Treasurer, and Administrators**

The Superintendent, Treasurer, and Administrators shall receive the same paid holidays that non-teaching employees are entitled to in accordance with R.C. 3319.087 as applicable.

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## 1419.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The Board provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

- A. Medical Plan;
- B. Prescription Drug Plan;
- C. Dental Plan;
- D. Vision Plan; and
- E. Life Insurance

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (“HIPAA”) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (“GINA”). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The fully insured group health plans established by the Board shall:

- A. Refrain from taking any retaliatory action against any individual from exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.
- B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.
- C. If the plan document is amended in accordance with the Privacy Rule, the plan shall retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

- A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.

- B. Information on whether an individual is participating in a group health plan or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

## 1422 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Board does not discriminate on the basis of race, color, national origin, sex, disability, age, religion, military status, ancestry, genetic information (collectively, “Protected Classes”), or any other legally protected category, in its programs and activities, including employment opportunities.

### **Definitions:**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means a business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

For purposes of this policy, “military status” refers to a person's status in the uniformed services, which includes the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

### **District Compliance Officer(s)**

The Board designates the following individual(s) to serve as the District’s “Compliance Officer” (also known as “Civil Rights Coordinator”).

Principal  
Baker Elementary School  
4095 Sheridan Drive  
Vienna, Ohio 44473  
(330) 637-3500

or

Special Education Supervisor  
Mathews High School  
4429 Warren-Sharon Road  
Vienna, Ohio 44473  
(330) 637-3500

The Compliance Officer is responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The Compliance Officer shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public.

### **Reports and Complaints of Unlawful Discrimination and Retaliation**

Employees are required to report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other District-level official so that the Board may address the conduct. Any administrator, supervisor, or other District-level employee or official who receives such a report shall file it with the Compliance Officer within two (2) school days if possible.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, shall not adversely affect the Complainant's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known, and potential witnesses are available.

The Compliance Officer shall be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The Compliance Officer shall accept reports of unlawful discrimination/retaliation directly from any member of the District community or a Third Party, or receive reports that are initially filed with another Board employee. Upon receipt of a report of alleged discrimination/retaliation, the Compliance Officer will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or the Compliance Officer shall designate a specific individual to conduct such a process. The

Compliance Officer shall provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the Compliance Officer shall prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the District community shall report incidents of discrimination/retaliation that are reported to them to the Compliance Officer within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to the Compliance Officer within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the Compliance Officer or designee must contact the Complainant within two (2) business days to advise of the Board's intent to investigate the wrongdoing.

### **Investigation and Complaint Procedure**

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 — Nondiscrimination on the Basis of Sex in Education Programs or Activities — any employee who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation shall be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights, the Ohio Civil Rights Commission ("OCRC") or Equal Employment Opportunity Commission ("EEOC").

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the District community and a student shall be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct that it is inappropriate and shall stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The Compliance Officer is available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination) Compliance Officer may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing to the Compliance Officer and/or the Superintendent or designee.

All informal complaints shall be reported to the Compliance Officer who shall either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The District's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate concerns to the Respondent.
- B. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint shall be resolved, the Compliance Officer or designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint.

And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process shall be retained by the Compliance Officer in accordance with the Board's records retention policy.

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer(s) determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

A Complainant may file a formal complaint, either orally or in writing, with the Compliance Officer and/or the Superintendent or designee. Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs the Superintendent or designee, either orally or in writing, about any complaint of discrimination/retaliation, that employee shall report such information to the Compliance Officer within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints shall include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer shall prepare a written summary of the oral interview, and the Complainant shall be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer shall consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions the Compliance Officer deems appropriate in consultation with the Superintendent or designee.

Within two (2) business days of receiving the complaint, the Compliance Officer or designee shall initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the Compliance Officer shall inform the Respondent that a formal complaint has been received. The Respondent shall be informed about the nature of the allegations and provided with a copy of any relevant policies, including this policy. The Respondent shall also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee shall attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation shall include:

- A. Interviews with the Complainant;
- B. Interviews with the Respondent;
- C. Interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and
- D. Consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or designee shall prepare and deliver a written report to the Superintendent or designee that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and applicable law as to whether the Respondent has engaged in unlawful discrimination/retaliation of the Complainant. The Compliance Officer or designee's recommendations shall be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard shall be used. The Compliance Officer or designee may consult with the Board's legal counsel before finalizing the report to the Superintendent or designee.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or designee, the Superintendent or designee shall either issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent or designee's final decision shall be delivered to both the Complainant and the Respondent.

If the Superintendent or designee requests additional investigation, the Superintendent or designee shall specify the additional information that is to be gathered, and such additional investigation shall be completed within five (5) business days. At the conclusion of the



additional investigation, the Superintendent or designee shall issue a final written decision as described above.

If the Superintendent or designee determines that the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent or designee shall identify what corrective action shall be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The decision of the Superintendent or designee shall be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The District shall employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer or designee shall instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided learns and/or provides during the course of the investigation.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary

action up to and including the discharge of an employee. All disciplinary action shall be taken in accordance with applicable laws. When imposing discipline, the Superintendent or designee shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

## **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

## **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, shall be age and content appropriate.

## **Retention of Investigatory Records and Materials**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under

this policy shall retain all documents, electronically stored information (“ESI”), and electronic media created and/or received as part of an investigation, which may include, but is not limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District’s response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to District personnel related to this policy including, but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy;
- O. documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
- P. copies of any notices sent to the alleged Respondent of the allegations constituting a potential violation of this policy;
- Q. copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing; and
- R. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings including the investigation report and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media retained may include public records and records exempt from disclosure under applicable state and federal laws. The documents, ESI, and electronic media created or received as part of an investigation shall be retained in accordance with applicable state and federal laws for not less than three (3) years but longer if required by the District's records retention schedule.

## **1422.02 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act (GINA), the Board shall not request, require, or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.

"Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record in accordance with law.

The Superintendent shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. The Superintendent shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Board, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). “Genetic information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic test, the fact that an individual or an individual’s family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

## **1432 - SICK LEAVE**

### **Superintendent**

The Superintendent shall be entitled to sick leave days in accordance with either R.C. 124.38 or R.C. 3319.141 – as applicable.

### **Treasurer**

The Treasurer shall be entitled to sick leave days in accordance with either R.C. 124.38 or R.C. 3319.141 – as applicable.

### **Administrators**

All Administrators shall be entitled to sick leave days in accordance with either R.C. 124.38 or R.C. 3319.141 – as applicable.

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## **1433 - VACATION**

### **Superintendent**

The Superintendent shall be entitled to twenty (20) vacation days per contract year; however, no unused vacation days shall accrue or carry over from year to year. In other words, if Superintendent does not use any paid vacation leave prior to July 31, 2023, Superintendent shall have zero (0) days of paid vacation leave on August 1, 2023. Nor shall Superintendent ever use more than a combination of ten (10) consecutive vacation and personal days (either collectively or independently) in any given contract year without a prior resolution of the Board approving the same. That being said, any unused vacation days as of July 31st shall be paid to Superintendent at Superintendent's current per diem rate within thirty (30) days after July 31st.

### **Treasurer**

The Treasurer shall be entitled to twenty (20) vacation days per contract year; however, no unused vacation days shall accrue or carry over from year to year. In other words, if Treasurer does not use any paid vacation leave prior to July 31, 2023, Treasurer shall have zero (0) days of paid vacation leave on August 1, 2023. Nor shall Treasurer ever use more than a combination of ten (10) consecutive vacation and personal days (either collectively or independently) in any given contract year without a prior resolution of the Board approving the same. That being said, any unused vacation days as of July 31st shall be paid to Treasurer at Treasurer's current per diem rate within thirty (30) days after July 31st.

### **Administrators**

Administrators shall not have vacation days.

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## **1436 - PERSONAL LEAVE**

### **Superintendent**

The Superintendent shall be entitled to three (3) personal days per contract year; however, no unused personal days shall accrue or carry over year to year. In other words, if Superintendent does not use any days of paid personal leave prior to July 31, 2023, Superintendent shall have zero (0) days of paid personal leave on August 1, 2023. That being said, any unused personal days shall convert to sick days.

### **Treasurer**

The Treasurer shall be entitled to three (3) personal days per contract year; however, no unused personal days shall accrue or carry over year to year. In other words, if Treasurer does not use any days of paid personal leave prior to July 31, 2023, Treasurer shall have zero (0) days of paid personal leave on August 1, 2023. That being said, any unused personal days shall convert to sick days.

### **Administrators**

All full-time Administrators shall be eligible for up to three (3) personal leave days per year. Unused personal days as of June 30th of each year are transferred to sick leave.

Requests for personal leave must be filed in advance and approved by the direct supervisor and/or the Superintendent. When circumstances do not permit prior approval, the Administrator must contact their direct supervisor for approval and submit a written request per the process. In instances where this directive is not followed, the Superintendent reserves the right to review the time off and deny the request. In those instances, the Administrator will be subject to disciplinary action, including pay dockage for the time taken and additional loss of pay. Personal days should be used for purposes prescribed by law, including but not limited to, mandatory court appearances, legal or business matters, family emergencies, funerals, family obligations, weddings, religious holidays. Administrators may not use personal days for vacations, hobby activities, secondary employment, job hunting, recreational activities, as a substitute for sick leave, etc.

Administrators requesting more than one (1) consecutive day of personal leave must include a reason for the Administrators absence.

Administrators requesting personal leave to extend a holiday break must include a reason and adhere to reasons listed above. Typically, only one (1) day of personal leave would be approved for this instance.

Administrators may take personal leave in quarter, full, or half increments. Administrators are restricted from taking personal leave prior to September 10 and after May 20 without the prior consent of the Superintendent.

Administrators who are absent from work due to a court proceeding or administrative hearing that is not directly related to their employment must apply for personal leave.

Administrators on personal leave shall not work elsewhere nor operate a business.

The Board reserves the right to reject previously submitted requests for personal leave that were originally denied then resubmitted.

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## 1440 - **JOB-RELATED EXPENSES**

The Board may provide for the payment of the actual and necessary expenses, including traveling expenses, of any professional staff member of the District incurred in the course of performing services for the District, whether within or outside the District, under the direction of the Board and in accordance with the Superintendent's administrative guidelines.

The pre-approval and validity of payments for job-related expenses shall be determined by the Superintendent.

The Board may pay the expenses of professional staff members when they attend professional meetings (as defined in Policy 3243) with prior approval in accordance with the policy of this Board and in accordance with the administrative guidelines of the Superintendent. Job-related expenses incurred by the Superintendent shall be reimbursed in accordance with this policy and administrative guidelines when authorized by the Superintendent.

Whenever a staff member is unable to provide one (1) or more receipts for appropriate expenses, s/he may be reimbursed in an amount not to exceed one hundred dollars (\$100) upon written explanation of the reason for the lack of the receipt and the approval of the expenses by the Superintendent.

Professional staff members are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include, but are not limited to, alcohol, movies, supplemental insurance on rental cars, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

Accrual of personal frequent-flyer miles, hotel "bonus points," credit card "rewards," or any other reward under similar affinity programs (including credit points or rewards directed to non-profit organizations) is strictly prohibited.

This policy does not address every issue, exception, or contingency that may arise in the course of travel.

Expenses which are incurred by professional staff members as a result of authorized travel in and outside of the District will be reimbursed to the extent outlined below. Reimbursement is intended to provide for transportation, lodging and food of reasonable and adequate quality.

- A. Authorization of travel to conventions or conferences away from the District which involve overnight stay will be forwarded on District approved forms to the Superintendent at least ten (10) days prior to the date a decision is needed.

- B. Each request for travel or conference funds should detail the reasons for the expenditure and should not be labeled in broad general terms.
- C. Travel should be by the most reasonable, direct, and economical route.
- D. For official travel other than by automobile, tickets may be purchased by the District in advance, upon request of the individual involved.
- E. Reimbursement requests will be submitted on the District Request Form provided for that purpose.
  - 1. For overnight travel to conventions or conferences, an itemized receipt(s) must be submitted to the Treasurer's Office for reimbursement and will be based on the daily per diem rate. If meals are included in registration fees, the daily per diem will be reduced accordingly.
  - 2. Reimbursement for reasonable charges for tolls, lodging, parking, taxis, official telephone calls, and tips will be made upon presentation of supporting receipts.

“”

#### **1481 - USE OF EMPLOYEE’S PERSONAL PROPERTY AT SCHOOL**

From time-to-time Board employees may wish to bring personal property to school either for reasons associated with administrative responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the Board is not responsible for any loss, damage, or misuse of said property.

Other individuals may wish to bring personal property onto District premises. The owner of the personal property bears all responsibility and assumes all risk for loss, damage, or misuse of said personal property while it is on Board property. This provision applies, without limitation, to trespassers, invitees, visitors, and independent contractors.

The limitation of liabilities set forth in the previous paragraphs applies to all personal property, regardless of any benefit the Board receives from its use.

## **1520 - EMPLOYMENT OF ADMINISTRATORS**

All administrative employees are employed under R.C. 3319.02.

The Board recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with qualified and competent personnel.

No staff member employed in a position for which licensure is required may be paid until evidence of such appropriate licensure for the subject area, grade level, or position, etc. has been received by the Superintendent and transmitted to the Treasurer.

## **1520.02 - PRE-EMPLOYMENT OR NEW HIRE DRUG TESTING**

All administrative applicants who are selected for potential hiring will receive a conditional offer of employment. The offer is conditioned upon the employee satisfactorily completing the pre-employment drug and alcohol test. The School District will revoke an offer of regular employment to any applicant with a verified positive test result for alcohol or any illicit drug, or any refusal to test, and the applicant may not reapply for employment with the School District for a period of one (1) year.

## **1530 - EVALUATION OF PRINCIPALS AND OTHER ADMINISTRATORS**

Administrators employed under R.C. 3319.02 and/or R.C. 3319.03 shall be evaluated pursuant to R.C. 3319.02 and applicable laws and regulations.



#### 1530.01 - **NON-REEMPLOYMENT OF AN ADMINISTRATOR**

The non-reemployment of an Administrator shall be consistent with the law.

If an Administrator fails to maintain required licensure throughout the term of employment, the Administrator shall be immediately suspended without pay and such failure is grounds for termination.

## 1540 - SUSPENSION OF ADMINISTRATIVE CONTRACTS

This policy was developed with input from the administrative staff. The Board may consider one or more of the following reasons in suspending any contract of employment entered into under R.C. 3319.02:

- A. the financial conditions of the District;
- B. the financial conditions of one or more school Districts and/or clients for which the District provides services to;
- C. any financial reasons;
- D. the return to duty of one or more administrators after a leave of absence;
- E. the suspension of one or more schools and/or programs in one or more school Districts and/or clients for which the District provides services to;
- F. the suspension of one or more schools and/or programs offered by the Board;
- G. any territorial changes affecting one or more school Districts and/or clients for which the District provides services to;
- H. any territorial changes affecting the District;
- I. the termination of one or more alignment agreements;
- J. any decreased enrollment of pupils in the schools and/or programs in one or more school Districts and/or clients for which the District provides services to;
- K. in the case of the Board providing any particular service directly to pupils pursuant to one or more inter-district contracts, service agreements, and/or contracts requiring such service; reduction in the total number of pupils the Board is required to provide with the service under all inter-district contracts, service agreements, and/or contracts as a result of the termination or nonrenewal of one or more of these inter-district contracts, service agreements, and/or contracts;
- L. in the case of the Board providing any particular service that it does not provide directly to pupils pursuant to one or more inter-district contracts, service agreements, and/or contracts requiring such service; reduction in the total level of the service the Board is required to provide under all inter-district contracts, service agreements, and/or contracts as a result of the termination or nonrenewal of one or more of these inter-district contracts, service agreements, and/or contracts;

- M. the termination of any inter-district contract, service agreement, and/or contract between the District and any school District and/or client for any reason including, not limited to, (1) school District/client dissatisfaction with the performance of the individual District employee assigned to provide services to the school District/client; (2) school District/client rejection of the individual District employee providing services to the school District/client; (3) school District/client dissatisfaction with the contractual performance by the District; and (4) school District/client discretionary determinations; and/or
- N. any reorganization and/or consolidation of administrative functions.

The following procedures shall be used for determining the order of suspension of contracts within the employment service areas affected:

- A. If it is necessary to achieve a reduction in the administrative staff, the Board may proceed to suspend contracts in accordance with the recommendation of the Superintendent within the employment service areas affected. The Board shall not be required to give preference to any administrator based on seniority. The Board shall not be required to give preference to any administrator based upon comparable evaluations. Given that administrative positions are not interchangeable, the primary factor in any reduction of administrators shall be the best interest of the District as determined solely by the Board.
- B. On a case-by-case basis, in lieu of suspending a contract in whole, the Board may suspend a contract in part, so that an individual is required to work a percentage of the time the administrator otherwise is required to work under the contract and receives a commensurate percentage of the full compensation the employee otherwise would receive under the contract.

Administrators whose contracts are suspended shall be on the administrative recall list for a period of fourteen (14) calendar days from the last day of active employment by the District, unless the administrator has accepted, prior to such time, other employment.

Administrators who are on the administrative recall list shall have the right of recall only to their prior position **and** only if both of the following apply: (1) the Board re-institutes that same position and (2) the position was not abolished due to school District/client dissatisfaction with the performance the administrator and/or school District/client rejection of the administrator. The primary factor in filling administrative positions shall be the best interests of the District.

An administrator may be notified of a recall by regular mail and/or electronic mail and shall accept, in writing, the employment within fourteen (14) calendar days after the recall notice was sent by the District to the administrator. It is the administrator's responsibility to maintain a current personal mailing address and personal electronic mail address with the Board.

Failure to accept recall within fourteen (14) calendar days shall be interpreted as an indication that the administrator does not wish to return to active employment in the District and shall result in the removal of the administrator from the recall list. If the recall occurs after July 1<sup>st</sup>, the administrator shall respond in writing within seven (7) calendar days, or s/he shall be removed from the recall list.

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## 1541 - **TERMINATION AND RESIGNATION**

The employment contract of a Superintendent, Treasurer, or R.C. 3319.02 employee may be terminated pursuant to R.C. 3319.16.

A Superintendent, Treasurer, or R.C. 3319.02 employee may resign in accordance with law and any applicable terms of his/her employment contract.

## 1613 - STUDENT SUPERVISION AND WELFARE

Pursuant to the laws of the State and Board Policy 8462, each administrator shall report to the proper legal authorities, immediately, any sign of suspected child abuse or neglect.

Each administrator shall report immediately to the Superintendent any accident, safety hazard, or other potentially harmful condition or situation s/he detects. Suspected child abuse or neglect shall first be reported to the proper legal authorities, immediately.

Each administrator shall immediately report to the Superintendent any knowledge of threats or violence by or to students. An administrator shall not send students on any personal errands.

An administrator shall not associate or fraternize with students at any time in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that may be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any administrator shall subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment.

If a student approaches an administrator to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the administrator may attempt to assist the student by facilitating contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. However, under no circumstances should an administrator attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such administrator inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.

An administrator shall not transport students in a private vehicle unless authorized by law.

Administrators shall only engage in electronic communication with students via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, Instagram, Snapchat, Skype, blogs, etc., when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities with prior approval of the Superintendent.

Administrators are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as Facebook, Twitter, YouTube, Instagram, Snapchat, Skype, blogs, etc., unless such transmission has been made as part of a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school-sponsored publication or production.

Since most information concerning a child in school is confidential under applicable laws and regulations, any administrator who shares confidential information with another person not

authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

1619 - **GROUP HEALTH PLANS**

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The Board of Education shall have discretion to establish and maintain group health plans for the benefit of eligible employees. The definition of group health plans as used in this policy may include, but is not limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefit plans to employees as permitted by law.

The Board has elected to provide minimum value health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

## **1619.01 - PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

- A. Medical Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Treasurer to serve as the Privacy Official of the group health plans. The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.

The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the Treasurer to serve as the Security Official of the group health plans. The Security Official shall conduct a risk analysis and develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.

The Board further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the HIPAA administrative guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Board.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

## 1619.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

- A. Medical Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

The Board hereby appoints the Treasurer to serve as the Security Official of the group health plans. All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule.

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The fully insured group health plans established by the Board shall:

- A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.
- B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.
- C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.
- D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

- A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.
- B. Information on whether an individual is participating in a group health plan or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.
- C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

### 1619.03 - PATIENT PROTECTION AND AFFORDABLE CARE ACT

The Board of Education acknowledges that the Patient Protection and Affordable Care Act (“ACA”) imposes certain obligations upon the District. Such obligations may include the following:

- A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee’s employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In the event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

## **1623 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board shall not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further shall not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board shall not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

“An individual with a disability” means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or “auxiliary aides or services,” learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board shall provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

### **District Compliance Officer**

The following person is designated as the District Section 504 Compliance Officer/ADA Coordinator ("District Compliance Officer"):

Principal  
Baker Elementary School  
4095 Sheridan Drive  
Vienna, Ohio 44473  
(330) 637-3500

or

Special Education Supervisor  
Mathews High School  
4429 Warren-Sharon Road  
Vienna, Ohio 44473  
(330) 637-3500

The District Compliance Officer is responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer.

The District Compliance Officer shall oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure and shall attempt to resolve such complaints. The Board shall provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

### **Training**

The District Compliance Officer shall also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board shall provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.



**Facilities**

No qualified person with a disability shall, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District shall comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

**Notice**

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) will be posted throughout the District and included in the District's recruitment statements or general information publications.

## **1630 - UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

The Board may place a staff member on unrequested leave of absence for physical or mental inability when the staff member is unable to perform assigned duties.

If the Superintendent believes the staff member is unable to perform assigned duties, the professional staff member shall be offered the opportunity for a meeting to discuss these issues.

Prior to placing a staff member on unrequested leave, the Board may require the staff member to submit to an appropriate examination by a health provider designated and compensated by the District. The results of any such examination shall be treated as a confidential medical record and shall be used only in compliance with law.

The staff member shall be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release shall be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation and Board Policy, the Superintendent shall direct the provider designated by the Board to conduct the examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

Pursuant to Applicable laws and regulations and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and shall be exempt from release, except as provided by law. If the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider, it shall be treated as a confidential medical record as required by the ADA.

If, as a result of such examination, the staff member is found to be unable to perform assigned duties and no reasonable accommodations are available, the staff member may be placed on involuntary leave of absence for a period not to exceed two (2) consecutive school years.

A staff member subject to an unrequested leave of absence is entitled to a hearing as provided for in applicable laws and regulations.

## 1630.01 - FMLA LEAVE

### **Qualifying Reasons for FMLA and Military Family Leave**

In accordance with the Family and Medical Leave Act of 1993, as amended, (“FMLA”), eligible staff members may take up to twelve (12) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, for the following reasons:

- A. the birth and/or care of a newborn child of the staff member, within one (1) year of the child’s birth;
- B. the placement with the staff member of a child for adoption or foster care, within one (1) year of the child’s placement;
- C. the staff member is needed to provide physical and/or psychological care for a spouse, child, or parent with a serious health condition;
- D. the staff member’s own serious health condition makes him/her unable to perform the functions of his/her position; or
- E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member’s spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces (“Qualifying Exigency Leave”). The term “covered active duty” or “call to covered active duty status” for purposes of Qualified Exigency Leave means duty for a member of the Regular Armed Forces during deployment of the member with the Armed Forces to a foreign country, and, in the case of a member of the Reserve components of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to Sections 688, 12301(a), 12302, 12304, 12305, 12406, or Chapter 15 of Title 10 of the United States Code or any other provision of law during a war or during a national emergency declared by the President or Congress as long as it is in support of a contingency operation.

In addition, an eligible staff member who is a spouse, son, daughter, parent or next of kin of a covered service member with a serious injury or illness may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, during a “single twelve (12) month period” to provide physical and/or psychological care for the covered service member (“Military Caregiver Leave”). For purposes of Military Caregiver Leave, the covered service member may be a (1) current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (2) a veteran who is

undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the period of five (5) years prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. For an individual who was a member of the Armed Forces and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period between October 28, 2009, and March 8, 2013, shall not count towards the determination of the five-year period for covered veteran status.

### **Eligible Employees**

Staff members are “eligible” if they have worked for the Board for at least twelve (12) months, **and** for at least 1,250 hours over the twelve (12) months prior to the leave request. Months and hours that members of the National Guard or Reserve would have worked if they had not been called up for military service count towards the staff member’s eligibility for FMLA leave.

### **Twelve (12) Month Period**

Unless stated otherwise in an applicable collective bargaining agreement, twelve (12) month period is defined as a “rolling” 12-month period measured backward – i.e., 12-month period measured backward from the date an employee uses any FMLA leave. Under the “rolling” 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

### **Serious Health Condition**

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider. As utilized in this policy, the term “incapacity” means an inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom. The term “treatment” includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. (Treatment does not include routine physical examinations, eye examinations, or dental examinations.)

- A. Inpatient care means an overnight stay in a hospital, hospice, or residential medical-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.
- B. Continuing treatment by a healthcare provider, includes any one or more of the following: (1) “incapacity and treatment;” (2) any incapacity related to pregnancy, or for prenatal care; (3) any incapacity experienced by an expectant mother or treatment for such incapacity due to a chronic serious health condition; (4) a period of incapacity that is permanent or long-term due to a condition for which

treatment may not be effective (e.g. Alzheimer's, a severe stroke, terminal stages of a disease); or (5) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provider for (a) restorative surgery after an accident or (b) other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

1. "Incapacity and treatment" involves a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a healthcare provider, by a nurse under direct supervision of a healthcare provider, or by a provider of healthcare services (e.g. physical therapist) under (a) orders of, or on referral by a healthcare provider or (b) treatment by a healthcare provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of the healthcare provider.
  - a. Treatment by a healthcare provider as referenced above involves an in-person visit to a healthcare provider. The first (or only) in-person treatment visit shall take place within seven (7) days of the first day of incapacity. The healthcare provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.
  - b. Regimen of continuing treatment includes a course of prescription medication (e.g., antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen).
  - c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a healthcare provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
2. An expectant mother is entitled to FMLA leave for incapacity due to pregnancy even if she does not receive treatment from a healthcare provider during the absence, and even if the absence does not last for more than three (3) consecutive, full calendar days.

3. A chronic serious health condition is one that: (a) requires periodic visits (i.e., at least twice a year) for treatment by a healthcare provider, or by a nurse under direct supervision of a healthcare provider; (b) continues over an extended period of time (including recurring episodes of a single underlying condition); and (c) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). A visit to a healthcare provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days.
  4. With regard to permanent or long-term conditions, the employee or family member shall be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider.
- C. Conditions for which cosmetic treatment are administered (e.g., most treatments for acne or plastic surgery) are not “serious health conditions” unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

### **Intermittent and Reduced Schedule Leave**

The Superintendent may allow a staff member to take FMLA leave intermittently (i.e., leave in separate blocks of time for a single qualifying reason) or on a reduced schedule leave (i.e., reducing the employee’s usual weekly or daily work schedule) for reason (A) or (B) above. A staff member is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in reasons (C) and (D) above. A staff member may also take FMLA leave on an intermittent or reduced schedule leave for Qualifying Exigency Leave (i.e., reason (E) above). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken. If the intermittent or reduced schedule leave is foreseeable based on planned medical treatment for the employee, a family member or a covered service member, the Superintendent may require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than the staff member’s regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. The Superintendent may also transfer the staff member to a part-time job with the same hourly rate of pay and benefits, provided the staff member is not required to take more leave than is medically necessary. Instructional staff members (i.e., individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced schedule leave because of reasons (C) or (D) above or pursuant to Military Caregiver

Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave shall elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the Superintendent for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

When leave is needed for planned medical treatment, the staff member shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the District's operations, subject to the approval of the healthcare provider.

If the Superintendent agrees to permit FMLA leave intermittently or on a reduced schedule leave for reason (A) or (B) above, the Board may also require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than does the staff member's regular position.

### **Staff Member Notice Requirements**

Staff members seeking to use FMLA leave (including Military Caregiver Leave) are required to provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the staff member shall provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the staff member shall provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, staff members shall comply with the Board's usual and customary notice and procedural requirements for requesting leave. Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Staff members shall provide "sufficient information" for the Superintendent to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, that the staff member or his/her qualifying family member is under the continuing care of a healthcare provider, that the requested leave is for a particular qualifying exigency related to a qualifying family member's covered active duty or call to covered active duty status, or that the leave due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

When a staff member seeks leave for a FMLA-qualifying reason for the first time, the staff member need not expressly assert FMLA rights or even mention the FMLA. When an employee

seeks leave, however, due to a FMLA-qualifying reason for which the District has previously provided the staff member FMLA-protected leave, the staff member shall specifically reference either the qualifying reason for leave or the need for FMLA leave.

### **Substitution of Paid Leave**

The Board shall require the staff member to “substitute” (i.e., run concurrently) any of his/her earned or accrued paid leave (e.g., sick leave, personal leave, assault leave, vacation leave, compensatory time, family leave) for unpaid FMLA leave. An employee’s ability to substitute accrued paid leave is determined by the terms and conditions of the District’s normal leave policy. A staff member electing to use any type of paid leave concurrently with FMLA leave shall follow the same terms and conditions of the Board’s policy that apply to other employees for use of such leave. The staff member is always entitled to unpaid FMLA leave if s/he does not meet the Board’s conditions for taking paid leave. On occasion the Board may waive any procedural requirements for the taking of any type of paid leave.

If a staff member requests and is permitted to use accrued compensatory time to receive pay for time taken off for an FMLA reason, or if the Superintendent requires such use pursuant to the Fair Labor Standards Act, the time taken shall be counted against the staff member’s FMLA leave entitlement.

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) work week period of FMLA leave or a twenty-six (26) work week period of Military Caregiver Leave, the additional weeks of leave to obtain the twelve (12) work weeks of FMLA leave or twenty-six (26) work weeks of Military Caregiver Leave the staff member is entitled to shall be unpaid.

Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Military Caregiver Leave, such leave counts toward the twelve (12) work week/twenty-six (26) work week maximum leave allowance provided by this policy and Federal law.

### **District Notice Requirements**

The Superintendent is directed to post the Department of Labor approved Notice explaining employees’ rights and responsibilities under the FMLA. Additionally, this general notice shall be included in employee handbooks or other written guidance to staff members concerning benefits or leave rights or, in the alternative, distributed to each new staff member upon hiring.

When a staff member requests FMLA leave or the District acquires knowledge that leave may be for a FMLA purpose, the Superintendent shall notify the staff member of his/her eligibility to take leave and inform the staff member of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the Superintendent shall attach any medical certification that may be required, and a copy of the employee’s essential job functions. If the Superintendent determines the staff member is not eligible for FMLA leave, the Superintendent shall state at least one (1)



reason why the staff member is not eligible. Such notice may be given orally or in writing and should be given within five (5) business days of the request for FMLA leave, absent extenuating circumstances. When oral notice is given, it shall be followed by written notice within five (5) business days. Staff member eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and staff member eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If at the time a staff member provides notice of a subsequent need for FMLA leave during the applicable twelve (12) month period due to a different FMLA-qualifying reason and the staff member's eligibility status has not changed, no additional eligibility notice is required. If, however, the staff member's eligibility status has changed, the Superintendent shall notify the staff member of the change in eligibility status within five (5) business days, absent extenuating circumstances.

If the specific information provided by the Notice of Rights and Responsibilities changes, the Superintendent shall, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any changes, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

When the Superintendent has sufficient information to determine that leave is being taken for a FMLA-qualifying reason (e.g., after receiving certification), the Superintendent shall notify the staff member whether the leave shall be designated and counted as FMLA leave. Leave that qualifies as **both** Military Caregiver Leave and leave to care for a qualifying family member with a serious health condition (i.e., reason (C)) shall be considered as Military Caregiver Leave in the first instance. This designation shall be in writing and shall be given within five (5) business days of the determination, absent extenuating circumstances. Additionally, when appropriate, the Superintendent shall notify the staff member of the number of hours, days and weeks that shall be counted against the employee's FMLA entitlement, and whether the employee shall be required to provide a fitness-for-duty certification to return to work.

Only one Designation Notice is required for each FMLA-qualifying reason per applicable twelve (12) month period, regardless of whether the leave taken due to the qualifying reason shall be a continuous block of leave or as intermittent or on a reduced schedule leave. If the Superintendent determines the leave shall not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by the FMLA or the staff member's FMLA leave entitlement has been exhausted), the Superintendent shall notify the staff member of that determination. If the staff member is required to substitute paid leave for unpaid FMLA leave, or if paid leave taken under an existing leave plan is being counted as FMLA leave, the "Designation Notice" shall include this information. Additionally, the "Designation Notice" shall notify the staff member if s/he is required to present a fitness-for-duty certification to be restored to employment. Further, if the fitness-for-duty certification is required to address the staff member's ability to perform the essential functions of his/her job, that shall be indicated on the Designation Notice, and a list of the essential functions of the staff member's position shall be included.

If the information provided to the staff member in the Designation Notice changes, the Superintendent shall provide, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any change, written notice of the change.

In the case of intermittent or reduced-leave schedule leave, only one such notice is required unless the circumstances regarding the leave have changed.

### **Limits on FMLA When Both Spouses Are Employed by the Board**

When eligible spouses are both employed by the Board, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is taken for reason (A) or (B) above, or to care for the staff member's parent who has a serious health condition.

Where the spouses both use a portion of the total twelve (12) week FMLA leave entitlement for reason (A) or (B) above, or to care for a parent, the spouses are each entitled to the difference between the amount s/he has taken individually and the twelve (12) weeks of FMLA leave for other purposes.

When eligible spouses are both employed by the Board, they are limited to a combined total of twenty-six (26) workweeks of Military Caregiver Leave during the "single twelve (12) month period" if the leave is taken for reason (A) or (B) above, or to care for the staff member's parent who has a serious health condition, or to care for a covered service member with a serious injury or illness.

### **Certification**

When FMLA leave is taken for either reason (C) or (D) above, the staff member shall provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member. The staff member may either:

- A. submit the completed medical certification to the Superintendent; or
- B. direct the healthcare provider to transfer the completed medical certification directly to the Superintendent, which shall generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

If the staff member fails to provide appropriate medical certification, any leave taken by the employee shall not constitute FMLA leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member shall provide the medical certification before the leave begins. When this is not possible, the employee shall provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not

practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

The Board reserves the right to require second or third opinions (at the Board's expense), and periodic recertification of a serious health condition. If a third opinion is sought, that opinion shall be binding and final. The staff member may either:

- A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent;
- B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which shall generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the staff member shall not constitute FMLA leave.

### **Recertification**

Recertification may be required no more often than every thirty (30) days in connection with an absence by the staff member unless the condition shall last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the District shall not request recertification until the specified period has passed, except that in all cases the staff member shall submit recertification every six (6) months in connection with an absence by the employee. Additionally, the Superintendent may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the District receives information that casts doubt upon the staff member's stated reason for the absence or the continuing validity of the certification. Finally, staff members shall provide a new medical certification each leave year for medical conditions that last longer than one (1) year.

Staff members requesting Qualifying Exigency Leave are required to submit to the Superintendent a copy of the covered military member's active-duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

Staff members requesting Military Caregiver Leave are required to submit to the Superintendent certification completed by an authorized healthcare provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

The Board authorizes its healthcare provider, human resource professional, leave administrator, and/or management official – but not the staff member's direct supervisor – to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e., medical

certification provided for reasons (C) or (D) above or Military Caregiver Leave). Additionally, the Superintendent is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

A staff member who takes leave for reason (D) above, prior to returning to work, shall provide the Superintendent with a fitness-for-duty certification that specifically addresses the staff member's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member's need for FMLA leave. If reasonable safety concerns exist, the Superintendent may, under certain circumstances, require a staff member to submit a fitness-for-duty certification before s/he returns to work from intermittent FMLA leave. The cost of the certification shall be borne by the staff member.

### **Job Restoration & Maintenance of Health Benefits**

Upon return from FMLA leave, the Board shall restore the staff member to his/her former position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member shall continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent to minimize disruption to the students' program.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave shall not result in the loss of any employment benefit that the staff member earned or was entitled to before using FMLA leave. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee does not meet the goal due to FMLA leave, payment shall be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

A staff member shall have no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the staff member to leave pursuant to reasons (C) or (D) above or Military Caregiver Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

Generally, a staff member may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall verify that the policy is posted properly.

Copies of this policy shall be available to staff members upon request.

## 1662 - ANTI-HARASSMENT

### **General Policy Statement**

It is the policy of the Board to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex, disability, age (except as authorized by law), religion, ancestry, or genetic information (collectively, “Protected Classes”) that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment) and encourages those within the District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

### **Other Violations of the Anti-Harassment Policy**

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one’s supervisory duties.

### **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

### **Bullying**

Bullying rises to the level of unlawful harassment when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual’s school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;

- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

### **Harassment**

Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against a student or District employee that:

- A. places a student or District employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of a District program/activity.

### **Sexual Harassment**

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or



activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 — Nondiscrimination on the Basis of Sex in Education Programs or Activities — is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.
- H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Giving unwelcome personal gifts such as lingerie that suggests the desire for a romantic relationship.

- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.
- K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- L. Inappropriate boundary invasions by a District employee or other adult member of the District community into a student's personal space and personal life.
- M. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct shall be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

Sexual conduct/relationships with students by District employees or any other adult member of the District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery" as set forth in R.C. 2907.03. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the District community.

### **Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to

participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

### **National Origin/Ancestry Harassment**

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

### **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

### **Reports and Complaints of Harassing Conduct**

Students and all other members of the District community and third parties are encouraged to promptly report incidents of harassing conduct to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer within two (2) business days.

Members of the District community, which includes students, or third parties who believe they have been unlawfully harassed are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Board Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior –

the Superintendent or designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Superintendent or designee shall report the act of bullying, aggressive, behavior and/or harassment to the Compliance Officer who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Superintendent or designee shall suspend any Board Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Superintendent or designee informed of the status of the Board Policy 5517 investigation and provide the Superintendent or designee with a copy of the resulting written report.

### **Anti-Harassment Compliance Officers**

The Board designates the following individual(s) to serve as "Anti-Harassment Compliance Officers" for the District (hereinafter referred to as the "Compliance Officer"):

Principal  
Baker Elementary School  
4095 Sheridan Drive  
Vienna, Ohio 44473  
(330) 637-3500

or

Special Education Supervisor  
Mathews High School  
4429 Warren-Sharon Road  
Vienna, Ohio 44473  
(330) 637-3500

The Compliance Officer shall be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student, other member of the District community or third party in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The Compliance Officer shall accept complaints of unlawful harassment directly from any member of the District community or a visitor to the District. Upon receipt of a complaint either directly or through a District employee, a Compliance Officer shall begin either an informal or formal process (depending on the request of the person alleging the harassment or the nature of the alleged harassment), or the Compliance Officer shall designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer shall prepare recommendations for the Superintendent or designee or shall oversee the preparation of such recommendations by a designee. All members of the District community shall report incidents of

harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to the Compliance Officer within two (2) business days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer or designee shall contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) business days to advise the student/parent(s) of the Board's intent to investigate the alleged misconduct including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

### **Investigation and Complaint Procedure**

Any student who believes that the student has been subjected to unlawful harassment may seek resolution of the student's complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment or retaliation and a process for rendering a decision regarding whether the claim of legally prohibited harassment or retaliation was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation shall be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

Students who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process but are not required to do so. The informal process is

only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

Students who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving a District employee or any other adult member of the District community against a student shall be formally investigated. Similarly, any allegations of sexual violence shall be formally investigated.

As an initial course of action, if a student feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and shall stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A student who believes the student has been unlawfully harassed may make an informal complaint, either orally or in writing, to (1) a District employee; (2) the Superintendent or designee; and/or (3) directly to the Compliance Officer.

All informal complaints shall be reported to the Compliance Officer who shall either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The District's informal complaint procedure is designed to provide students who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the student about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the student claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint shall be resolved, the Compliance Officer or designee shall exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with the Compliance Officer, Superintendent or designee, or another District official. Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs the Superintendent or designee or another District official, either orally or in writing, about any complaint of harassment, that employee shall report such information to the Compliance Officer within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints shall include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer shall prepare a written summary of the oral interview, and the Complainant shall be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer shall consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or

retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions the Compliance Officer deemed appropriate in consultation with the Superintendent or designee.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee shall initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation.

Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The Respondent shall be informed about the nature of the allegations and provided with a copy of any relevant policies, including the Board's Anti-Harassment policy. The Respondent shall also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer/designee shall attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation shall include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations shall be based upon the totality of the circumstances. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard shall be used. The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent or designee.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer/designee, the Superintendent or designee shall either issue a written decision regarding whether the complaint of harassment has been substantiated or request further



investigation. A copy of the Superintendent or designee's written decision shall be delivered to both the Complainant and the Respondent.

If the Superintendent or designee requests additional investigation, the Superintendent or designee shall specify the additional information that is to be gathered and such additional investigation shall be completed within ten (10) business days. At the conclusion of the additional investigation, the Superintendent or designee shall issue a final written decision as described above.

The decision of the Superintendent or designee shall be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the student alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The District shall employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related policies shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer or designee shall instruct all members of the District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result

in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action shall be taken in accordance with applicable State law. When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior remedial action has been taken against a member of the District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person from making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanction/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

### **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

State law requires any school teacher or District employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge shall be made in accordance with State law and Board Policy.

State law defines certain contact between a teacher and a student as “sexual battery.” If the Compliance Officer or a designee has reason to believe that the Complainant has been the victim of criminal conduct as defined in Ohio’s Criminal Code, such knowledge should be immediately reported to local law enforcement.

Any reports made to a county children’s services agency or to local law enforcement shall not terminate the Compliance Officer or designee’s obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent or designee.

### **Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension**

The Superintendent shall report to the Ohio Department of Education, on forms provided for that purpose, matters of misconduct on the part of licensed professional staff members convicted of sexual battery, and shall suspend such employee from all duties that concern or involve the care, custody, or control of a child during the pendency of any criminal action for which that person has been arrested, summoned and/or indicted in that regard.

### **Education and Training**

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the Board’s policy and harassment in general, shall be age and content appropriate.

### **Retention of Investigatory Records and Materials**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information (“ESI”), and electronic media created and/or received as part of an investigation, which may include, but is not limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

- C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

- N. documentation of any training provided to District personnel related to this policy including, but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy;
- O. documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
- P. copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
- Q. copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing; and
- R. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings including the investigation report and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media retained may include public records and records exempt from disclosure under applicable state and federal laws. The documents, ESI, and electronic media created or received as part of an investigation shall be retained in accordance with applicable state and federal laws for not less than three (3) years but longer if required by the District's records retention schedule.

#### 1662.01 - **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

The Board believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or cause anxiety concerning his/her physical well-being is strictly forbidden. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened a member of the staff shall be subject to discipline or reported to the authorities.

## 1662.02 - BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR

The Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community.

Harassment, intimidation, or bullying toward a student, whether by other students, staff, or third parties is strictly prohibited and shall not be tolerated. This prohibition includes aggressive behavior, physical, verbal, and psychological abuse, sexual violence, stalking, and violence within a dating relationship. The Board shall not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. This policy applies to all activities in the District, including activities on school property, on a school bus, or while en route to or from school, and those occurring off school property if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, in a school vehicle, or where an employee is engaged in school business.

This policy has been developed in consultation with parents, District employees, volunteers, students, and community members as prescribed in R.C. 3313.666 and the State Board's Model Policy (as adopted per HB 276 and HB 19).

Harassment, intimidation, or bullying means:

- A. any intentional written, verbal, electronic, or physical act that a student or group of students exhibits toward another particular student(s) more than once and the behavior both causes mental or physical harm to the other student(s) and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s); or
- B. sexual violence, stalking, and violence within a dating relationship.

"Electronic act" means an act committed through the use of a cellular telephone, computer, pager, personal communication device, or other electronic communication device.

Aggressive behavior is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. This type of behavior is a form of intimidation and harassment, although it need not be based on any of the legally protected characteristics, such as sex, race, color, national origin, marital status, or disability. It would include, but not be limited to, such behaviors as stalking, bullying/cyberbullying, intimidating, menacing, coercion, name calling, taunting, making threats, and hazing. This policy's use of the terms intimidation, harassment and bullying includes aggressive behavior, as set forth above.

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or

employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

Harassment, intimidation, or bullying also means cyberbullying or electronically transmitted acts (i.e., internet, e-mail, cellular telephone, personal digital assistance (PDA), or wireless hand-held device) that a student(s) or a group of students exhibits toward another particular student(s) more than once and the behavior both causes mental or physical harm to the other student and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).

Any student or student's parent/guardian who believes s/he has been or is the victim of harassment, intimidation, bullying or aggressive behavior should immediately report the situation to the building principal, assistant principal, program manager, or the Superintendent. The student may also report concerns to teachers and other school staff who shall be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal or program manager should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.



Every student is encouraged, and every staff member is required, to report any situation that they believe to be harassment, intimidation, bullying, or aggressive behavior directed toward a student. Reports may be made to those identified above.

All complaints about harassment, intimidation, bullying or aggressive behavior that may violate this policy shall be promptly investigated. The building principal, program manager or appropriate administrator shall prepare a written report of the investigation upon completion. Such report shall include findings of fact, a determination of whether acts of harassment, intimidation, or bullying were verified, and, when prohibited acts are verified, a recommendation for intervention, including disciplinary action shall be included in the report. Where appropriate, written witness statements shall be attached to the report.

If the investigation finds an instance of harassment, intimidation, and/or bullying/cyberbullying by an electronic act or otherwise, has occurred, it shall result in prompt and appropriate remedial and/or disciplinary action. This may include suspension or cyberbullying) or up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials.

If, during an investigation of a reported act of harassment, intimidation and/or bullying/cyberbullying, the Principal, program manager or appropriate administrator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal or program manager shall report the act of bullying and/or harassment to the Anti-Harassment Compliance Officer so that it may be investigated in accordance with the procedures set forth in Board Policy 5517 - Anti-Harassment.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of harassment, intimidation, or bullying is prohibited and shall not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as harassment, intimidation, or bullying. Deliberately or making intentionally false reports about harassment, intimidation, or bullying for the purpose of getting someone in trouble is similarly prohibited and shall not be tolerated. Retaliation and deliberate or intentionally false reports may result in disciplinary action as indicated above.

If a student or other individual believes there has been harassment, intimidation, or bullying, regardless of whether it fits a particular definition, s/he should report it and allow the administration to determine the appropriate course of action.

This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by State or Federal law).

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken. If after investigation, acts of harassment, intimidation, or bullying against a specific student are verified, the building principal, program manager or appropriate administrator shall notify the custodial parent/guardian of the victim of such finding. In providing such notification care shall be taken to respect the statutory privacy rights of the perpetrator of such harassment, intimidation, or bullying.

If after investigation, act(s) of harassment, intimidation, or bullying or cyberbullying by an electronic act or otherwise, by a specific student are verified, the building principal, program manager or appropriate administrator shall notify in writing the custodial parent/guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in the notification. Discipline, including discipline for cyberbullying, may include suspension or up to expulsion for students.

The District shall protect victims from additional harassment, intimidation, bullying, or cyberbullying and shall also protect other students or individuals involved in making a good faith report of harassment, intimidation or bullying (including cyberbullying). Additionally, the District shall implement any other necessary intervention strategies to protect a victim or other person from new or additional harassment, intimidation, or bullying and from retaliation following such a report.

## **Complaints**

Students and/or their parents/guardians may file reports regarding suspected harassment, intimidation, or bullying. Such reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, or bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the building principal or program manager for review, investigation, and action.

Students, parents/guardians, and school personnel may make informal complaints or anonymous complaints of conduct that they consider to be harassment, intimidation, or bullying by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, or bullying, and the names of any potential student or staff witnesses. A school staff member or administrator who receives an informal complaint or anonymous complaint shall promptly document the complaint in writing, including the information provided. This written report shall be promptly forwarded by the school staff member and/or administrator to the building principal or program manager for review, investigation, and appropriate action.

Individuals who make informal complaints as provided above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. Anonymous complaints shall be reviewed and reasonable action shall be taken to address the situation, to the extent such action may be taken that (1) does not disclose the source

of the complaint, and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of harassment, intimidation, and/or bullying.

When an individual making an informal complaint has requested anonymity, the investigation of such complaint shall be limited as is appropriate in view of the anonymity of the complaint. Such limitation of investigation may include restricting action to a simple review of the complaint subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

### **Privacy/Confidentiality**

The District shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy shall be maintained as confidential to the extent permitted by law.

### **Reporting Requirement**

At least semi-annually, the Superintendent shall provide to the President of the Board a written summary of all reported incidents and post the summary on the District web site, (if one exists). The list shall be limited to the number of verified acts of harassment, intimidation, and/or bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.

Allegations of criminal misconduct and suspected child abuse shall be reported to the appropriate law enforcement agency and/or to Child Protective Services in accordance with statute. District personnel shall cooperate with investigations by such agencies.

### **Immunity**

A District employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy and R.C. 3313.666 if that person reports an incident of harassment, intimidation, or bullying promptly, in good faith, and in compliance with the procedures specified in this policy. Such immunity from liability shall not apply to an employee, student, or volunteer determined to have made an intentionally false report about harassment, intimidation, or bullying.

### **Notification**

Notice of this policy shall be **annually** circulated to and posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks.

At least once each school year a written statement describing the policy and consequences for violations of the policy shall be sent to each student's custodial parent or guardian.

The statement may be sent with regular student report cards or may be delivered electronically.

The policy and an explanation of the seriousness of bullying by electronic means shall be made available to students in the District and to their custodial parents or guardians.

State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires shall be required to review and sign off on this policy and the related complaint procedure.

Employee training materials shall also include information on this policy.

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying and violence within a dating relationship. The Superintendent or designee shall provide appropriate training to all members of the District community related to the implementation of this policy. All training regarding the Board's policy and aggressive behavior and bullying in general shall be age and content appropriate.

Annually, the District shall provide all students enrolled in the District with age-appropriate instruction regarding the Board's policy, including a written or verbal discussion of the consequences for violations of the policy, to the extent that State or Federal funds are appropriated for this purpose.

Students in grades seven (7) through twelve (12) shall receive age-appropriate instruction in dating violence prevention education, including instruction in recognizing dating violence warning signs and characteristics of healthy relationships. Parents, who submit a written request to the building principal or program manager to examine the dating violence prevention instruction materials used in the school, shall be afforded an opportunity to review the materials within a reasonable period of time.

To the extent that State or Federal funds are appropriated for these purposes, the District shall provide training, workshops, and/or courses on this policy for District employees and volunteers who have direct contact with students.

In accordance with Board Policy 8462, the Superintendent shall include a review of this policy on bullying and other forms of harassment in the required training. Additionally, the District shall provide training on their anti-bullying policies as a part of the in-service training for all teachers, administrators, counselors, nurses, and school psychologists. These designated employees shall receive in-service training in (1) the prevention of child abuse, violence, and substance abuse, (2) school safety, (3) the promotion of positive youth development, and (4) in the case of middle school and high school employees, the prevention of dating violence.

Employees shall complete at least four (4) hours of the in-service training within two (2) years after commencing employment and every five (5) years thereafter.

The complaint procedure established by the Superintendent shall be followed and shall include reporting and investigative procedures, as needed.

## 1663 - **DRUG-FREE WORKPLACE**

The Board believes that quality education is not possible in an environment affected by drugs. It shall seek, therefore, to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia as the term is defined by law, by any member of the District's professional staff at any time while on District property or while involved in any District-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action.

## 1663.01 - DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS

The Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with Board-owned and/or operated ("Board-owned") vehicles shall be mentally and physically alert at all times while on duty. To that end, the Board has established this policy and others related to employees' health and well-being.

For purposes of this policy and the guidance associated with the policy, the following definitions shall apply.

- A. The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful pursuant to all applicable laws and regulations.
- B. The term *controlled substance* includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.
- C. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
- D. The term *safety-sensitive functions* includes all tasks associated with the operation and maintenance of Board-owned vehicles. This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.
- E. The term *CDL license holder* means all regular and substitute bus drivers, other staff members who may drive students in Board-owned vehicles or inspect, repair, and maintain Board-owned vehicles.
- F. The term *while on duty* means all time from the time the CDL license holder begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

The Board expects all CDL license holders to comply with all drug free policies which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on District property at all times. Further, the Board concurs with the Federal requirement that all CDL license holders should be free of any influence of alcohol or controlled substance while on duty.

The Board directs the Superintendent to establish a drug and alcohol testing program whereby each regular and substitute bus driver, as well as any other staff member who holds a CDL license, is tested for the presence of alcohol in the staff member's system as well as for the presence of the following controlled substances:

- A. Marijuana;
- B. Cocaine;
- C. Opioids;
- D. Amphetamines; and
- E. Phencyclidine ("PCP").

The drug tests are to be conducted in accordance with all applicable laws and regulations prior to employment, for reasonable suspicion, upon return to duty after any alcohol or drug rehabilitation, post-accident, on a random basis, and on a follow-up basis. Candidates shall also be tested for the presence of alcohol in their system prior to employment.

Any staff member who tests positive shall immediately be prohibited from performing or continuing to perform the staff member's safety-sensitive functions (e.g., driving any Board-owned vehicle) and be referred to the District's Employee Assistance Program.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then:

- A. the test will be considered positive, and the employee shall be prohibited from driving any school vehicle and be referred to the District's Employee Assistance Program; and
- B. the employee will be re-tested with an observed collection to prevent the addition of an adulterant to the specimen.

Any staff member who refuses to submit to a test shall immediately be prohibited from performing or continuing to perform the staff member's safety-sensitive functions (e.g., driving any Board-owned vehicle).

Staff members who voluntarily disclose that they have an addiction to alcohol or controlled substances may participate in the Employee Assistance Program and will qualify for the receipt of medical insurance benefits for treatment of alcohol or substance abuse, including follow-up care, to the extent that such benefits are provided for or offered in the Board's health insurance package. Voluntary disclosure of an alcohol or drug addiction by a staff member will not subject the staff member to disciplinary action unless such disclosure is made after the staff member is selected to be tested or immediately prior to the selection of staff members to be tested. Nothing



herein shall prevent the Board from disciplining a staff member for misconduct associated with his/her alcohol and/or drug use regardless of whether the employee has disclosed that s/he has an alcohol or drug addiction.

If a staff member admits to failing a previous drug or alcohol test, or has refused to test, the staff member will not be permitted to perform safety-sensitive functions until completing the return-to-duty process.

A staff member will be subject to disciplinary action, up to and including termination, for any of the following reasons:

- A. reports for duty or performs work while having an alcohol concentration of 0.04 or greater or performs safety-sensitive functions within four (4) hours after using alcohol;
- B. reports for duty or performs work while testing positive for using a controlled substance, or while being under the influence of a controlled substance;
- C. refuses to disclose any therapeutic drug use or submit to drug and/or alcohol testing;
- D. alters or attempts to alter or unduly influence alcohol and/or drug testing results; and/or
- E. fails to remain readily available for post-accident testing (including refraining from the use of alcohol for eight (8) hours following the accident or until undergoing a post-accident alcohol test, whichever occurs first, and notifying his/her supervisor of his/her location, if the staff member leaves the scene of the accident prior to the submission of a post-accident test, unless the staff member's departure is to obtain necessary emergency medical care).

Prior to the beginning of the testing program, the Board shall provide a drug-free awareness program which will inform each CDL license holder about:

- A. the dangers of illegal drug use and controlled substance and alcohol abuse;
- B. Drug-Free Workplace, Unrequested Leaves of Absence/Fitness for Duty, Substance Abuse, and Employee Assistance Program policies; and
- C. the sanctions that may be imposed for violations of any drug free policy.

All time spent undergoing an alcohol or controlled substance test, including travel time, will be paid at the staff member's regular rate of pay, or at his/her overtime rate, if applicable. Any staff

member who is not allowed to return to work while awaiting test results will be compensated during the waiting period for all work time lost, including overtime, if applicable. The Board shall pay all costs associated with the administration of alcohol and controlled substance tests. This includes testing of the “split specimen” at a Federally certified laboratory if so requested by a staff member. Requests for a “split specimen” must be made within seventy-two (72) hours of receipt of the notification of a positive drug test. The Board shall not pay for the employee’s time while not on duty, if the split specimen test results are positive.

Alcohol and drug test results shall be protected as confidential medical records as appropriate under Federal law (i.e., test results shall be provided on a right to know basis – the employee, the employer, and the substance abuse professional – and the results shall not be presented until analyzed by a Medical Review Officer).

A tested individual, upon written request, will be promptly provided copies of any records relating to the individual’s use of drugs and alcohol, including any records pertaining to the individual’s drug and alcohol tests. A tested individual shall provide specific written consent before the individual’s result can be provided to any other person except as required by law.

All tests shall be conducted in accordance with Federal testing guidelines and be performed by a laboratory that is Federally certified.

The alcohol and drug testing program shall be under the direction of the Superintendent.

The Superintendent shall arrange for the required amount of training for appropriate staff members in drug recognition, in the procedures for testing, and in the proper assistance of staff members who are subject to the effects of substance abuse.

The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

- A. testing of all first and second test urine samples;
- B. clear and consistent communication with the Board’s Medical Review Officer (“MRO”);
- C. methodology and procedures for conducting random tests for controlled substances and alcohol; and
- D. preparation and submission of all required reports to the Board, the MRO, and to Federal and State governments.

The Superintendent shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the District’s MRO, and the drug collection site(s) in accordance with the requirements of the law.

## **Notification**

A tested candidate shall be notified of the results of a pre-employment controlled substances test conducted under this part, if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

A tested individual shall be notified of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The tested individual shall also be informed which controlled substance or substances were verified as positive.

The Superintendent shall make reasonable efforts to contact and request each driver who submitted a specimen under the employer's program, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.

The Superintendent shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within seventy-two (72) hours.

Individuals holding a CDL license must notify all current employers of any DOT violations (such as testing positive for the presence of alcohol or a controlled substance in violation of this policy). The notification must be made (1) by the end of the business day following the day the individual first receives notice of the violation or (2) prior to performing any safety-sensitive function, whichever comes first. Individuals are not required to notify the employer that administered the test or that documented the circumstances giving rise to the violation.

In the event that an individual is selected for testing, the Superintendent will inform the individual that the test is required by applicable law.

## **Reporting Test Results**

The Superintendent shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this policy during the previous calendar year, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers. Such summaries shall be submitted in a manner and timeline as required by law.

## **Educational Materials Related to Certain Federal Regulations, Board Policies, and Procedures**

CDL License Holders and other employees who perform safety-sensitive functions will be provided educational materials that discuss the employer's policies and procedures with respect to post-accident information and positive test results, among other things, at the time of hire or at any time when required to operate a school vehicle. The educational materials shall explain the requirements of applicable Federal regulations and the Board's policies and the District's

procedures with respect to meeting these Federal regulations. The Board designates the Superintendent as the individual responsible for providing educational materials to CDL License Holders and other employees who perform safety-sensitive functions. The educational materials will include, at a minimum, the following:

- A. the contact information for the Superintendent, who is the individual designated by the Board to answer questions about the educational materials;
- B. a statement that all CDL License Holders and other employees who perform safety-sensitive functions are subject to Federal law addressing the misuse of alcohol and other controlled substances;
- C. information sufficient to make clear to employees the period of the workday during which they are required to comply with the regulations;
- D. information concerning prohibited conduct;
- E. the circumstances under which employees are subject to testing for alcohol and/or controlled substances;
- F. the procedures for testing for the presence of alcohol and controlled substances in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee including post-accident information, procedures, and instructions required under Federal regulations;
- G. the requirement that staff members shall submit to alcohol and controlled substance testing as required by the regulations;
- H. an explanation of what constitutes a refusal to be tested for alcohol or controlled substances and the attendant consequences;
- I. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment;
- J. the consequences for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04;
- K. information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol and/or controlled substances problem (the employee's or a co-worker's); and available methods of intervening when a controlled substance and/or alcohol problem is suspected (including confrontation and how to refer someone to an Employee Assistance Program or to management), and

- L. information regarding the requirement that certain personal information collected and maintained under Federal law be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse indicating that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including alcohol, is prohibited on all school board property and at school-sponsored activities. Individuals are strictly prohibited from reporting to work or being on duty while under the influence of alcohol or a controlled substance.

These materials are to be distributed to each staff member upon being hired or transferred into a covered position thereafter. Each staff member will receive a copy of the educational materials and must sign a statement certifying receipt of such materials. A staff member who refuses to sign the requisite statement shall be prohibited from performing any safety-sensitive functions. Each employee shall receive written notice of the availability of this information, and the identity of the Board's designated representative in charge of answering questions about the materials.

#### **Return-to-Duty (Safety-Sensitive Positions)**

Employees who are removed from performing safety-sensitive functions as a result of this policy shall take and pass a return-to-duty test before returning to performing safety-sensitive functions. The return-to-duty test will not occur until after a Substance Abuse Professional ("SAP") has determined that the employee has successfully complied with prescribed education and/or treatment. The employee shall have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties. The employee will not be permitted to perform safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the return-to-duty test.

Employees who are eligible to return to performing safety-sensitive functions may not do so without the prior approval of the Superintendent.

## 1663.02 - USE OF TOBACCO

The Board is committed to providing students, staff, and visitors with a tobacco and smoke-free environment. The negative health effects of tobacco use for both users and nonusers, particularly in connection with secondhand smoke, are well established. Further, providing non-smoking and a tobacco-free environment is consistent with the responsibilities of teachers and staff to be our positive role models for students.

For purposes of this policy, “use of tobacco” means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco, or tobacco substitutes, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes and/or smoking of electronic, “vapor,” or other substitute forms of cigarettes, clove cigarettes and any other lighted smoking devices for burning tobacco or any other substances.

In order to protect students and staff who choose not to smoke or use tobacco from an environment noxious to them, and because the Board does not condone smoking or the use of tobacco, the Board prohibits the use of tobacco or tobacco substitute products by professional staff members at all times within any enclosed facility owned or leased or contracted for by the Board, and in areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. This prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to school grounds and any school-related event.

## 1664 - SUBSTANCE ABUSE

The Board recognizes alcoholism and drug abuse as treatable illnesses. Such illnesses may impair the performance of an employee. When appropriate, the Board may assist such employees in a manner recommended by appropriate specialists in the treatment of those illnesses.

An employee having an illness or other problem relating to the use of alcohol or other drugs including controlled substances, medications not prescribed by the employee's physician, or medications not taken as prescribed, shall receive the same careful consideration and offer of assistance that is presently extended to an employee having any other illness.

The responsibility to correct unsatisfactory job performance, attendance or behavioral problems resulting from a suspected health problem rests with the employee. Additionally, regardless of whether an employee has an illness or other problem relating to the use of alcohol or other drugs it remains the responsibility of the employee to report to work and perform the employee's duties in a fit and appropriate condition at all times. Being under the influence of alcohol or other drugs while on duty, on District property, or at a District related activity/event is not acceptable. Failure to correct unsatisfactory job performance, attendance or behavior and/or working or reporting to work under the influence of alcohol or other drugs for whatever reason, shall result in appropriate corrective or disciplinary action as determined by the Board, up to and including termination.

If an employee sustains a workplace injury while the employee is under the influence of alcohol or a controlled substance not prescribed by the employee's physician, the employee may be disqualified for compensation and benefits under the Workers Compensation Act. If the employee tests positive or refuses to submit to a test for alcohol and/or other drugs after sustaining a workplace injury, the employee may dispute or prove untrue the presumption or belief that alcohol and/or other drugs are the proximate cause of the injury (i.e., rebuttable presumption). Notice advising employees that the results of, or the employee's refusal to submit to an alcohol or other drug test may affect an employee's right to receive workers' compensation benefits.

If an employee voluntarily requests counseling or assistance before the Board learns of the employee's substance abuse problem (through a positive test result or otherwise), the employee's job security or promotion opportunities shall not be jeopardized by the employee's request for counseling or referral assistance. An employee may not avoid the consequences of a positive test by requesting counseling or assistance for a substance abuse problem after being instructed to submit to a drug test.

Employees who suspect they may have an alcoholism or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

# PROGRAM



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## **2111 – PARENT AND FAMILY ENGAGEMENT**

The Board recognizes and values parents and families as children’s first teachers and decision-makers in education. The Board believes that student learning is more likely to occur when there is an effective partnership between the school and the student’s parents and family. Such a partnership between the home and school and greater involvement of parents and family members in the education of their children generally result in higher academic achievement, improved student behavior, and reduced absenteeism. This policy shall serve as the Board’s policy, as well as the Parent and Family Engagement policy for each school/program/activity in the District.

The Elementary and Secondary Education Act (“ESEA”), as amended by the Every Student Succeeds Act of 2015 (“ESSA”), defines the term “parent” to include a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child’s welfare).

In accordance with statute and the State Board of Education Parent and Family Involvement policy, the term “family” is used in order to include a child’s primary caregivers, who are not the biological parents, such as foster caregivers, grandparents, and other family members and responsible adults who play significant roles in providing for the well-being of the child.

## **Family-School Partnership in Student Learning**

In cultivating a partnership with parents, families, and communities, the Board establishes the following expectations and objectives for meaningful parent and family engagement:

- A. working with parents and families to establish learning goals for their children with the purpose of developing responsible, adult members of society;
- B. working with parents and families to develop and implement appropriate strategies for helping their children accomplish the learning goals;
- C. establishing and supporting a consistent and shared approach to child guidance and discipline in collaboration with parents and families;
- D. providing information to parents and families to support the proper health, safety, and well-being of their children;
- E. providing information related to school policies, procedures, programs, and activities to parents and families in a language and format that is understandable, to the extent practicable;
- F. providing information and involving parents and families in monitoring student progress in a manner that is meaningful and understandable;
- G. helping parents and families to provide a school and home environment which encourages learning and extends, at home, the learning experiences provided by the school; and
- H. “providing parents and families with timely and meaningful information regarding Ohio’s academic standards; State and local assessments; and pertinent legal provisions (such as Title I, Section 1118, parents participation rights under IDEIA, gifted student identification and programming, etc.) to assist them in making informed decisions about their children’s academic future.

## **Family-School Partnership for Quality Schools**

In cultivating a partnership with parents, families, and communities. The Board is committed to the following:

- A. providing a range of meaningful opportunities for parents and families to volunteer in and support their children’s school activities;

- B. providing engagement activities respective of various cultures, languages, practices, and customs that support relationships among parents, families, and schools that bridge economic and cultural barriers;
- C. promoting regular and open communication between school personnel and students' parents and family members; and
- D. cultivating school environments that are welcoming, supportive, and children-centered.

### **Parent and Family Responsibilities**

It is parents and families who have the ultimate responsibility for their children's education, health, well-being, and behavior.

Parents and families have a responsibility to encourage and support their children's education by:

- A. supporting the schools in requiring their children observe all school rules and regulations;
- B. sending their children to school with proper attention to their health, personal cleanliness, and dress;
- C. maintaining an active interest in their children's daily work and checking on their children's progress regularly;
- D. providing a quiet place and suitable conditions for study;
- E. reading all communications from the school, signing, and returning them promptly when required;
- F. attending conferences when practicable or making alternative arrangements to discuss their children's progress; and
- G. working with their children's teachers to find school or community-based academic and behavioral interventions and enrichment supports.

## 2114 - MEETING STATE PERFORMANCE INDICATORS

It is the intent of the Board of Education that the District and each eligible school building annually meet the specified number of performance indicators established by the State Board of Education to be designated as an “A” School District.

The Superintendent shall develop a plan annually that outlines the steps the District and each eligible school building need(s) to take if at least the required percentage of students is to meet or exceed the performance levels established by the State Board of Education for each of the performance indicators.

S/He shall also estimate the additional resources that will or may be necessary to be able to implement the annual plan and the annual cost to the District to provide such resources. These estimated costs shall then be incorporated into the budget proposals submitted to the Board each year and identified as such.

Maintaining a designation as an “A” School District and “A” school buildings will require both the understanding and support of parents and the community at large. Thus, it will be necessary to establish and maintain a communications program to the community to keep them informed of the current performance status of the District and the resources that are needed to become an “A” District and “A” school buildings.



## 2210 - CURRICULUM DEVELOPMENT

The Board of Education recognizes its responsibility for the quality of the educational program of the schools. To this end, the curriculum shall be developed, evaluated, and adopted on a continuing basis and in accordance with a plan for curriculum development established by the Superintendent.

For purposes of this policy and consistent communication throughout the District, curriculum shall be defined as:

- A. the courses of study, subjects, classes, and organized activities provided by the school;
- B. all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group;
- C. learning activities approved by the Board for individuals or groups of students and expressed in terms of specific instructional objectives or class periods;
- D. the plan for learning necessary to accomplish the educational goals of the District;
- E. all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group, necessary to accomplish the educational goals of the District;
- F. lessons, units of instruction, and assessments that are aligned with prescribed academic content standards.

The Board directs that the curriculum of this District provide instruction in courses required by statute and Ohio Department of Education regulations and shall be consistent with the District's philosophy and goals. Further, the Superintendent shall provide an opportunity for parents to review the selection of textbooks and reading lists, instructional materials, and the academic curriculum of the District.

The curriculum shall:

- A. allow for the development of individual talents and interests as well as recognize that learning styles of students may differ;
- B. provide for continuous and cumulative learning through effective articulation at all levels;
- C. utilize a variety of learning resources to accomplish the educational goals;

- D. emphasize principles of democracy and ethics in appropriate parts of the curriculum for students in all grades;
- E. provide for the use of phonics in the teaching of reading in grades K - 3;
- F. encourage students to utilize guidance and counseling services in their academic and career planning.

As the educational leader of the District, the Superintendent shall be responsible to the Board for the development and evaluation of curriculum and the preparation of courses of study.

The Superintendent shall make progress reports to the Board periodically.

The Superintendent may conduct such innovative programs as are deemed to be necessary to the continuing growth of the instructional program and to better ensure accomplishment of the District's educational goals.

The Superintendent shall report each such innovative program to the Board along with its objectives, evaluative criteria, and costs.

The Board directs the Superintendent to pursue actively State and Federal aid in support of the District's innovative activities.





## 2240 - **CONTROVERSIAL ISSUES**

The Board believes that the consideration of controversial issues has a legitimate place in the instructional program of the schools.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, carefully weigh the values and factors involved, and develop techniques for formulating and evaluating positions.

For purposes of this policy, a controversial issue is a topic on which opposing points of view have been promulgated by responsible opinion or is likely to arouse both support and opposition in the community.

The Board shall permit the introduction and proper educational use of controversial issues provided that their use in the instructional program:

- A. is related to the instructional goals of the course of study and level of maturity of the students;
- B. does not tend to indoctrinate or persuade students to a particular point of view; and
- C. encourages open-mindedness and is conducted in a spirit of scholarly inquiry.

Controversial issues related to the program may be initiated by the students themselves provided they are presented in the ordinary course of classroom instruction and it is not substantially disruptive to the educational setting.

Controversial issues may not be initiated by a source outside the schools unless prior approval has been given by the principal or program manager.

When controversial issues have not been specified in the course of study, the Board shall permit the instructional use of only those issues which have been approved by the Superintendent.

No classroom teacher shall be prohibited from providing reasonable periods of time for activities of a moral, philosophical, or patriotic theme. No student shall be required to participate in such activities if they are contrary to the religious convictions of the student or his/her parents or guardians.

The Board acknowledges that it may not adopt any policy or rule respecting or promoting an establishment of religion or prohibiting any student from the free, individual, and voluntary exercise or expression of the student's religious beliefs.

The Board also recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If after careful, personal review of the program lessons and/or materials, a parent indicates to the school that either the content or activities conflicts with his/her religious beliefs or value system, the school shall honor a written request for his/her child to be excused from a particular class for specified reasons. The student, however, shall not be excused from participating in the course and shall be provided alternate learning activities during times of such parent requested absences.

The Superintendent shall deal with controversial issues and with parental concerns about program content or the use of particular materials.

## 2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationships and/or personal sense of self-worth. As such, the Board does not discriminate on the basis of race, color, national origin, sex, disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to their membership in the Protected Classes, race, color, national origin, sex, disability, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall:

### A. Curriculum Content

review current and proposed courses of study and textbooks to detect any bias based upon the Protected Classes ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

### B. Staff Training

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the Protected Classes in all aspects of the program;

### C. Student Access

1. review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under applicable laws and regulations;
2. verify that facilities are made available, in accordance with Board Policy 7510 — Use of District Facilities — for non-curricular student activities

that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

**D. District Support**

verify that like aspects of the District receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

**E. Student Evaluation**

verify that tests, procedures, and guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated, or stereotyped on the basis of the Protected Classes.

**Definitions:**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means a business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

## **District Compliance Officer(s)**

The Board designates the following individual(s) to serve as the District's "Compliance Officer" (also known as "Civil Rights Coordinator"):

Principal  
Baker Elementary School  
4095 Sheridan Drive  
Vienna, Ohio 44473  
(330) 637-3500

or

Special Education Supervisor  
Mathews High School  
4429 Warren-Sharon Road  
Vienna, Ohio 44473  
(330) 637-3500

The Compliance Officer is responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The Compliance Officer shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to students, their parents, staff members, and the general public.

## **Reports and Complaints of Unlawful Discrimination and Retaliation**

Students and all other members of the District community, as well as third parties, are required to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other District-level official so that the Board may address the conduct. Any administrator, supervisor, or other District-level employee or official who receives such a report shall file it with the Compliance Officer within two (2) days if possible.

Students and all other members of the District community, as well as Third Parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, shall not adversely affect the Complainant's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The Compliance Officer shall accept reports of

unlawful discrimination/retaliation directly from any member of the District community or Third Party, or receive reports that are initially filed with another Board employee. Upon receipt of a report of alleged discrimination/retaliation, the Compliance Officer will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or the Compliance Officer shall designate a specific individual to conduct such a process. The Compliance Officer shall provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the Compliance Officer shall prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the District community shall report incidents of discrimination/retaliation that are reported to them to the Compliance Officer within two (2) days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to the Compliance Officer within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the Compliance Officer/designee shall contact the Complainant within two (2) days to advise the Complainant of the Board's intent to investigate the wrongdoing.

### **Investigation and Complaint Procedure**

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities – any student who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of the student's complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation shall be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights, the Ohio Civil Rights Commission ("OCRC") or Equal Employment Opportunity Commission ("EEOC").

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is

provided as a less formal option for a student who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the District community and a student shall be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is inappropriate and shall stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the alleged inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing to the Compliance Officer and/or the Superintendent or designee.

All informal complaints shall be reported to the Compliance Officer who shall either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The District's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the Complainant's wishes, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate concerns to the Respondent.
- B. Distributing a copy of this policy to the individuals in the school building or office where the Respondent works.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.



While there are no set time limits within which an informal complaint shall be resolved, the Compliance Officer or designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer(s) determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with the Compliance Officer and/or the Superintendent or designee. Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs. If a Complainant informs the Superintendent or designee, either orally or in writing, about any complaint of discrimination/retaliation, that student shall report such information to the Compliance Officer within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints shall include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer shall prepare a written summary of the oral interview, and the Complainant shall be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer shall consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions the Compliance Officer deemed appropriate in consultation with the Superintendent or designee.

Within two (2) business days of receiving the complaint, the Compliance Officer or designee shall initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the Compliance Officer shall inform the Respondent that a complaint has been received. The Respondent shall be informed about the nature of the allegations and provided with a copy of any relevant policies, including this policy. The Respondent shall also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee shall attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation shall include:

- A. Interviews with the Complainant;
- B. Interviews with the Respondent;
- C. Interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and
- D. Consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or designee shall prepare and deliver a written report to the Superintendent or designee that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and applicable law as to whether the Respondent has engaged in unlawful discrimination/retaliation of the Complainant. The Compliance Officer or designee's recommendations shall be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard shall be used. The Compliance Officer or designee may consult with the Board's legal counsel before finalizing the report to the Superintendent or designee.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or designee, the Superintendent or designee shall either issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent or designee's final decision shall be delivered to both the Complainant and the Respondent.

If the Superintendent or designee requests additional investigation, the Superintendent or designee shall specify the additional information that is to be gathered, and such additional investigation shall be completed within five (5) business days. At the conclusion of the

additional investigation, the Superintendent or designee shall issue a final written decision as described above.

If the Superintendent or designee determines that the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent or designee shall identify what corrective action shall be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The decision of the Superintendent or designee shall be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The District shall employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of a formal investigation, the Compliance Officer or designee shall instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action shall be taken in accordance with

applicable laws. When imposing discipline, the Superintendent or designee shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

## **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

## **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, shall be age and content appropriate.

## **Retention of Investigatory Records and Materials**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic

media created and/or received as part of an investigation, which may include, but is not limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to District personnel related to this policy including, but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy;
- O. documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
- P. copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
- Q. copies of any notices sent to the Complainant and Respondent in advance of any interview, meeting, or hearing; and
- R. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings including the investigation report and any written responses submitted by the Complainant and Respondent.

The documents, ESI, and electronic media retained may include public records and records exempt from disclosure under applicable state and federal laws. The documents, ESI, and electronic media created or received as part of an investigation shall be retained in accordance with applicable state and federal laws for not less than three (3) years but longer if required by the District's records retention schedule.

## **2260.01 - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY**

Pursuant to Section 504 of the Rehabilitation Act of 1973 (“Section 504”), the Americans with Disabilities Act of 1990, as amended (“ADA”), and the implementing regulations (collectively “Section 504/ADA”), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Board does not discriminate in admission or access to, or participation in, or treatment in its programs or activities. As such, the Board’s policies and practices shall not discriminate against students with disabilities and the Board shall make its facilities, programs, and activities accessible to qualified individuals with disabilities. No discrimination shall be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the District.

“An individual with a disability” means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public District elementary and secondary educational services, a qualified person with a disability means a disabled person:

- A. who is of an age during which nondisabled persons are provided educational services;
- B. who is of any age during which it is mandatory under Ohio law to provide educational services to disabled persons; or

- C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to education services, a qualified person with a disability means a person with a disability who meets the academic and technical standards requisite to admission or participation in the District program or activity. The Board will not deny a student with disabilities access to its education programs or courses due to architectural and/or equipment barriers, or because the student needs relate aids or services to receive an appropriate education.

### **District Compliance Officer**

The following person is designated as the District Section 504 Compliance Officer/ADA Coordinator (“District Compliance Officer”):

Principal  
Baker Elementary School  
4095 Sheridan Drive  
Vienna, Ohio 44473  
(330) 637-3500

or

Special Education Supervisor  
Mathews High School  
4429 Warren-Sharon Road  
Vienna, Ohio 44473  
(330) 637-3500

The District Compliance Officer is/are responsible for coordinating the District’s efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer.

The District Compliance Officer shall oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board’s adopted internal complaint procedure and shall attempt to resolve such complaints.

The Board shall provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The Board shall further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing.



## **Training**

The District Compliance Officer shall also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board shall provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

## **Facilities**

No qualified person with a disability shall, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District shall comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities shall be designed and scheduled so that the location and nature of the facility or area shall not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

## **Education**

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one or more major life activities, the Board shall provide the student with a free appropriate public education. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For students with disabilities who are not eligible for specially designed instruction under the IDEIA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan. Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan. The quality of education services provided to students with disabilities will be equal to the quality of services provided to students without disabilities.

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the District with persons who are not disabled to the maximum extent appropriate. Generally, the District shall place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the District places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home. If the Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

The Board shall provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Non-academic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and non-academic and extracurricular services and activities, including those listed above, the District shall verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

## **Notice**

Notice of the Board's policy on nondiscrimination in education practices and the identity of the District's Compliance Officer shall be posted.

## 2261 - TITLE I SERVICES

The Board of Education elects to augment the educational program of educationally disadvantaged students by the use of Federal funds and in accordance with Title I of the Elementary and Secondary Education Act of 1965, as amended.

The Superintendent shall prepare and present to the Ohio Department of Education a plan for the delivery of services which meets the requirements of the law, including those described below. The plan shall be developed by appropriate staff members and parents of students who will be served by the plan. The District will periodically review and revise the plan, as necessary.

### A. **Assessment**

The Board shall annually assess the educational needs of eligible children, as determined by Federal and State criteria. Such assessment shall include performance measures mandated by the Ohio Department of Education as well as those determined by the District professional staff, that will assist in the diagnosis, teaching, and learning of the participating students.

### B. **Scope**

Each school shall determine whether the funds will be used to upgrade the educational program of an entire school in Title I schools that qualify as schoolwide schools and/or to establish or improve programs that provide services only for eligible students in greatest need of assistance. The schoolwide program, for an entire school and/or a Targeted Assistance School shall include the components required by law as well as those agreed upon by participating staff and parents.

### C. **Participation**

The Title I program shall be developed and evaluated in consultation with parents and professional staff members, including teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders, administrators and other school appropriate personnel involved in its implementation. Appropriate training will be provided to staff members who provide Title I services. Parent participation shall be in accord with Board Policy 2261.01 and shall meet the requirements of Section 1116 of the Act.

**D. Supplement Not Supplant and Comparability of Services**

Title I funds will be used only to supplement, not to supplant, State and local funds. The District will document its compliance with the supplement not supplant provisions by using a written methodology that ensures State and local funds are allocated to each school on the same basis, regardless of whether a school receives Title I funding.

The Superintendent shall use State and local funds to provide educational services in schools receiving Title I assistance that, taken as a whole, are at least comparable to services being provided in schools that are not receiving Title I assistance. The determination of the comparability of services may exclude State and local funds expended for language instruction educational programs and the excess costs of providing services to children with disabilities as determined by the District. The determination of comparability of services will not take into account unpredictable changes in student enrollments or personnel assignment that occur after the beginning of a school year..

In order to achieve comparability of services, the Superintendent shall assign teachers, administrators, and auxiliary personnel and provide curriculum materials and instructional supplies in an equitable manner throughout the District.

**E. Professional Development**

Members of the professional staff may participate in the design and implementation of staff development activities that :

1. involve parents in the training, when appropriate;
2. combine and consolidate other available Federal and District funds;
3. foster cooperative training with other educational organizations including other school districts;
4. allocate part of the staff development to the following types of strategies:
  - a. performance-based student assessment
  - b. use of technology
  - c. working effectively with parents
  - d. early childhood education

- e. meeting children's special needs
- f. fostering gender-equitable education
- g. provides opportunities for paraprofessionals to work toward licensing as professional educators.

## **2261.01 - PARENT AND FAMILY MEMBER PARTICIPATION IN TITLE I PROGRAMS**

In accordance with the requirements of Federal law, programs supported by Title I funds must be planned and implemented in meaningful consultation with parents and family members of the students being served.

Each year the Superintendent shall work with parents and family members of children served in Title I Programs in order to jointly develop and agree upon a proposed written parent and family engagement policy to establish expectations for the involvement of such parents and family members in the education of their children. The proposed policy shall be reviewed and approved annually by the Board of Education and distributed to parents and family members of children receiving Title I services. The proposed policy must establish the District's expectations and objectives for meaningful parent and family involvement, and describe how the School District will:

- A. involve parents and family members in the development of the School District's Title I plans and any State-mandated comprehensive support and improvement plans;
- B. provide coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools in planning and implementing effective parent involvement activities to improve student achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
- C. coordinate and integrate parent and family engagement strategies, to the extent feasible and appropriate, with other Federal, State, and local laws and programs;
- D. with meaningful involvement of parents and family members, annually evaluate the content and effectiveness of the parent and family engagement policy in improving the academic quality of schools, including:
  - 1. identifying barriers to greater parent participation (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic

- minority background);
  - 2. the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
  - 3. strategies to support successful school and family interactions.
- E. use the findings of the above-referenced evaluation to:
- 1. design evidence-based strategies for more effective parental involvement; and,
  - 2. revise the parent and family engagement policy, if necessary;
- F. involve parents in the activities of the District's Title I schools, which may include establishing a parent advisory board that may be charged with developing, revising and reviewing the parent and family engagement policy;
- G. provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency and/or disabilities, and parents and family members of migratory children, including providing information and school reports in a format, and to the extent practicable in a language, such parents can understand;
- H. conduct meetings with parents including provisions for flexible scheduling and assistance to parents to better assure their attendance at meetings;
- I. develop agendas for parent meetings to include review and explanation of the curriculum, means of assessments, and the proficiency levels students are expected to achieve and maintain;
- J. provide opportunities for parents to formulate suggestions, interact and share experiences with other parents, and participate appropriately in the decision-making about the program and revisions in the plan;
- K. involve parents in the planning, review, and improvement of the Title I program;
- L. communicate information concerning school performance profiles and their child's individual performance to parents;
- M. assist parents in helping their children in achieving the objectives of the program by such means as ensuring regular attendance, monitoring television-watching, providing adequate time and the proper environment for homework; guiding nutritional and health practices, and the like;

- N. provide timely responses to parental questions, concerns, and recommendations;
- O. coordinate and provide technical assistance and other support necessary to assist Title I schools to develop effective parent participation activities to improve academic achievement;
- P. conduct other activities as appropriate to the Title I plan and State and Federal requirements.

The Board will reserve the requisite percent of its allocation of Federal Title I funds to carry out the above-described activities. Parents and family members of children receiving Title I services shall be involved in the decisions regarding how the reserved funds are allotted for parent involvement activities. Reserved funds shall be used to carry out activities and strategies consistent with the Board's parent and family engagement policy (Policy 2111), including at least one (1) of the following:

- A. Supporting schools and nonprofit organizations in providing professional development for the District and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.
- B. Supporting programs that reach parents and family members at home, in the community, and at school.
- C. Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.
- D. Collaborating, or providing subgrants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.
- E. Engaging in any other activities and strategies that the Board determines are appropriate and consistent with its parent and family engagement policy.

The Superintendent must also assure that each Title I participating school develops a specific written plan, with parental involvement and agreement, which includes provisions regarding the following:

- A. Each principal must convene an annual meeting at a convenient time to which all parents of participating children are invited and encouraged to attend to explain the parents' rights to be involved and the school's obligations to develop a parent

and family engagement policy.

- B. Meetings with parents of children receiving Title I services must be scheduled at flexible times with assistance such as child care, transportation, home visits, or similar aid offered to parents to encourage their involvement.
- C. Parents must be involved in an organized, on-going and timely way in the development, review, and improvement of parent involvement activities, including the planning, review and improvement of the school parent and family engagement policy, and the joint development of the schoolwide program plan, if appropriate.
- D. Parents of participating students must be provided with:
  - 1. timely information about the Title I program and the school's parent and family engagement policy;
  - 2. a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels expected;
  - 3. regular meetings, upon request, for parents to make suggestions, and to participate as appropriate, in decisions relating to the education of their children, and receive responses regarding the parents' suggestions about their student's education as soon as practicably possible.
- E. If the written plan is not satisfactory to the parents of participating children, the school must submit any parents' comments when it presents the plan to the Superintendent.
- F. As a component of the school-level parent and family engagement policy, the principal for each school shall coordinate the development of a school-parent compact jointly with parents of children served under Title I which outlines how the school staff, the parents, and the student will share responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help students achieve the State's high standards. The compact must:
  - 1. describe the school's responsibility to provide a high quality curriculum and instruction in a supportive, effective learning environment;
  - 2. describe the ways in which each parent is responsible for supporting their child's learning environment such as monitoring attendance, homework, extra-curricular activities and excessive television watching; volunteering in the classroom; and participating, as appropriate, in decisions relating to



the education of their children and their positive use of extra-curricular time;

3. address the importance of parent/teacher communication on an on-going basis through at least annual parent teacher conferences to discuss the child's achievement and the compact; frequent progress reports to the parents on their child's progress; reasonable access to the staff and to observe and participate in classroom activities and regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.
- G. Parents of children receiving Title I services must be notified about their school's parent and family engagement policy in an understandable and uniform format, and to the extent practicable, in a language the parents can understand. These policies must also be made available to the community.
  - H. School-level parent and family engagement policies must be updated periodically to meet the changing needs of parents and the schools.

In order to involve parents in the education of their children and to support a partnership among the school, parents and the community for improving student academic achievement, the Superintendent and building principals must include provisions in the School District and school-level parent and family engagement policies regarding:

- A. assisting parents of children served under Title I in understanding such topics as the State academic standards, State and local academic assessments, Title I, and how to monitor their child's progress and how to work with educators to improve their child's achievement;
- B. providing materials and training to help parents work with their children to improve achievement, such as literacy training and using technology (including education about the harms of copyright privacy);
- C. educating teachers, specialized instructional support personnel, school leaders (including principals), and other staff, with the assistance of parents, about the value and utility of contributions of parents, how to reach out to, communicate with, and work with parents as equal partners, how to implement and coordinate parent programs, and how to build ties between parents and the school;
- D. to the extent feasible and appropriate, coordination and integration of parent involvement programs and activities with other Federal, State and local programs (including public preschool programs), and conducting other activities that encourage and support parents more fully participating in the education of their children (e.g., parent resource centers);

- E. providing information related to school and parent programs, meetings, and other activities to parents of participating children in a format, and, to the extent practicable, in a language the parents can understand;
- F. providing such reasonable support for parent involvement activities as parents may request.

In order to build the School District's capacity for parent involvement, the Superintendent and building principals may also:

- A. involve parents in the development of training for teachers and administrators and other educators to improve the effectiveness of such training;
- B. provide necessary literacy training from Title I funds if the District has exhausted all other reasonably available sources of funding for such training;
- C. pay reasonable and necessary expenses associated with parental involvement activities to enable parents to participate in school-related meetings and training sessions, including transportation and child care costs;
- D. train parents to enhance the involvement of other parents;
- E. arrange school meetings at a variety of times, or conduct in-house conferences between teachers or other educators who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;
- F. adopt and implement model approaches to improving parental involvement in Title I programs;
- G. establish a District-wide parent advisory council to provide advice on all matters related to parental involvement programs;
- H. develop appropriate roles for community-based organizations and businesses in parental involvement activities.

## 2261.02 - TITLE I – PARENTS’ RIGHT TO KNOW

In accordance with the requirement of Federal law, for each school receiving Title I funds, the Superintendent shall make sure that all parents of students in that school are notified that they may request, and the Board will provide the following information on the student's classroom teachers:

- A. Whether the teacher(s) have met the State qualification and licensing criteria for the grade levels and subject areas they are teaching.
- B. Whether the teacher(s) is teaching under any emergency or provisional status in which the State requirements have been waived.
- C. The undergraduate major of the teacher(s) and the area of study and any certificates for any graduate degrees earned.
- D. The qualifications of any paraprofessionals providing services to their child(ren).
- E. In addition, the parents **shall** be provided:
  - 1. information on the level of achievement of their child(ren) on the required State academic assessments;
  - 2. timely notice if the student is assigned to a teacher who is not “highly qualified” as required, or if the student is taught for more than four (4) weeks by a teacher who is not highly qualified.

The notices and information shall be provided in an understandable and uniform format, and to the extent practicable, in a language the parent(s) understand.

## 2261.03 - DISTRICT AND SCHOOL REPORT CARD

Each School District that receives Title I, Part A funds must prepare and publicly disseminate a report card on the performance and operations of the District. Report cards must be concise and presented in an understandable and uniform format that is developed in consultation with parents and accessible to persons with disabilities and, to the extent practicable, in a language that parents can understand.

The report shall contain the information called for on the form issued by the Ohio Department of Education in accordance with State and Federal law. The report must include 1) an overview section and 2) a detail section.

Report cards must begin with a clearly labeled overview section that is prominently displayed. The overview section of District report cards must include information on key metrics of State, District, and school performance and progress and is intended to help parents and other stakeholders quickly access and understand such information and provide context for the complete set of data included in the report.

The overview section of the annual report card must include for the District as a whole and each school, if appropriate:

- A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the District compares to State as a whole and, for each school in the District, how that school compares to the District and the State as a whole;
- B. English language proficiency of English learners (i.e., the number and percentage of English learners achieving English language proficiency as measured by Ohio's English proficiency assessment);
- C. performance on each measure within the Academic Progress indicator used by the State for elementary schools and secondary schools that are not high schools;
- D. high school graduation rates, including the four (4) year adjusted cohort and the extended-year adjusted cohort;
- E. performance on each measure within any School Quality or Student Success indicator used by the State;
- F. school identifying information, including student membership count and Title I participation status;

- G. summative determination for each school;
- H. whether the school was identified for comprehensive support and improvement or targeted support and improvement, and the reason(s) for such identification.

The overview section must include disaggregated data for specific student subgroups as required by the United States Department of Education (e.g., each major racial and ethnic group; children with disabilities; English learners; and economically disadvantaged students).

Report cards must include student achievement data overall and by grade, including the percentage of students at each level of achievement as determined by the State for all students and disaggregated by each major racial and ethnic group, gender, disability status, migrant status, English proficiency status, status as economically disadvantaged, status as a homeless student/youth, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces on active duty (which includes full-time National Guard duty).

Data for these subgroups must be included in the detail section of report cards if it is not included in the overview section.

The details section of the District report card must include the remaining information required in the statute and applicable regulations. A District need not include information in the detail section of the report if it includes such information in the overview section. The annual report detail section must include, if appropriate:

- A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the District compares to State as a whole and, for each school in the District, how that school compares to the District and the State as a whole;
- B. percentages of students assessed and not assessed in each subject (i.e. participation rates on required assessments);
- C. extent alternate assessments aligned with alternate academic achievements standards were used for students with the most significant cognitive disabilities (i.e., the number and percentage of students assessed using alternate academic achievement standards, by grade and subject);
- D. as applicable, number and percentage of recently arrived English learners exempted from one administration of the reading/language arts assessments or whose results are excluded from certain State indicators;
- E. high school graduation rates, including the four (4) year adjusted cohort, and the extended-year adjusted cohort;

- F. postsecondary enrollment rates for each high school;
- G. information collected and reported in compliance with the Civil Rights Data Collection (CRDC) under 20 U.S.C. 3413(c)(1);
- H. progress toward State-designed long-term goals for academic achievement, graduation rates, and English learners achieving English language proficiency (including measurements of interim progress);
- I. level of performance on each indicator included in State accountability system including, as applicable, results on each individual measure within each indicator not already included in the school overview section;
- J. information on educator qualifications;
- K. information on per-pupil expenditures (i.e., actual personnel and actual non-personnel; for the District as a whole and each school);
- L. State performance on the National Assessment of Educational Progress (NAEP) – math and reading, grades 4 and 8;
- M. description and Results of State accountability system (the District may provide the web address or URL of, or a direct link to, a State plan or other location on the Ohio Department of Education’s web site to meet this requirement);
- N. additional information best-suited to convey the progress of each school.
- O. other information as required by the State Department of Education.

When presenting data on a report card, the District shall protect the privacy of individuals and the privacy of personally identifiable information contained in students’ education records in accordance with the Family Educational Rights and Privacy Act (FERPA) and R.C. Section 3319.321.

The District’s annual report card information must be made publicly available through such means as posting on the District’s web site and distribution to local media and public agencies.

The Board will provide the school level overview directly to all parents in each school served by the District annually.

The data from the local report card is to be used by each of the schools and the District as a whole in revising and upgrading school and District improvement plans.

**2266 – NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS  
OR ACTIVITIES**

Board Policy 1266 shall be considered to be incorporated herein.

## 2270 - RELIGION IN THE CURRICULUM

Based on the First Amendment protection against the establishment of religion in the schools, no Board employee shall promote religion in the classroom or in the District's curriculum or compel or pressure any student to participate in devotional exercises. Instructional activities shall not be permitted to advance or inhibit any particular religion or religion generally.

An understanding of religions and their effects on civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, curriculum may include as appropriate to the various ages and attainments of the students, instruction about the religions of the world.

The Board acknowledges the degree to which a religious consciousness has permeated the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the District's schools frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may be religious in nature shall not, by itself, bar their use in the District. The Board directs that professional staff members employing such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.

The Board recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the education of the District's students, not for its conformity to religious principles. Students should receive unbiased instruction in District schools/programs/activities so they may privately accept or reject the knowledge thus gained in accordance with their own religious tenets.

Accordingly, no student shall be exempted from attendance in a required course of study on the grounds that the instruction therein interferes with the free exercise of his/her religion. However, if after careful, personal review of the program's lessons and/or materials, a parent indicates to the school that either the content or activities conflict with his/her religious beliefs or value system, the school shall honor a written request for his/her child to be excused from particular class periods for specified reasons. The student shall be provided with alternate learning activities during the times of such parent requested absence.

No classroom teacher shall be prohibited from providing reasonable periods of time for activities of a moral, philosophical, or patriotic theme. No student shall be required to participate in such activities if they are contrary to the religious convictions of the student or his/her parents or guardians.

Students shall not be prohibited from engaging in religious expression in the completion of homework, artwork, or other written or oral assignments. Such assignments will be graded in the same manner as any other assignments. Students will neither be penalized nor rewarded based on the religious content of the student's work.



The Board acknowledges that it may not adopt any policy or rule respecting or promoting an establishment of religion or prohibiting any student from the free, individual, and voluntary exercise or expression of the student's religious beliefs.

## **2271 – COLLEGE CREDIT PLUS PROGRAM**

The Board of Education recognizes the value to students and to the District for students to participate in programs offered by accredited colleges and universities in Ohio.

The Board will approve participation by students who apply to the participating college or university (institute of higher education or IHE) and meet the IHE's and relevant academic program's established standards for admission, enrollment, and course placement. Participating students will be eligible to receive secondary credit for completing any of these programs. To be eligible, students must be in seventh, eighth, ninth, tenth, eleventh, or twelfth grade and must either be remediation-free in one (1) of the assessments established under R.C. 3345.061(F) or meet an alternative remediation-free eligibility option as defined by the Chancellor of Higher Education in consultation with the Superintendent of Public Instruction. Students who participated in the College Credit Plus program before September 30, 2021 and who qualified to participate in accordance with prior law by scoring within one (1) of the required assessments and having a cumulative high school grade point average of at least 3.0, or alternatively receiving a recommendation from a school counselor, principal, or career-technical program advisor, may remain eligible to participate.

In addition, under Federal and State law, male students who are eighteen (18) years of age or older and who are classified as an Ohio resident by the public college or university they are attending through the College Credit Plus program are required to be registered with the Selective Service System. Participating male students are required to provide their Selective Service number to the public college or university within thirty (30) days of their 18th birthday. If such students do not submit their Selective Service number, they will not be considered a College Credit Plus participant for that current semester or term and will be responsible for any tuition, textbooks, or fees associated with the classes for which they are enrolled.

### **Underperforming and Ineligible Students**

If a student participating in the College Credit Plus Program under the option set forth in R.C. 3365.06 (B) either: A) fails to maintain a grade point average of 2.0 or higher in the college courses taken through the College Credit Plus Program; or B) withdraws from, or receives no credit for two (2) or more courses in the same term, the student will be considered an underperforming student. If a student maintains underperforming student status for two (2) consecutive terms of enrollment, the student will be deemed "ineligible."

### **Probation**

Immediately after determining a student has obtained underperforming student status, the Superintendent shall place the student on probation within the College Credit Plus Program and notify the underperforming student, his/her parents, and each IHE in which the student is enrolled of his/her status. The underperforming student and his/her parents shall also be notified of the following requirements for continued participation in the Program while on probation:

- A. The student shall only enroll in one (1) college course during any term.
- B. The student shall refrain from enrolling in a college course in the same subject as a college course in which the student earned a grade of “D” or “F” or for which the student received no credit.
- C. If the student had registered for more than one (1) college course for the next term prior to being placed on probation, the student shall request each IHE in which s/he is enrolled to dis-enroll the student from those courses that conflict with the terms of his/her probationary status.
  - 1. If a student elects to remain enrolled in one (1) course for the next term, s/he shall inform the IHE of the course in which the student would like to remain enrolled.
  - 2. If the student fails to dis-enroll from any courses that conflict with his/her probationary status, the Superintendent shall immediately notify the student and his/her parents that the student shall assume responsibility for any and all tuition, fees, and costs for textbooks for any courses from which the student was required to dis-enroll. In this notification, the student and his/her parents shall also be advised that the student shall be deemed an ineligible student and dismissed from the program for the next term in accordance with the dismissal procedures set forth below.
- D. If a student takes a course after being placed on probation and such course raises the student’s cumulative grade point average to 2.0 or higher in the college courses taken through the College Credit Plus Program, the student shall be removed from probation. The student may participate in the Program without restrictions unless s/he is declared to be an underperforming student again.
- E. If a student takes a course after being placed on probation and such course does not raise the student’s cumulative grade point average to 2.0 or higher in the college courses taken through the College Credit Plus Program, the student shall be dismissed from the Program in accordance with the dismissal procedures set forth below.

## **Dismissal**

If a student is deemed ineligible to participate in the College Credit Plus Program, s/he will be dismissed from the Program. The Superintendent shall notify the ineligible student, his/her parents, and each IHE in which the student is enrolled of his/her dismissal. The ineligible student and his/her parents shall also be notified that the student shall not take any college courses through the Program following his/her dismissal.

If the student had registered for more than one (1) college course for the next term prior to being dismissed from the Program, the student shall request each IHE in which s/he is enrolled to dis-enroll the student from the Program.

If the student fails to dis-enroll following his/her dismissal from the Program, the Superintendent shall immediately notify the student and his/her parents that the student shall assume responsibility for any and all tuition, fees, and costs for textbooks for any courses from which the student was required to dis-enroll. In this notification, the student and his/her parents shall also be advised that the Superintendent shall extend/continue the student's dismissal from the Program for an additional term.

### **Reinstatement**

Following one (1) term of dismissal a student may submit a request to the Superintendent to be reinstated to the College Credit Plus Program. Summer shall only be counted as a term if the student is enrolled in one (1) or more high school courses during the summer. Upon receipt of the reinstatement request, the student's full high school and college academic record will be reviewed to determine whether the student has achieved academic progress and whether s/he will be reinstated on probation or without restriction.

Reinstatement on Probation: In order to be reinstated to the College Credit Plus Program on probation, the student must meet the academic progress criteria as determined by the Superintendent.

If the student fails to demonstrate academic progress as defined above, the Superintendent shall extend/continue the student's dismissal for an additional term(s). During the dismissal period, the student shall remain ineligible to participate in the College Credit Plus Program until academic progress is achieved.

### **Appeals**

Any student who is dismissed from the College Credit Plus Program or prohibited from taking a course in which the student earned a grade of "D" or "F" or for which the student received no credit may appeal the decision to the Superintendent. The appeal must be filed within five (5) business days after the student is notified of the dismissal or prohibition against taking a course. Upon receiving the appeal, the Superintendent must immediately notify each IHE in which the student is enrolled that the student has filed an appeal.

When reviewing a student's appeal, the Superintendent shall consider any extenuating circumstances separate from the student's academic performance that may have affected or otherwise impacted the student's status in the College Credit Plus Program. After considering such information, the Superintendent may:

- A. allow the student to participate in the Program without restrictions;

- B. allow the student to take a course in which the student earned a grade of “D” or “F” or for which the student received no credit;
- C. allow the student to participate in the Program on probation; or
- D. maintain the student’s dismissal from the Program.

The Superintendent shall issue a decision on the student’s appeal within ten (10) business days after the date the appeal is filed. The Superintendent’s decision shall be final and s/he shall immediately provide notification of the decision to each IHE in which the student is enrolled.

- A. If the Superintendent decides to continue the student’s dismissal from the College Credit Plus Program and the student is enrolled in an Institution of Higher Education, such IHE shall permit the student to withdraw from all courses in which the student is enrolled without penalty. The Board shall not be required to pay for such courses.
- B. If the Superintendent fails to issue a timely decision after the date the appeal is made and the student is enrolled in an Institution of Higher Education, such IHE shall permit the student to withdraw from all courses in which the student is enrolled without penalty. If the decision is issued after the IHE’s no-fault withdrawal date, the Board shall be required to pay for such courses.

### **Home-Schooled Students**

If a home-schooled student participating in the College Credit Plus Program is placed on probation or dismissed from the Program, the parent of the student shall be responsible for notifying each IHE in which the student is enrolled of such probation or dismissal.

The Board will provide information about the College Credit Plus Program prior to February 1st to all students enrolled in grades six (6) through eleven (11) and their parents as outlined in AG 2271. The Board will also promote the College Credit Plus Program on its website, including the details of the Board’s current agreements with partnering IHEs.

All students must meet the requirements for participating in the College Credit Plus Program outlined in AG 2271.

The Board shall deny high school credit for the College Credit Plus Program courses, any portion of which are taken during the period of a student’s expulsion. If the student has elected to receive credit for course(s) toward fulfilling graduation requirements as well as the College Credit Plus Program credit, that election is automatically revoked for all college courses in which the student enrolled during the college term in which the expulsion is imposed.

When a student is expelled, the Board directs the Superintendent to send written notice of the expulsion to any college in which the expelled student is enrolled under R.C. 3365.03 (College Credit Plus Program) at the time the expulsion is imposed. This notice shall indicate the date the expulsion is scheduled to expire and that the Board has adopted a policy under R.C. 3313.613 to deny high school credit for College Credit Plus Program courses taken during an expulsion. If the expulsion period is later extended, the Superintendent shall notify the college of the extension.

The Board will collect, report, and track program data annually in accordance with data reporting guidelines adopted by the Chancellor and the Superintendent of Public Instruction pursuant to R.C. 3365.15.

The Superintendent shall establish the necessary administrative guidelines to comply with State law which will thereafter be properly communicated to both students and their parents. The Superintendent shall also establish guidelines and procedures for the awarding of credit and the proper entry of a student's transcript and other records of his/her participation in a College Credit Plus Program.

## 2312 - **CLASS SIZE**

The Board requires that class sizes be determined with reference to instructional quality and economy of operation, with consideration given to subject matter, type of instruction, and Federal and State requirements.

## 2330 - **HOMEWORK**

The Board acknowledges the educational validity of out-of-school assignments as adjuncts to and extensions of the instructional program of the schools.

“Homework” shall refer to those assignments to be prepared outside of the school by the student.

The Superintendent shall develop rules for the assignment of homework which include, but are not limited to:

- A. Homework should be a properly planned part of the curriculum, extending and reinforcing the learning experience of the school.
- B. Homework should help students learn by providing practice in the mastery of skills, experience in data gathering, and integration of knowledge, and an opportunity to remediate learning problems.
- C. As a valid educational tool, homework should be assigned with clear direction and its product carefully evaluated.



## 2340 - FIELD AND OTHER DISTRICT-SPONSORED TRIPS

The Board recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Properly planned and executed field trips should:

- A. supplement and enrich classroom procedures by providing learning experiences in an environment outside the schools;
- B. help students relate school experiences to the reality of the world outside of school; and
- C. bring the resources of the community - natural, artistic, industrial, commercial, governmental, educational - within the student's learning experience.

For purposes of this policy, a field trip shall be defined as any planned journey by one or more students away from District premises, which is an integral part of a course of study and is under the direct supervision and control of a professional staff member or any advisor as designated by the Superintendent.

Other District-sponsored trips shall be defined as any planned, student-travel activity which is approved as part of the District's total educational program and is under the direct supervision and control of a professional staff member or any advisor as designated by the Superintendent.

School personnel shall not accept any form of compensation from vendors that might influence their recommendation on the eventual selection of a location for, or a vendor that shall provide transportation to, a field or other District-sponsored trip. Furthermore, school personnel shall not accept any compensation from a vendor after a decision has been made regarding the location for, or a vendor that shall provide transportation to, a field or other District-sponsored trip. In addition, school personnel who recommended the location for, or a vendor that shall provide transportation to, a field or other District-sponsored trip shall not enter into a contractual arrangement whereby an individual staff member receives compensation in any form from the vendor that operates the venue for, or provides the transportation to, a field or other District-sponsored trip for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a school staff member receives such compensation, albeit unsolicited, from a vendor, the staff member shall notify the Treasurer/CFO, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Treasurer/CFO at his/her earliest opportunity.

The Board shall approve those field trips and other District-sponsored trips which:

- A. take students out of state; and/or

- B. are planned to keep students out of the District overnight or longer or out of the State, except that prior Board approval is not required for overnight trips related to extracurricular competitions that arise at a time when no Board meetings are scheduled prior to the date of the trip.

The Superintendent shall approve all other such trips. The Superintendent may approve overnight trips related to extracurricular competitions that arise at a time when no Board meetings are scheduled prior to the date of the trip.

Students may be charged fees, including, but not limited to, admission fees, for District-sponsored trips but no student shall be denied participation for financial inability, nor shall nonparticipation be penalized academically.

Students on all District-sponsored trips remain under the supervision of this Board.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the District who takes students on trips not approved by the Board or Superintendent. No staff member may solicit students of this District for such trips within the facilities or on the school grounds of the District without permission from the Superintendent. Permission to solicit neither grants nor implies approval of the trip.

A professional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in his/her charge is imperiled or where changes or substitutions beyond his/her control have frustrated the purpose of the trip.

In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall notify the administrative superior immediately.

## 2370.01 – **BLENDED LEARNING**

The Board of Education authorizes the operation of a blended learning environment as an educational opportunity for students. Blended learning is defined as the delivery of instruction in a combination of time primarily in a supervised physical location away from home and online delivery where the student has some element of control over time, place, path, or pace of learning and includes non-computer-based learning opportunities. Students participating in blended learning shall have the ability to advance from grade to grade and earn credits by demonstrating proficiency of knowledge or skills through competency-based learning models rather than a minimum number of days or hours in a classroom or on a digital learning device. Blended learning programs must have an annual instructional calendar of not less than 910 hours.

The Superintendent is authorized to develop program guidelines and specific procedures to address the following requirements:

- A. The means of personalization of student-centered learning models to meet the needs of each student.
- B. The evaluation and review of the quality of online curriculum delivered to students.
- C. The assessment of each participating student's progress through the curriculum. Students will advance through each level of the curriculum based on demonstrated competency/mastery of the material.
- D. The assignment of a sufficient number of teachers to ensure a student has an appropriate level of interaction to meet the student's personal learning goals. Each participating student shall be assigned to at least one (1) teacher of record.
- E. The method by which each participating student will have access to the digital learning tools necessary to access the online or digital content.
- F. The means by which each school shall use a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to or made available to students for instructional use. The school shall provide such device or software at no cost to any student who uses a device obtained from a source other than the school.

- G. The means by which the school will ensure that teachers have appropriate training in the pedagogy of the effective delivery of online or digital instruction.

The Superintendent will collect, report, and track program data annually, in accordance with data reporting guidelines, and provide regular reports to the Board.

The Superintendent shall establish the necessary administrative guidelines and procedures to comply with State law which will thereafter be properly communicated to both students and their parents.

## **2413 - CAREER ADVISING**

This policy has been developed as prescribed in R.C. 3313.6020 and the State Board of Education's Model Policy. This policy shall be updated at least once every two (2) years. The

policy shall be made available to students, parents/guardians/custodians, and local postsecondary institutions, residents of the Mathews Local School District, and shall be posted on the County web site.

Career advising is an integrated process that helps students understand how their personal interests, strengths and values might predict satisfaction and success in school and related career fields, as well as how to tie these interests and strengths to their academic and career goals. Students need to have access to comprehensive resources and support to prepare for their future success. Through relevant classroom instruction, career-related learning experiences, and a program of counseling and advising, students can discover their interests and explore academic and career pathway options.

The County's Career Advising Plan shall include:

- A. Grade-level examples that link students' schoolwork to one (1) or more career field, by initially implementing the Career Connections Learning Strategies offered by the Ohio Department of Education.
- B. Career advising to students in grades K-12, which includes age-appropriate activities and also includes creating and maintaining a Student Success Plan beginning in grade 6.

Advisors will meet with students at least once each semester to explore, evaluate, and plan academic and career pathways.

- C. Additional interventions and career advising for students who are identified as at risk of dropping out of school.

These may include:

- 1. Identifying students who are at risk of dropping out of school using a local, research-based method, such as the Early Warning System offered by the Ohio Department of Education, with input from teachers, school counselors and other appropriate school staff.
- 2. Developing a Student Success Plan for each at-risk student that addresses the student's academic and career pathway to a successful graduation and the role of career-technical education, competency-based education and experiential learning when appropriate.
- 3. Before developing a Student Success Plan, County staff will invite the student's parent/guardian/custodian to assist. If that adult does not participate in the plan development, the County will provide the adult a copy of the plan, a statement of the importance of a high school diploma and a listing of the pathways to graduation available to the student.

- D. Training for employees on how to advise students on career pathways, including training on advising students using the tools available in OhioMeansJobs K-12.

This may also include training on other online tools provided that offer resources for discovering career interests, exploring and researching career and education options and supporting the development of a Student Success Plan.

- E. Multiple academic and career pathways through high school that students may choose to earn a high school diploma, including opportunities to earn industry-recognized credentials and postsecondary course credit.
- F. Information on courses that can award students both traditional academic and career-technical credit.
- G. Documentation on career advising provided for review by the student, student's parent, guardian or custodian, and schools the student may attend in the future.

This may include activities that support the student's academic, career and social/emotional development, such as those saved to a student's OhioMeansJobs K-12 Backpack.

The supports necessary for students to have successful transitions from high school to their postsecondary destinations, including interventions and services for students in need of remediation in mathematics and English language arts.

## **2416 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION**

The Board respects the privacy rights of parents and their children. No student shall be required, as a part of the school program or the District's curriculum, without prior written consent of the student (if an adult, or an emancipated minor) or, if an unemancipated minor, his/her parents, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning:

- A. political affiliations or beliefs of the student or his/her parents;
- B. mental or psychological problems of the student or his/her family;
- C. sex behavior or attitudes;



- D. illegal, anti-social, self-incriminating or demeaning behavior;
- E. critical appraisals of other individuals with whom respondents have close family relationships;
- F. legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers;
- G. religious practices, affiliations, or beliefs of the student or his/her parents; or
- H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

The Superintendent shall require that procedures are established whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation.

Further, parents have the right to inspect, upon request, a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the school to the student. The parent shall have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal/program manager.

Additionally, parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum of the student. The parent shall have access to the instructional material within a reasonable period of time after the request is received by the building principal/program manager. The term instructional material means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or assessments.

The Board shall not allow the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

The Superintendent is directed to provide notice directly to parents of students enrolled in the District of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the District, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

For purposes of this policy, the term “parent” includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).



## 2421 - CAREER-TECHNICAL EDUCATION PROGRAM

The Board of Education recognizes that career-technical education is a viable program component for students.

For purposes of this policy, “career-technical education” shall be defined as programs and services (formerly known as vocational education) that prepare students:

- A. for careers and continued education;
- B. for entry in the labor market as employable individuals immediately after graduation with productive, saleable skills;
- C. to pursue education beyond high school with the opportunity to gain a marketable job skill(s) that will assist them in achieving career goals;
- D. to participate successfully in the world of work while continuing their education in order to help offset higher education expenses.

The Board shall provide an approved plan for secondary career-technical workforce development programs for students in grades 9 through 12. The plan will be updated at five (5) year intervals to provide a revised current listing of District programs. At that time the plan will be submitted to the Ohio Department of Education. The program listing shall reflect current and future needs of students, community, business and industry, and meet Ohio Department of Education criteria for secondary workforce development programs.

The Board shall provide, in cooperation with the Trumbull County Technical Center, a career-technical education program that includes workforce development programs.

The Board directs that any efforts to recruit students to participate in a particular vocational program must include literature and comparable recruitment efforts for students with disabilities in a format and context in which they communicate.

The career-technical education program may also include:

- A. a shared-time program outside of school;
- B. a work-study program involving the employment of qualified students;

Work-study programs are available to students without regard for race, color, national origin, sex, age, or disability. The application forms for work-study programs shall contain a notice of nondiscrimination and each employer associated with a work-study program must provide annual written assurance of nondiscrimination on the basis of race, color, national origin, sex, age, and disability prior to the time the students are selected and/or assigned.

- C. Career Based Intervention for students ages 12-21 inclusively in grades 7-12 who are identified as disadvantaged (either academically or economically or both) and who have barriers to achieving academic and career success;

Program accountability shall be maintained within a performance system that focuses on student academic proficiency, technical proficiency, high school graduation, and post-program placement.



## **2430 - DISTRICT-SPONSORED CLUBS AND ACTIVITIES**

The Board believes that the goals and objectives of this District are best achieved by a diversity of learning experiences, including those that are not conducted in a regular classroom but are directly related to the curriculum.

The purpose of curricular-related activities shall be to enable students to explore a wider range of individual interests than may be available in the District's courses of study but are still directly related to accomplishing the educational outcomes for students as adopted by the Board in Policy 2131.

For purposes of this policy, curricular-related activities are defined as those activities in which:

- A. the subject matter is actually taught or will be taught in a regularly offered course;
- B. the subject matter concerns the District's composite courses of study;
- C. participation is required for a particular course;
- D. participation results in academic credit.

No curricular-related activity shall be considered to be under the sponsorship of this Board unless it meets one or more of the criteria stated above and has been approved by the Superintendent.

Such activities, along with extra-curricular activities (not directly related to courses of study), may be conducted on or off school premises by clubs, associations, and organizations of students sponsored by the Board and directed by a staff advisor.

The Board shall allow nondistrict-sponsored, student clubs and activities during noninstructional time, in accordance with the provisions in Policy 5730 -- Equal Access For Nondistrict-Sponsored, Student Clubs and Activities.

Noncurricular student activities that are initiated by parents or other members of the community may be allowed under the provisions of Policy 7510 - Use of District Facilities. The Board, however will not:

- A. assume any responsibility for the planning, conducting, or evaluating of such activities;
- B. provide any funds or other resources;
- C. allow any member of the District's staff to assist in the planning, conducting, or evaluating of such an activity during the hours s/he is functioning as a member of the staff.

No nondistrict-sponsored organization may use the name of the District or any other name which would associate an activity with the District.

Students who are educated at home or enrolled in nonpublic schools are eligible to participate in accordance with Policy 9270. Students attending community or STEM schools may participate in extra-curricular activities in accordance with Policy 2430.02.

Students identified as disabled under R.C. Chapter 3323 and the IDEA are subject to the eligibility standards established by this policy unless specifically exempted by the express terms of their individualized education program (IEP). An IEP can specify the criteria by which a grade will be determined for [a] course[s], given the individual student's disability.

Whenever a student becomes a member of a District-established student group or national organization such as National Honor Society, in order to remain a member, s/he must continue to meet all of the eligibility criteria and abide by the principles and practices established by the group or organization.

The Athletic Director and/or Principal shall require that each student athlete, who participates in either an interscholastic or intramural sport, submits Form 2431 F1 and Form 2431 F2 signed by the student and his/her parent or guardian, or by a person having care or charge of the student,

affirming that each has received the Ohio Department of Health's concussion and head injury information sheet. The forms shall be signed and submitted on an annual basis. No student may practice or compete in interscholastic or intramural athletics until Form 2431 F1 and Form 2431 F2 are received by the Athletic Director or Principal. No student will be denied the opportunity to participate in interscholastic athletics offered by a school in the District because the student has or is participating in college credit plus program as long as the student fulfills all academic, nonacademic and financial requirements.

Students shall be fully informed of the curricular-related and extra-curricular activities available to them and of the eligibility standards established for participation in these activities. Students will be further informed that participation in these activities is a privilege and not a right, and that they may be prohibited from all or part of their participation in such activities by authorized school personnel without further notice, hearing and/or appeal rights (See Policy 5610.05 - Prohibition from Extra-Curricular Activities). District- sponsored activities shall be available to all students who elect to participate and who meet eligibility standards.

The Superintendent shall prepare administrative guidelines to implement a program of curricular-related clubs and activities and of extra-curricular activities. Such guidelines should ensure that the needs and interests of the students are properly assessed and procedures are established for continuing evaluation of each club and activity.

## **2430.02 - PARTICIPATION OF COMMUNITY/STEM SCHOOL STUDENTS IN EXTRA-CURRICULAR ACTIVITIES**

A student enrolled in a community school established under R.C. Chapter 3314 or in a science, technology, engineering, and mathematics ("STEM") school established under Chapter 3326 and entitled to attend school in the District under R.C. 3313.64 or R.C. 3313.65, shall be provided with the opportunity to participate in any extra-curricular activities offered by the District.

The eligible community or STEM school student may participate in any extra-curricular activities offered by the school building to which the student would otherwise be assigned. In the event the District operates more than one (1) school building at the student's grade level, the student may participate in those extra-curricular activities offered by the school building to which the student would otherwise be assigned by the Superintendent in accordance with R.C. 3319.01.

### **Eligibility Requirements**



In order to participate in any extra-curricular activity, an eligible community or STEM school student must be of the appropriate age and grade level, as determined by the Superintendent. The student will also be subject to the same eligibility requirements (i.e., academic and nonacademic eligibility standards and financial requirements) applied to all other participants. No eligible community or STEM school student will be charged any fees in excess of those fees charged to other students for participation in the same extra- curricular activity. Further, the District will not impose any additional rules upon a student participating under this policy, if those rules do not apply to other students participating in the same extracurricular activity. No student will be denied the opportunity to participate in interscholastic athletics offered by a school in the District because the student has or is participating in college credit plus program as long as the student fulfills all academic, nonacademic and financial requirements.

## **2431 - INTERSCHOLASTIC ATHLETICS**

The Board of Education recognizes the value to the students of the District and to the community of a program of interscholastic athletics for students as an integral part of the total school experience.

The program should foster the growth of school loyalty within the student body as a whole and stimulate community interest in athletics.

The game activities and practice sessions should provide many opportunities to teach the values of competition and good sportsmanship.

The program of interscholastic athletics should provide students the opportunity to exercise and test their athletic abilities in a context greater and more varied than that which can be offered by a school or the School District alone. It should also offer an opportunity for career and educational development.

For purposes of this policy, the program of interscholastic athletics shall include all activities relating to competitive sport contests, games, events, or sport exhibitions involving individual students or teams of students of this District with those of another district.

The Board shall approve annually a program of interscholastic athletics.

The Board shall determine the standards of eligibility to be met by all students participating in the interscholastic program. Such standards shall require that each student be in good physical condition, be free of injury, and have fully recovered from illness before participating in any interscholastic athletic event.

No student may practice or compete in interscholastic athletics until the student submits a form signed by his/her parent or guardian, or by a person having care or charge of the student, affirming that each has received a concussion and head injury information sheet as prepared by the Ohio Department of Health. See Form 2431 F1 and Form 2431 F2.

In addition to the eligibility requirements established by the Ohio High School Athletic Association, to be eligible for any interscholastic extra-curricular activity, a student must have maintained at least a 1.0 grade-point average and may have received a failing grade in a single course for the grading period previous to the one in which s/he wishes to participate.

Students educated at home or enrolled in a nonpublic school who are permitted to participate on a District interscholastic team must fulfill the same academic, nonacademic, and financial requirements as any other participant. See Policy 9270.

### **Restoration of an “Incomplete” Grade**

If a student’s failure to meet the academic eligibility requirements is due to an “incomplete” grade given in one (1) or more courses which the student was taking during the grading period in question, the student may have his/her eligibility restored once the “incomplete” has been changed to a passing letter grade provided:

- A. the failure to complete the required coursework during the grading period was due to calamity day(s), family tragedy, or illness or accident as verified by a physician; and
- B. the “incomplete” was given in accordance with Board of Education grading policies and procedures and is applicable to all students in the school; and
- C. the previously scheduled work and/or exams is/are completed within the time period provided in Board policy for completing work required to convert an “incomplete” into a letter grade; and

- D. there is no evidence that the “incomplete” was given in order to afford the student extended time in order to provide the student tutoring or other educational services simply to avoid a failing grade.

Specific documentation of criteria listed above (Items A-D) must be submitted to the Ohio High School Athletic Association (OHSAA) (See AG 2431) in order to be considered by the Executive Director for such a ruling.

Students identified as disabled under R.C. 3323 and the IDEA are subject to the eligibility standards established by this policy unless specifically exempted by the express terms of their individualized education program (IEP). An IEP can specify the criteria by which a grade will be determined for (a) course(s), given the student’s individualized disability.

Since the primary purpose of the athletic program is to enhance the education of participating students as indicated in this policy, the Board places top priority on maximum student participation and the values of good sportsmanship and fair play.

The Board further adopts those eligibility standards set by the Constitution of the Ohio High School Athletic Association (OHSAA) that are consistent with State and Federal law, and shall review such standards annually to ascertain that they continue to be in conformity with the objectives of this Board.

No student shall be excused from a class or supervised study for an extended period of time to participate in interscholastic athletics.

The Board further directs that only those students may participate in the program of interscholastic athletics who have:

- A. maintained a satisfactory academic record;
- B. attended school regularly;
- C. demonstrated good citizenship and responsibility;
- D. returned all school and athletic equipment;
- E. refrained from participation in a contest on a noninterscholastic team, or as an individual in the same sport during the school's season.

The Superintendent shall annually prepare, approve, and present to the Board for its consideration, a program of interscholastic athletics.

In order to minimize health and safety risks to student-athletes and maintain ethical standards, school personnel, coaches, athletic trainers, and lay coaches shall not dispense, supply, recommend, or permit the use of any drug, medication, or food supplement solely for

performance-enhancing purposes. The Superintendent shall cause to be posted in all locker rooms in buildings that include students in any grade higher than the sixth grade, the following:

“Warning: Improper use of anabolic steroids may cause serious or fatal health problems, such as heart disease, stroke, cancer, growth deformities, infertility, personality changes, severe acne, and baldness. Possession, sale, or use of anabolic steroids without a valid prescription is a crime punishable by a fine and imprisonment.”

The Superintendent shall develop appropriate administrative guidelines for the operation of the Athletic Program and a Code of Conduct for those who participate. Such guidelines should provide for the following safeguards:

- A. Prior to enrolling in the sport, each participant shall submit to a physical examination by a physician and/or parents shall report any past or current health problems along with a physician's statement that any such problems have or are being treated and pose no threat to the student's participation.
- B. Any student who is found to have a health condition which may be life-threatening to self or others shall not be allowed to participate until the situation has been analyzed by a medical review panel that has determined the conditions under which the student may participate. The District shall assume no liability for any student with a health condition who has been authorized to play by the parents and their physician but not by the District.
- C. Any student who incurs an injury requiring a physician's care is to have the written approval of a physician prior to the student's return to participation.
- D. Any student practicing for or competing in an interscholastic event who exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury shall be removed from the practice or competition by the student's coach (and/or the referee serving during the practice or competition).

Any student who has been removed from practice or competition by a coach or referee because he/she has exhibited signs, symptoms, or behaviors consistent with having sustained a concussion or head injury shall not be permitted to return to any practice or competition for which the coach or referee is responsible until both of the following occur:

- 1. The student's condition is assessed by a physician with requirements set forth in R.C. 3313.539(E)(2), to assess such a student.
- 2. The student receives written clearance that it is safe to return to practice or competition from a physician with requirements set forth in R.C. 3313.539(E)(2), to grant such a clearance.

The Superintendent is also to develop guidelines for ensuring that sportsmanship, ethics, and integrity characterize the manner in which the athletic program is conducted and the actions of students who participate. Such guidelines should include:

- A. criteria for judging these important qualities;
- B. procedures by which these values will be communicated to students, parents, and supporters;
- C. means for monitoring the behavior of each of these groups to ensure their behavior reflects high standards.

The guidelines should also provide a set of behavioral expectations for each type of participant as well as a Sportsmanship Code of Conduct which each type of participant is to follow. The Superintendent is authorized to implement suitable disciplinary procedures against those who violate this Sportsmanship Code.

Students will be further informed that participation in interscholastic sports is a privilege and not a right and that they may be prohibited from all or part of their participation in such activities by authorized school personnel without further notice, hearing and/or appeal rights (See Policy 5610.05 - Prohibition From Extra-Curricular Activities).

In order to support the High School Athletic Association's program to strengthen sportsmanship, ethics, and integrity, the Board commits itself to:

- A. adopt policies (upon recommendation of the administration) which reflect the District's educational objectives and promote the ideals of good sportsmanship, ethics, and integrity;
- B. establish standards for athletic participation which reinforce the concept that athletic activities are a privilege, not a right;
- C. support and reward participants, coaches, school administrators, and fans who display good sportsmanship;
- D. recognize the value of school athletic activities as a vital part of education.

No student will be denied the opportunity to participate in interscholastic athletics offered by a school in the District because the student has or is participating in college credit plus program as long as the student fulfills all academic, nonacademic and financial requirements.

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## **2452 - DISCLOSURE OF SECURITY POLICY AND CRIME STATISTICS (CLERY ACT)**

As a postsecondary school participating in Title IV financial aid programs, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act), requires the Board of Education to publish an annual security report containing policies and statistical information of crimes that occurred on campus and on public property within and immediately adjacent to school-owned buildings and property.

In compliance with this, the Board shall publish to all post-secondary adult education students and employees, and to any applicant for enrollment or employment, upon request, an annual security report containing at least the following information with respect to the District's security policies and campus crime statistics:

- A. A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.
- B. A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.
- C. To the extent applicable, a statement of current policies concerning campus law enforcement, including:
  - 1. the law enforcement authority of campus security personnel;
  - 2. the working relationship of campus security personnel with State and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses; and
  - 3. policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies.
- D. A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage



students and employees to be responsible for their own security and the security of others.

- E. A description of programs designed to inform students and employees about the prevention of crimes.
- F. Statistics concerning the occurrence on campus, in or on non-campus buildings or property, and on public property during the most recent calendar year, and during the two preceding calendar years for which data are available:
  - 1. For the following criminal offenses reported to campus security authorities or local police agencies:
    - a. murder
    - b. sex offenses, forcible or non-forcible
    - c. robbery
    - d. aggravated assault
    - e. burglary
    - f. motor vehicle theft
    - g. manslaughter
    - h. arson
    - i. arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession
  - 2. Of the crimes described in sub-clauses 1. through 9. above, for larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, the data shall be collected and reported according to category of prejudice.
  - 3. The data concerning the above listed criminal offenses shall be reported annually to the Secretary of the U.S. Department of Education. The same shall be reported to the school community on a timely basis that will aid in the prevention of similar occurrences. Such data shall not identify victims

of crimes or persons accused of crimes. The data shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act.

- G. A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities, if applicable.
- H. A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs.
- I. A statement advising the campus community where law enforcement agency information concerning registered sex offenders may be obtained.
- J. A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to:
  - 1. immediately notify the campus community after the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus, unless issuing a notification will compromise efforts to contain the emergency;
  - 2. publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and
  - 3. Test emergency response and evacuation procedures on an annual basis.
- K. A copy of this policy shall be provided with any report pursuant to this policy.

## **DEFINITIONS**

For purposes of this policy:

- A. The term “campus” means:

1. any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
2. property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

B. The term "non-campus building or property" means:

1. any building or property owned or controlled by a student organization recognized by the institution; and
2. any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
3. any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.
4. The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

## PROGRAMS

In accordance with 20 U.S.C. 1092(f)(8), the Board will provide programs regarding the prevention of domestic violence, dating violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. These educational programs may include, but are not limited to, informing students at least annually of this information and of services offered by the Board and local law enforcement agencies as well as ways to maintain personal safety and security on District property. As needed, students are told about crime on campus and in

surrounding neighborhoods. Similar information is also provided to employees. Crime prevention and sexual misconduct prevention programs are available on an ongoing basis and focus on personal safety.

The primary prevention and awareness programs for all incoming students and new employees are provided during orientation. The programs will include community-wide or audience specific programming, initiatives, and strategies that increase student and employee knowledge and will share information and resources to prevent violence, promote safety, and reduce perpetration. The primary prevention and awareness programs will also include:

- A. a statement that the District prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking;
- B. training on recognizing “dating violence”, “domestic violence”, “sexual assault”, and “stalking”;
- C. a description of safe and positive options for bystander intervention. These are safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- D. information on risk reduction which are options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- E. a description of District’s ongoing prevention and awareness campaigns for students and employees. These are programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking using a range of strategies with audiences throughout District post-secondary adult education programs.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. This information may be provided in a variety of ways such as videos, speakers, announcements, electronic and cellular communications, security and safety alerts, or written materials such as crime prevention awareness packets.

## **INCIDENT REPORTS AND INVESTIGATIONS**

Once an incident of dating violence, domestic violence, sexual assault, or stalking has been reported, the District will use follow the procedures set forth in Policy 5517.

If a violation is substantiated, appropriate measures will be taken, including appropriate discipline of the perpetrator(s) and accommodations or protective measures for the victim(s).

Students who have been the victim of a sexual offense covered by this policy should report to local law enforcement immediately. Prompt reporting is important to preserve evidence as well as witness recollection. Once reported to law enforcement, the student should report the incident to the Adult Training Director. Staff members not designated to receive reports who otherwise receive a report from a student should immediately report such incident to the individuals identified above, or to their direct supervisor if a compliance officer is not available.

The District's normal disciplinary procedures will be followed for imposing discipline where warranted. In all disciplinary hearings, the accused and the accuser shall both have the right to representation or to have others present at such hearing for support. Both the accused and the accuser will be informed of the outcome of any investigation and disciplinary procedure, to the extent permitted by laws concerning the confidentiality of student records.

The District will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the District and the community.

The District will provide notification to students about options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.

## 2460 - SPECIAL EDUCATION

The Board of Education is committed to providing a free appropriate public education (FAPE) to children with disabilities identified in accordance with applicable State and Federal laws, rules, and regulations. This includes students who are confined to community corrections facilities or juvenile detention centers. The District shall provide students with disabilities the services to which they are entitled pursuant to their individualized education programs (IEPs) and in accordance with the Operating Standards for Ohio Educational Agencies Serving Children with Disabilities, including Child Find and Evaluation requirements. Students with disabilities who are in adult county jails shall continue to receive FAPE during incarceration subject to their continued eligibility for services and subject to exceptions related to security and safety.

In order to satisfy the requirements of the *Operating Standards for Ohio Educational Agencies Serving Children with Disabilities* ("Ohio Operating Standards"), the Board of Education adopts the model policies and procedures promulgated by the Ohio Department of Education's Office of Exceptional Children (ODE-OEC), which is incorporated by reference into this policy. While the Special Education Model Policies and Procedures ("Model Policies") issued by the ODE-OEC are comprehensive, the document does not include every requirement set forth in the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA"), the regulations implementing the IDEIA, the Operating Standards, the Ohio Revised Code, and/or the Ohio Administrative Code. As such, the Board affirms its obligation to follow these laws and regulations, regardless of whether their provisions are restated in the Model Policies.

Copies of Model Policies and Procedures are available at the office of the Board of Education.

## **2460.03 - INDEPENDENT EDUCATIONAL EVALUATIONS**

Parents of a student with a disability, as defined by the Individuals with Disabilities Education Improvement Act (“IDEIA”), have the right to obtain an independent educational evaluation (“IEE”) subject to the criteria set forth in this Policy. Parents have the right to an IEE at public expense if they disagree with an evaluation completed by the District. Evaluation for this purpose refers to the complete evaluation from the District, not to individual components of an evaluation. A parent is only entitled to one (1) publicly-funded IEE per evaluation with which the parent has disagreed. The District may file a due process complaint if it believes that the disputed evaluation is appropriate. If the request for an IEE comes one (1) year or more from the date of completion of the District’s evaluation, the District may seek to complete a reevaluation prior to granting the parents’ request for an IEE.

An IEE is an evaluation conducted by a qualified person who is not a regular employee of the District. The law providing for IEEs does not impose requirements on the District to accept findings or to implement recommendations set forth in IEEs. The results of an IEE will be considered by the IEP team, along with other data, as long as the evaluation meets certain criteria.

If a parent requests an IEE at public expense, the parent may be asked for a reason why s/he objects to the District’s evaluation. Unless the District chooses to initiate a due process hearing, the District will respond to the parents’ request in a manner that allows the IEE to be provided at public expense in a timely manner.

Evaluations are designed to meet the individual needs of a child. As a result, each evaluation is different. The law allows the District to impose criteria that all IEEs must meet. These criteria are the same as the District uses when it initiates an evaluation. All IEEs, regardless of who funds them, must meet the following criteria:

- A. The evaluator must be qualified and able to perform an unbiased evaluation. Qualifications include both a college degree and the appropriate license, certificate, or other credential for his/her area of practice.
- B. The evaluator must have experience or specialized training to work with children with disabilities.

- C. The evaluation must take place within Trumbull County. This requirement may be waived or modified in special circumstances when unique diagnostic expertise is warranted, provided the parents demonstrate the necessity of using an evaluator outside the specified geographic area.
- D. If publicly-funded, the cost of the evaluation must be within the range of reasonable market prices for such an evaluation. The reasonable market price will vary based upon each child's unique needs. The cost of the IEE will be based upon some of the following criteria: (a) the amount of testing to be done; (b) the time it takes to administer each test; and (c) the time it takes to interpret and write up a meaningful report. The cost of the IEE shall not exceed the maximum fees identified in AG 2460.03 without prior consent of the Superintendent or his/her designee. Unreasonable costs for travel, lodging, etc., will not be reimbursed. Costs above customary amounts will be approved only if the parent demonstrates that the costs reflect a reasonable and customary rate for such evaluative services, or if the parents demonstrate that there are other factors that make the extraordinary costs necessary. The District must be provided with a copy of a detailed bill itemizing all charges and costs of the IEE and related report, the amount of time in hours/minutes spent conducting and preparing the IEE and related report, the times spent on any other services billed to the District, and indicating specifically what person or persons performed each task or item billed to the District. A copy of the IEE report and the detailed bill must be submitted to the District within sixty (60) days of the date of completion of the IEE.
- E. The evaluator must make at least one (1) thirty (30) minute observation of the child in his/her educational setting. If the child receives any services at a District-operated school, one (1) observation must be conducted at the school.
- F. The observation requirement will be waived for any evaluation that is presented strictly for purposes of clinical diagnosis of a disability.
- G. The complete written evaluation results must be delivered directly from the evaluator to the District. Evaluation reports that have been redacted, altered from their original form, or contain incomplete or missing information are not accepted. The parent must sign a release of the parent's right to confidentiality of information and a release of any privilege regarding information related to the IEE to permit consultation and discussion between District staff and the independent examiner with regard to the IEE.

The District may request that the evaluator attend the IEP team meeting to present the results of his/her evaluation.

- H. Test interpretations and conclusions stated in the written report must be directly and clearly supported by the data. Recommendations made as a result of the



evaluation must be educationally relevant and realistic within an educational setting.

A parent who seeks a waiver from any of the criteria in this policy must present evidence to the IEP team that the child's unique disability requires the waiver. The Superintendent may waive application of one (1) or more of the criteria set forth above when the Superintendent determines that the individual needs of the child and unique circumstances justify such a waiver. Parents will be provided the opportunity to demonstrate these unique circumstances to the Superintendent.

The results of the IEE will be considered in making educational decisions as required by the IDEIA and/or Section 504 of the Rehabilitation Act of 1973.

In order for an IEE to be publicly-funded, the parent must disagree with an evaluation that has been conducted by the District.

Upon request, the District will provide a parent with information regarding where an IEE may be obtained. This information will differ based on the unique needs of each child and may not be an exhaustive list.

## **2461 - RECORDING OF DISTRICT MEETINGS INVOLVING STUDENTS AND/OR PARENTS**

### **Recording of IEP Team and 504 Team Meetings**

This portion of the policy governs meetings at the School District. Nothing in this portion of the policy supersedes the home school's rights and/or obligations pursuant to the home school's policies, administrative guidelines, and applicable rules and regulations.

The recording of IEP Team meetings and 504 Team meetings is prohibited unless it is necessary in order for a parent to understand the IEP process or 504 process and/or his/her child's IEP or 504 Plan, or otherwise necessary to implement other parental rights under the IDEIA, Section 504 of the Rehabilitation Act of 1973, as amended, and/or the Americans with Disabilities Act, as amended.

- A. If a parent believes that audio recording an IEP Team or 504 Team meeting is necessary, s/he should notify the Director of Student Services in writing, preferably at least two (2) school days before the IEP Team or 504 Team meeting of his/her desire to audio record the meeting and the reason the recording is required. The Superintendent or designee shall notify the parent at least one (1) school day before the meeting if s/he intends to deny the parent's request to record the meeting.
- B. If the District representative denies the request, s/he shall state in writing the reasons for the denial. Authorized exceptions to the general prohibition against the audio recording of IEP Team meetings and 504 Team meetings shall typically involve situations when a parent or other IEP Team or 504 Team member has a disability recognized under Section 504/ADA or a language barrier that would preclude the individual's ability to understand and/or meaningfully participate in the IEP process or 504 process. The District representative may ask for documentation of the existence of any such disability or language barrier. If a parent is permitted to audio record the meeting, s/he shall use his/her own recording device and the District shall similarly record the meeting.

### **Recording of Other District Meetings Involving Students and/or Parents (e.g., Parent-Teacher Conferences)**

Parents are prohibited from audio recording meetings with the District unless a parent or District staff member has a disability recognized under Section 504/ADA or a language barrier that would preclude the individual's ability to understand and/or participate in the meeting. The District representative may ask for documentation of the existence of any such disability or language barrier. If a parent is permitted to audio record the meeting, s/he shall use his/her own recording device and the District shall similarly record the meeting.

Video recording any meeting is strictly prohibited.

Parents and students are expressly prohibited from using covert means to listen-in or make a recording (audio or video) of any meeting or activity at school. This includes placing recording devices, or other devices with one- or two-way communication technology (i.e., technology that allows a person off-site to listen to live conversations and sounds taking place in the location where the device is located), within a student's book bag or on the student's person without express written consent of the Superintendent. Any requests to place a recording device or other device with one- or two-way audio communication technology within a student's book bag or on a student's person shall be submitted, in writing, to the Superintendent or designee. The District representative shall notify the parent(s), in writing, whether such request is denied or granted within five (5) days.

If the District audio records any meeting, the resulting recording shall become a part of the student's educational record and shall be maintained in accordance with applicable laws and regulations.

## 2464 - GIFTED EDUCATION AND IDENTIFICATION

The Board of Education shall ensure that procedures are established to identify all gifted students. The District follows the identification eligibility criteria as specified in Section 3324.03 of the Ohio Revised Code and the *Operating Standards for Identifying and Serving Gifted Students* as specified in the District Plan.

“Gifted” students perform or show potential for performing at remarkably high levels of accomplishment when compared to others of their age, experience, or environment. Annually, children who are gifted are identified by professionally qualified persons using a variety of assessment procedures. The Board encourages efforts to provide services for the children who are gifted as an integral part of the total kindergarten through grade 12 program.

The Superintendent shall identify children in grades kindergarten through twelve, who may be gifted in one or more of the following areas:

- A. Superior Cognitive Ability
- B. Specific Academic Ability in one (1) or more of the following content areas:
  - 1. Mathematics
  - 2. Science
  - 3. Reading, writing, or a combination of these skills
  - 4. Social studies
- C. Creative Thinking Ability
- D. Visual or Performing Arts Ability such as drawing, painting, sculpting, music, dance, drama.

Only those instruments approved by the Ohio Department of Education shall be used for screening, assessment, and identification of children who are gifted as provided in the Chart of Approved Gifted Identification/Screening Instruments. The District shall select instruments from the approved list that will allow for appropriate screening and identification of minority and disadvantaged students, students with disabilities, and students for whom English is a second language.

Scores on Ohio Department of Education approved assessment instruments provided by other school districts and trained personnel outside the School District shall be accepted.

The Board of Education shall adopt and the Superintendent shall submit to the Ohio Department of Education a plan for the screening, assessment, and identification of children who are gifted.

Any revisions to the District plan will be submitted to the Ohio Department of Education for approval. The identification plan shall include the following:

- A. the criteria and methods used to screen and select children for further assessment who perform or show potential for performing at remarkably high levels of accomplishment in one (1) of the gifted areas
- B. the sources of assessment data used to select children for further testing and an explanation to parents of the multiple assessment instruments required to identify children who are gifted
- C. an explanation for parents of the methods used to ensure equal access to screening and further assessment by all District children, culturally and linguistically diverse children, children from low socio-economic background, children with disabilities, and children for whom English is a second language
- D. the process of notifying parents regarding all policies and procedures concerning the screening, assessment, and identification of children who are gifted
- E. provision of an opportunity for parents to appeal any decision about the results of any screening procedure for assessment, the scheduling of children for assessment, or the placement of a student in any program or for receipt of services
- F. procedures for the assessment of children who transfer into the District
- G. provisions for students to withdraw from gifted programs and services
- H. at least two (2) opportunities a year for assessment in the case of children requesting assessment or recommended for assessment by teachers, parents, or other students

The District's plan may provide for contracting with any qualified public or private service provider for screening or assessment services under the plan.

The Superintendent shall:

- A. ensure equal opportunity for all children identified as gifted to receive any or all services offered by the District;
- B. implement a procedure for withdrawal of children from District services and for reassessment of children;
- C. implement a procedure for resolving disputes with regard to identification and placement decisions;

- D. inform parents of the contents of this policy as required by;
- E. submit, as required, an annual report to the Ohio Department of Education.

Placement procedures for District services shall be in conformance with the District's written criteria for determining eligibility for placement in those services.

- A. Written criteria for determining eligibility for placement in a gifted service shall be provided to any parent, District educator, or the Ohio Department of Education upon request.
- B. Written criteria provided by the District shall include an explanation of the methods used to ensure equal access to each gifted service for all eligible District students, including minority or disadvantaged students, students with disabilities, and students for whom English is a second language.
- C. Services which students receive shall be consistent with their area(s) of identification and shall be differentiated to meet their needs.
- D. Subjective criteria such as teacher recommendations shall not be used to exclude a student from service in the superior cognitive and specific academic areas who would otherwise be eligible.
- E. All District students who meet the written criteria for a gifted service shall be provided an equal opportunity to receive that service.

The Superintendent shall implement all policies and procedures in accordance with timelines and other requirements of laws, rules and regulations, and follow the *Operating Standards for Identifying and Serving Gifted Students*.

The Superintendent shall develop a plan for the service of gifted students enrolled in the District identified under this policy. Gifted services shall occur during the typical instructional day with flexibility allowed for the scheduling of District-approved internships or mentorships and higher education coursework, including credit flexibility. Services specified in the plan may include such options as the following:

- A. a differentiated curriculum
- B. differentiated instruction
- C. cluster groupings
- D. mentorships/internships
- E. whole grade acceleration (see Policy 5410)

- F. subject acceleration (see Policy 5410)
- G. early entrance (see Policy 5112)
- H. early high school graduation (see Policy 5464)
- I. dual enrollment opportunities including but not limited to College Credit Plus
- J. advanced placement/international baccalaureate courses
- K. honors classes
- L. magnet schools
- M. self-contained classrooms
- N. resource rooms
- O. independent study/educational options
- P. advanced online courses and programs
- Q. services from a trained arts instructor
- R. other options identified in the rules of the Ohio Department of Education

A Written Education Plan (WEP) will guide the gifted services based on the student's area(s) of identification and individual needs. The Written Education Plan shall:

- A. provide a description of the services to be provided;
- B. identify staff members responsible for providing that specific services are delivered;
- C. implement a procedure for resolving disputes with regard to identification and placement decisions;
- D. specify policies regarding the waiver of assignments and the scheduling of tests missed while participating in any gifted services provided outside the general classroom if different from the District policy detailed below;
- E. specify a date by which the WEP will be reviewed for possible revision.

The WEP shall be developed in collaboration with an educator who holds licensure or an endorsement in gifted education. The WEP shall include goals for the student, methods and performance measurements for evaluating progress on the goals, and a schedule for reporting progress to students and parents.

Parents and all educators responsible for providing gifted education services to the student, including teachers providing differentiated instruction in general education settings, shall be provided a copy of the WEP.

Students participating in gifted services provided outside the general education classroom will generally be exempted from routine class work (worksheets, homework, etc.) assigned during absences from the regular classroom due to participation in the gifted services. Students are to turn in work due the day of absence and make arrangements to make up missed tests. Special class work (projects, book reports, etc.) assigned during the student's absence are to be completed. Exceptions to this policy will be detailed in the student's Written Education Plan.

The District shall report to parents and the Ohio Department of Education that a student is receiving gifted education services only if the services are provided in conformance with the Operating Standards for Identifying and Serving Gifted Students.

Each year the District shall submit data and participate in program audits as required by the Department.



## 2510 - ADOPTION OF TEXTBOOKS

It is the legal responsibility of the Board of Education to approve all textbooks used as part of the educational program of this District. No such textbook will be approved which is not on a list duly filed in the Office of the Superintendent of Public Instruction.

The Board shall, at a regular meeting, select the textbooks to be used in the schools of this District.

A student or his/her parent(s) may purchase a copy of the duly-adopted textbook, regardless of format, for the District's purchase price, including shipping and handling plus ten percent (10%).

The Board shall consider for approval only those textbooks which have been selected and recommended for their consideration by the Superintendent.

The staff should continually research new sources and types of supplementary text materials and explore their innovative use.

The Superintendent shall develop a plan for the review and recommendation of textbooks to ensure staff participation and that parents and members of the community are consulted, where appropriate, in the selection process.

In considering the approval of any proposed textbook, the Board recommends that the following factors be considered as part of any review process:

- A. suitability for the maturity level and educational accomplishment of the students who will be using the book
- B. freedom from bias
- C. relationship to the course of study
- D. extent to which the content will make it possible for the student to achieve the learning objectives of the course of study and the educational outcomes of the District
- E. extent of inter-grade continuity
- F. impact on community standards of taste
- G. manner of selection
- H. cost
- I. appearance and durability

A list of all approved textbooks shall be maintained by the Superintendent and made available for the use of the professional staff.

## **2520 - SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT**

The Board shall provide instructional materials and equipment, within budgetary constraints, to implement the District's educational goals and objectives and to meet students' needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the educational program of the school.

The Superintendent shall develop procedures for the selection and maintenance of all educational and instructional materials and equipment. In addition, s/he shall periodically, provide for a systematic review, by the Board, of the District's educational resources in order to ensure that they are appropriate for the current educational program. Any revisions that occur should be a result of the school-improvement process.

Students shall be held responsible for the cost of replacing any materials or property which are lost or damaged through their negligence.

Cost of materials may be charged for materials used in those activities beyond the basic curriculum in which a student elects to participate, particularly in shop activities where the product becomes the property of the student.



2531 - **COPYRIGHTED WORKS**

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The Board directs its staff and students to use copyrighted works only to the extent that the law permits. The Board recognizes that Federal law applies to public Districts and the staff and students shall, therefore, avoid acts of copyright infringement under penalty of law.

In order to help the staff and students abide by the laws set forth in Title 17 of the United States Code, the Board directs the Superintendent to provide procedures regarding the copying and distribution of copyrighted materials for instructional purposes and for the appropriate use of copyrighted material on the Board's web site.

Because the Board hosts a web site and stores information on it at the direction of users, it is classified as an on-line service provider for copyright purposes. In order to limit the Board's liability relating to material/information residing, at the direction of a user, on its system or network, the Board directs the Superintendent to annually appoint an individual as the agent to receive notification of claimed infringement. A link to the agent's name, mailing address, telephone number, fax number, and e-mail address shall appear on the home page of the Board's web site. Such contact information, along with the appropriate filing fee, shall also be provided to the Copyright Office of the Library of Congress.

The agent shall be responsible for investigating and responding to any complaints.

## **2605 - PROGRAM ACCOUNTABILITY AND EVALUATION**

The Board believes that effective education includes proper evaluation of the results produced from the educational resources provided by the community and the government. As the governing body of the District, the Board has the responsibility for assessing how well goals are being accomplished.

The Board shall fulfill this responsibility by establishing a means for the continued evaluation of results which shall be systematic and specific.

The following elements shall be included in its accountability program:

- A. Clear statements of expectations and purposes for each program coupled with specifications of how their successful achievement shall be determined.
- B. Provisions for staff, resources, and support necessary to achieve each program's purposes.
- C. Evaluation of each program to assess the extent to which each program's purposes and objectives are being achieved.
- D. Recommendations for revisions and modifications needed to better fulfill expectations and purposes.

The Superintendent shall maintain a calendar of assessment activities and shall make periodic evaluation reports to the Board. Findings of the assessment program may be used to evaluate the progress of students and:

- A. the effectiveness of the curriculum; and/or
- B. the effectiveness of staff members.

The Superintendent shall recommend improvements in the educational program annually, based on District evaluation.

The Board reserves the right to employ experts from outside the District to serve in the evaluation process.

The Board shall annually make available to the public the progress of the student body toward the goals of the District.

Assessment results obtained under this policy shall not be used for comparison purposes except as required by statute and State Department of Education regulations or internally, as authorized by the Superintendent or Board.



## 2623 - STUDENT ASSESSMENT AND ACADEMIC INTERVENTION SERVICES

The Board shall assess student achievement and needs in all program areas in compliance with applicable laws and regulations and the rules adopted by the State Board. The purpose of such assessments shall be to determine the progress of students and to assist them in attaining student performance objectives and the educational achievement goals of this District.

The Board shall administer the State-mandated tests (e.g., diagnostic assessments and achievement tests) to students at the times designated by the State Board. The Board may, for medical reasons or other good cause, excuse a student from taking a State-mandated test on the date scheduled, but any such test shall be administered to such excused student not later than nine (9) days following the scheduled date. The Board shall annually report, not later than June 30th, the number of students who have not taken one (1) or more of the State-mandated tests to the State Board.

The District shall require that all appropriate staff have knowledge of the prescribed standards of ethical assessment practice and shall monitor the assessment practices for compliance with these standards. These duties shall include:

- A. communicating standards of ethical assessment practice;
- B. communicating security procedures for assessment;
- C. establishing procedures for reviewing assessment materials and procedures and assessment preparation materials and procedures;
- D. establishing channels of communication that allow teachers, other educators, students, parents, and other members of the community to voice concerns about assessment practices;
- E. establishing written procedures for investigating complaints, allegations, and/or concerns about assessment practices, protecting the rights of an individual, the integrity of an assessment, and the results of an assessment.

The Board shall provide academic intervention services in pertinent subject areas to students who score below the proficient level in reading, writing, mathematics, social studies, or science achievement test, or who do not demonstrate academic performance at their grade level based on the results of a diagnostic assessment.

At least annually, staff members shall assess the academic achievement and learning needs of each student. Procedures for such assessments may include, but need not be limited to, teacher observation techniques, cumulative student records, student performance data collected through standard testing programs, and physical examinations.

The Superintendent shall develop and the Board shall approve a program of testing that includes:

- A. administration of State-mandated tests (e.g., diagnostic assessment and achievement tests), at no cost to students, in accordance with the provisions of A.C. 3301-13-02;
- B. performance-based tests at appropriate grade levels to measure achievement of performance objectives in composition, mathematics, science, social studies, and reading;
- C. aptitude tests;
- D. District or teacher-made achievement or performance tests;
- E. vocational inventories;
- F. tests of mental ability;
- G. portfolios; and
- H. demonstrations of student capability in non-school settings.

“Achievement test” means “a test, aligned with the Ohio academic content standards and model curriculum, designed to measure a student’s level of knowledge or skill in a specific subject area that is expected at the end of a designated grade and/or is required as part of the Ohio graduation requirement.”

“Alternate assessment” means “the use of an assessment instrument, other than the Ohio achievement tests or diagnostic assessments that meets the requirements of all applicable laws and regulations and A.C. 3301-13-03.”

“Diagnostic assessment” means “an assessment aligned with Ohio academic content standards and model curriculum, designed to measure student comprehension of academic content and mastery of related skills for a relevant subject area at each grade level, kindergarten through three, as defined in R.C. 3301.079.”

“Ohio graduation tests” means “the achievement tests, aligned with academic content standards and model curriculum, designed to measure a student’s level of academic achievement expected at the end of the tenth grade in writing, reading, mathematics, social studies, and science.”

“Performance standards” means “a score adopted by the State Board indicative of a particular level of academic achievement at a designated grade for each achievement test or alternate assessment.”

“Statewide tests” means “any assessment that is provided by the Ohio Department of Education (ODE) for use in all participating schools in the State.”

The Superintendent shall develop:

- A. procedures for the regular collection of student performance data;
- B. a plan for the design of classroom-based intervention services to meet the instructional needs of individual students as determined by the results of diagnostic assessments; and
- C. procedures for using student performance data to evaluate the effectiveness of intervention services and, if necessary, to modify such services.

For any student who failed to demonstrate at least a score at the proficient level on an achievement test during the preceding school year, the Board shall provide appropriate intervention services commensurate with the student's test performance in each such test area, including intensive prevention, intervention, or remediation required under R.C. 3301.0711, R.C. 3301.0715, R.C.3313.608, or R.C. 3313.6012.

The Board shall require that:

- A. parents be informed of the testing program of the schools and of the special tests that are to be administered to their children;
- B. data regarding individual test scores be entered on the student's cumulative record, where it shall be subject to the Board's student records policy.

Summer remediation services shall meet the following conditions:

- A. the remediation methods are based on reliable educational research;
- B. testing shall be conducted before and after students participate in the program to facilitate monitoring results of the remediation services;
- C. the parents of a participating student shall be involved in programming decisions; and
- D. the services shall be conducted in a school building or community center and not on an at-home basis.

The Board shall keep records for each student including the following:

- A. a unique State student identification code or a student data verification code as required in accordance with R.C. 3301.0714(D)(2);
- B. a list or designation of which tests are required and which tests are not required;

- C. a list or designation of which tests, required or not required, are taken and which are not taken at each test administration period;
- D. score for each test taken, required or not;
- E. whether each student attained the requisite performance standard designated for each required test;
- F. what if any tests shall still be taken;
- G. whether or not intervention shall be provided; and
- H. for each test required for graduation, the date passed shall be recorded on the student's transcript.

No information shall be on the student's transcript for a test not passed.

When a student who has taken State-mandated tests in one (1) school leaves that school to enroll in another school, the school previously attended shall provide, immediately upon request by a school official from the enrolling school, all applicable records set forth above.

For each student required to be offered intervention services, the Board shall involve the student's parent or guardian and classroom teacher in developing the intervention strategy, and shall offer to the parent or guardian the opportunity to be involved in the intervention services.

During the school year following the year in which the tests prescribed by R.C. 3301.0710(A)(1) are administered to any student, the Board shall provide appropriate intervention services, commensurate with the student's test performance, including any intensive prevention, intervention, or remediation required under R.C. 3301.0711, 3301.0715, 3313.608 or R.C. 3313.6012, in any skill in which the student failed to demonstrate at least a score of proficient level on an achievement test.

Except as authorized by Applicable laws and regulations, the Board shall not use any student's failure to attain a specified score on any State-mandated test as a factor in any decision to deny the student promotion to a higher grade level.

All identified students with disabilities in the District shall be considered for participation in the State-mandated testing. The extent of the student's participation shall be determined by the IEP Team. Accordingly, the student's IEP shall require that s/he take:

- A. the required assessments in the same manner as other students;
- B. the required assessments with accommodations appropriate for his/her disability;  
or

- C. an alternate assessment that has been approved by the State Department of Education.

To the extent possible, and in accordance with law, a student with disabilities shall not be excused from taking a required assessment unless no reasonable accommodation can be made to enable the student to take the assessment.

The Superintendent shall comply with the State Department's regulations with regard to the administration of the State-mandated tests, including the reporting of results.

Program evaluations shall be reviewed and updated every five (5) years. A schedule for such shall be developed and implemented by the Superintendent.

This policy shall be reviewed and updated annually.



## 2623.02 - **THIRD GRADE READING GUARANTEE**

All students entering the third grade must demonstrate a certain level of competency in reading before advancing to the fourth grade.

In accordance with State law, the Superintendent shall develop a program for the annual assessment of the reading skills of each student at the end of first, second, and third grade, and identify those students who are reading below their grade level. Each student's classroom teacher shall be involved in the assessment and identification of those students who are reading below grade level.

The District shall provide intervention services to students whose assessments show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level.

### **Definitions**

“On track” means any student who is reading at grade level based on previous end of year standards expectations by September 30th.

“Not on track” means any student who is not reading at grade level based on previous end of year standards expectations by September 30th.

### **Assessment of Reading Skills Program**

- A. Diagnostic assessments in reading, as approved by the Ohio Department of Education (ODE), shall be given by September 30th of each year for students in kindergarten through Grade 3, with the exception of students with significant cognitive disabilities or other disabilities as authorized by the ODE on a case-by-case basis. For kindergarten students, prior to July 1, 2014, the kindergarten readiness assessment shall be administered not earlier than four (4) weeks prior to the start of school and not later than September 30th. For kindergarten students, beginning July 1, 2014, the kindergarten readiness assessment shall be administered not earlier than the first day of the school year and not later than November 1st, except the language and readiness skills portion of the assessment shall be administered by September 30th. For students enrolled in first, second, or third grade, the diagnostic assessments in reading shall be administered at least once annually.

The District shall administer each applicable diagnostic assessment to any student who transfers into the District or into a new school within the District who did not take a diagnostic assessment at the previous school during the current school year, unless the student is excused from taking the assessment as provided for in the preceding paragraph. The diagnostic assessment(s) shall be administered within thirty (30) days of transfer.

After the administration of any diagnostic assessment, the District shall provide to each student's parent a copy of the student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment. The preceding documents and information shall be included in any reading improvement and monitoring plan(s) developed with respect to the student. The District shall also submit to the ODE the results of the diagnostic assessments administered pursuant to this section.

- B. Diagnostic assessment results shall be translated to ODE's definitions of "on track" and "not on track". The District shall make the final determination regarding whether a student is "on track" or "not on track".
- C. If the diagnostic assessment shows that a student is "not on track" to be reading at grade level by the end of the year, the parent will be notified, in writing, of the following:
  - 1. that the school has identified the student as having a substantial deficiency in reading
  - 2. a description of current services provided to the student
  - 3. a description of proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency
  - 4. that the statutorily prescribed assessment is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the District in knowing when a student is reading at or above grade level and ready for promotion, and
  - 5. that the student will be retained in the third grade if s/he does not attain a score in the statutorily prescribed level on the third grade English Language arts assessment, unless the student is exempt as delineated below.
- D. For each student identified to be "not on track", the District shall:
  - 1. provide intensive reading intervention services and regular diagnostic assessments immediately following identification of a reading deficiency until the development of a reading improvement and monitoring plan;

The intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-



performing readers and instruction targeted to the student's identified reading deficiencies.

2. develop a reading improvement and monitoring plan within sixty (60) days of learning of the reading deficiency;

The District shall involve the student's parent/guardian and classroom teacher in developing the plan.

3. assign a teacher who has at least one (1) year of teaching experience and satisfies one (1) or more of the following criteria:
  - a. holds a reading endorsement and has attained a passing score on the corresponding assessment, as applicable
  - b. has obtained a master's degree with a major in reading
  - c. was rated "most effective" for reading instruction consecutively for the most recent two (2) years based on assessments of student growth measures developed by a vendor and that is on the list of State Board-approved student assessments
  - d. was rated "above expected value added," in reading instruction, as determined by criteria established by the ODE, for the most recent consecutive two (2) years
  - e. has earned a passing score on a State Board-approved rigorous test of principles of scientifically research-based reading instruction
  - f. holds an educator license for teaching grades pre- kindergarten through three (pre-K-3) or four through nine (4-9) issued on or after July 1, 2017

For a student who enters third grade for the first time on or after July 1, 2013, the District may alternatively assign a teacher with less than one (1) year of teaching experience provided the teacher meets at least one (1) of the criteria (a-f) set forth above and the teacher is assigned a qualified teacher mentor. The student may receive reading intervention or remediation services from a duly licensed speech-language pathologist.

Additionally, a student who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned a teacher who holds an ODE-approved alternative credential or has successfully completed ODE-approved training that is based on principles of scientifically research-based reading instruction.

Finally, nothing in this Policy shall prevent a teacher, other than a student's classroom teacher (i.e., teacher of record), from providing the requisite reading intervention or remediation services to the student, so long as the assigned teacher has at least one (1) year of teaching experience, satisfies at least one (1) of the criteria (a-f) set forth above, and both the classroom teacher and the building Principal agree to the assignment. Such an assignment must be documented in the student's reading improvement and monitoring plan.

### **Reading Improvement and Monitoring Plan**

The reading improvement and monitoring plan developed for students identified as "not on track" shall include:

- A. identification of the student's specific reading deficiency;
- B. a description of proposed supplemental instructional services and support that will be provided to the student to remediate the identified reading deficiencies;
- C. opportunities for the student's parent/guardian to be involved in the instructional services;
- D. a process to monitor the implementation of the student's instructional services;
- E. a reading curriculum during regular school hours that assists students to read at grade level, provides scientifically based and reliable assessments, and provides initial and ongoing analysis of each student's reading progress; and
- F. a statement that if the student does not attain at least the equivalent level of achievement pursuant to R.C. 3301.0710(A), the student may be retained in third grade.

Such intervention or remediation services shall include intensive, explicit, systematic instruction, and instruction in phonetics pursuant to rules adopted by the State Board of Education.

### **Reporting Requirements**

All assessment results and determinations shall be compiled and maintained by the District. The District shall comply with all reporting requirements of Ohio's Third Grade Reading Guarantee.

### **Promotion/Retention**

For any student who enters third grade prior to July 1, 2013, and does not attain at least the equivalent level of achievement designated by R.C. 3301.0170(A)(3) on the third-grade reading

achievement test, unless the student is excused from taking the assessment pursuant to R.C. 3301.0711(C), the District shall do one of the following:

- A. promote the student to fourth grade if the student's Principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to the fourth grade
- B. promote the student to fourth grade, but provide the student with "intensive" intervention services in fourth grade
- C. retain the student in the third grade

For any student who does not attain by the end of the third grade at least a score in the range designated by statute in the reading test prescribed under R.C. 3301.0710(A)(2)(c), the District shall offer intensive remediation services during the summer following third grade.

Beginning with students who enter the third grade in the 2013-2014 school year, no student shall be promoted to the fourth grade who does not attain at least the equivalent level of achievement designated by R.C. 3301.0710(A)(3) on the assessment prescribed to measure skill in English language arts (ELA) expected at the end of third grade unless the student is excused from taking the assessment pursuant to R.C. 3301.0711(C) or one (1) of the following applies:

- A. the student is limited English proficient student who has been enrolled in United States schools for less than three (3) full school years and has had less than three (3) years of instruction in an English as a second language program; or
- B. the student is a child with a disability entitled to special education and related services under R. C. Chapter 3323 and the student's individualized education program (IEP) exempts the student from retention under State law; or
- C. the student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the Ohio Department of Education (ODE); or
- D. all of the following apply:
  - 1. The student is a child with a disability entitled to special education and related services under R.C. Chapter 3323.
  - 2. The student has taken the third grade English language arts achievement assessment, as prescribed.
  - 3. The student's IEP or Section 504 Plan shows that the student has received intensive remediation in reading for two (2) school years, but still demonstrates a deficiency in reading.

4. The student previously was retained in any of grades kindergarten to three.

**or**

- E. the student received intensive remediation for reading for two (2) school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. Any such student shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies that have been successful in improving reading among low- performing readers.

A student retained under the provisions of the Third Grade Reading Guarantee and this policy shall be considered for mid-year promotion if that student demonstrates that s/he is reading at or above grade level, in accordance with the provisions of Policy 5410 – Promotion, Academic Acceleration, Placement, and Retention. Such action shall be considered in consultation with the parent/guardian and the Student Intervention Team and with the concurrence of the building administrator.

### **Intensive Remediation Services**

Remediation services for students on reading improvement and monitoring plans shall be research-based reading strategies that have been shown to be successful in improving reading among low-performing readers.

If a student is retained by the Third Grade Reading Guarantee, the student must be provided intense remediation services until s/he is able to read at grade level. The remediation services must include intense interventions and consist of at least ninety (90) minutes of reading instruction daily.

The District shall provide the option for students to receive reading intervention services from one or more providers other than the District. Both the District and ODE have the authority to screen and approve such providers.

Interventions for students who have been retained may include:

- A. small group instruction;
- B. reduced student-teacher ratios;
- C. more frequent progress monitoring;
- D. tutoring or mentoring;

- E. transition classes containing third and fourth grade students;
- F. summer reading camp; or
- G. extended school day, week, or year.

Intensive remediation services shall be targeted to the student's identified reading deficiency.

Nothing in this policy shall prevent the District from assigning a teacher to teach reading to any student who is an English language learner, and has been in the United States for three (3) years or less, or to a student who has an individualized education program ("IEP"), if that teacher holds an ODE-approved alternative credential or has successfully completed ODE-approved training that is based on principles of scientifically research-based reading instruction.

This policy shall be reviewed and updated periodically as necessary.

# **PROFESSIONAL STAFF**

### 3112 - **BOARD-STAFF COMMUNICATIONS**

The Board desires to maintain open channels of communication between itself and the staff. The basic line of communication, shall, however, be through the Superintendent.

**A. Staff Communications to the Board**

Communications from staff members to the Board or its committees shall be submitted through the Superintendent. The Superintendent shall forward such communications received from staff members to the Board.

**B. Board Communications to Staff**

All official communications, policies, and directives of the Board of staff interest and concern to the staff shall be communicated through the Superintendent, who shall also keep staff members informed of the Board's concerns, and actions. Communications shall be submitted to and communicated by the Treasurer/CFO with respect to the Treasurer/CFO's staff.

**C. Social Interaction**

Since Board members are not authorized to act on behalf of the Board unless in open public session or when specifically vested with such authority, Board members and members of the staff shall not discuss individual personalities, personnel grievances, or other complaints. Instead, such matters should be addressed in accordance with the procedures established in Board Policy.



### 3113 - **CONFLICT OF INTEREST**

Board Policy 1130 applies to professional staff and shall be considered to be incorporated herein.

### **3120 - EMPLOYMENT OF PROFESSIONAL STAFF**

All professional employees are employed under R.C. 3319.07 and/or R.C. 3319.08.

The Board recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with qualified and competent personnel.

No staff member employed in a position for which licensure is required may be paid until evidence of such appropriate licensure for the subject area, grade level, or position, etc. has been received by the Superintendent and transmitted to the Treasurer.

### 3120.01 - **JOB DESCRIPTIONS**

The Board recognizes that it is essential for District and employee accountability for each staff member to be fully aware of the duties and responsibilities of his/her position. Job descriptions document and describe the essential functions for professional positions and thereby promote organizational effectiveness and efficiency. Therefore, the Board shall maintain continuously a comprehensive, coordinated set of job descriptions for professional staff positions.

#### **3120.04 - EMPLOYMENT OF SUBSTITUTES**

The Board recognizes the need to procure the services of substitutes in order to continue the operation of the schools as a result of the absence of regular personnel.

The Board shall employ substitutes for the Superintendent's assignment as services are required to replace temporarily absent regular staff members and fill new positions. Such assignment of substitutes shall be terminated when their services are no longer required.



### **3120.06 - SELECTING STUDENT TEACHERS/ADMINISTRATIVE INTERNS**

The Board of Education encourages cooperation with State-approved colleges and universities in the training of student teachers and administrative interns, because the public school offers an essential ingredient - direct experience with students and teachers at work in the classroom. However, certain safeguards have been found to be necessary for the best interests of all concerned.

Colleges and universities should first make contact with the Superintendent regarding placement of a student teacher or administrative intern.

The Superintendent shall make the final placement of student teachers or administrative interns.

The supervising staff member shall have had no less than three (3) years of successful experience in the area of assignment.

The following conditions shall also be met:

- A. The institution making the assignment shall provide on-going supervision in a manner suitable to the Superintendent.

- B. The supervising teacher or administrator must agree to work effectively with both the student teacher or administrative intern and the institutional supervisor.
- C. If at any time the quality of teaching or administrative internship is judged to be inferior or s/he is disruptive to the on- going program, the Superintendent may request withdrawal of that person from the program.

The Board also authorizes the Superintendent to provide, in cooperation with appropriate colleges and universities, a “field experience” program in order for selected interns to gain first-hand knowledge of and experience in a school environment.

The Superintendent may terminate a teaching program if one or more aspects of the program are not of high quality or meeting District needs or expectations.

Student teachers and administrative interns also must pass a background check performed by the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation (see Policy 3121).

#### **3120.07 - EMPLOYMENT OF CASUAL RESOURCE PERSONNEL**

The Board shall allow the casual employment of personnel in a consulting capacity for assisting the District in administration, staff development, and instruction.

### **3120.08 - EMPLOYMENT OF PERSONNEL FOR CO-CURRICULAR/EXTRA-CURRICULAR ACTIVITIES**

The Board of Education may employ professional staff for co-curricular/extra-curricular activities. However, the Board may find it necessary to employ, on a part-time basis, coaches or activity sponsors who are not members of the professional staff.

The Board authorizes the Superintendent to recommend candidates for employment by the Board.

Each coach or activity sponsor shall hold a valid Pupil Activity Program Permit issued by the State Board of Education under R.C. 3319.303, have any other necessary qualifications, have been properly interviewed, and shall sign an employment contract which includes the conditions of employment, compensation arrangements, and contract termination procedures. An employee must submit a copy of an active Pupil Activity Program Permit to both the Treasurer/CFO and the Superintendent before the Board will pay any compensation.

In accordance with Policy 3120, no staff member, coach, or activity sponsor employed in a position for which licensure or permit is required may be paid until evidence of such appropriate licensure or permit valid for the effective dates of such services has been received by the Superintendent and transmitted to the Treasurer.

Personnel must also pass a background check performed by the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation (see Policy 3121).

The Board may renew the contract of any nonlicensed individual, currently employed by the Board for one or more years, without first offering the position held by that individual to employees of the District who are licensed individuals or advertising the position as available to any qualified licensed individuals who are not currently employed by the Board unless otherwise prohibited by a collective bargaining agreement.

No individual employed by the Board for any co-curricular or extra-curricular activity may accept compensation from any third party or source, including, but not limited to booster, parent or other District support organizations, for the performance of his/her official duties or as a supplement to his/her compensation from the Board.

No individual serving as a volunteer for co-curricular/extra-curricular activities may accept compensation from any third party or source, including, but not limited to booster, parent or other District support organizations, for the performance of his/her official duties as a volunteer on behalf of the Board.



## 3120.09 - VOLUNTEERS

The Board recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that shall be helpful to members of the professional staff responsible for the conduct of those programs and activities.

The Superintendent is to inform each volunteer that s/he:

- A. is required to abide by all Board policies while on duty as a volunteer (including, but not limited to, the volunteer's obligation to keep confidential and not release or permit access to any and all student personally identifiable information to which s/he is exposed except as authorized by law);
- B. shall be covered under the District's liability policy but the District cannot provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the person eligible for workers' compensation;
- C. shall be asked to sign a form releasing the District of any obligation should the volunteer become ill or receive an injury as a result of his/her volunteer services; and
- D. may not accept compensation from any third party or source, including, but not limited to booster, parent, or other District support organizations, for the performance of his/her official duties as a volunteer on behalf of the Board.

Furthermore, the Superintendent shall inform all volunteers to display appropriate behavior at all times, and that they shall have to provide a set of fingerprints so that a criminal records check can be conducted at the Board's expense and that they shall have to pay the costs associated with the criminal records check either before they can begin their duties, or as a condition of continued service as a volunteer at the discretion of the Board.

### 3120.10 - **JOB SHARING**

Job sharing determinations shall be made by the Superintendent.

### 3121 - **CRIMINAL HISTORY RECORD CHECK**

Board Policy 1121 applies to the professional staff and shall be considered incorporated herein.

### **3122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

Board Policy 1422 applies to professional staff and shall be considered to be incorporated herein.

### 3122.01 - **DRUG-FREE WORKPLACE**

Board Policy 1663 applies to the professional staff and shall be considered incorporated herein.

**3122.02 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

Board Policy 1422.02 applies to professional staff and shall be considered to be incorporated herein.

**3123 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION  
IN EMPLOYMENT**

Board Policy 1623 applies to the professional staff and shall be considered incorporated herein.







### 3131 - **REDUCTION IN STAFF**

Professional staff contracts shall be suspended in accordance with R.C. 3319.17.



### **3139 - STAFF DISCIPLINE**

The Board retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary, such action shall be in proportion to the employee's offense or misconduct, consistent with appropriate procedural and substantive due process, and applicable laws and regulations.

### 3140 - **TERMINATION AND RESIGNATION**

The employment of a professional staff member may be terminated pursuant to R.C. 3319.16.

If a professional staff member fails to maintain required licensure throughout the term of employment, the professional staff member shall be immediately suspended without pay and such failure is grounds for termination.

A professional staff member may resign in accordance with the applicable law.

“”

“”

### **3161 - UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

Board Policy 1630 applies to the professional staff and shall be considered incorporated herein.

### 3170 - **SUBSTANCE ABUSE**

Board Policy 1664 applies to the professional staff and shall be considered incorporated herein.



### 3200 - **STAFF ETHICS**

Board Policy 1200 applies to professional staff and shall be considered to be incorporated herein.

### 3211 - **WHISTLEBLOWER PROTECTION**

Board Policy 1411 applies to professional staff and shall be considered to be incorporated herein.

### **3213 - STUDENT SUPERVISION AND WELFARE**

Board Policy 1613 applies to the professional staff and shall be considered incorporated herein.

### 3214 - **STAFF GIFTS**

Board Policy 1214 applies to professional staff and shall be considered to be incorporated herein.

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## **3216 - STAFF DRESS AND GROOMING**

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Board Policy 1216 applies to professional staff and shall be considered to be incorporated herein.

## 3217 - **WEAPONS**

Board Policy 1217 applies to professional staff and shall be considered to be incorporated herein.

## **3220 - STANDARDS-BASED TEACHER EVALUATION**

Teachers shall be evaluated pursuant to R.C. 3319.11, R.C. 3319.111, R.C. 3319.112, and applicable laws and regulations.

For the 2020-2021 school year and thereafter, eligible Teachers shall be evaluated pursuant to the Ohio Teacher Evaluation System 2.0 and applicable laws.



### **3223 - STANDARDS - BASED SCHOOL COUNSELOR EVALUATION**

School counselors Teachers shall be evaluated pursuant to R.C. 3319.11, R.C. 3319.111, R.C. 3319.113, and applicable laws and regulations.

### 3231 - **OUTSIDE ACTIVITIES OF STAFF**

Board Policy 1231 applies to the professional staff and shall be considered incorporated herein.

### 3231.01 - **RESEARCH AND PUBLISHING**

Board Policy 1231.01 applies to the professional staff and shall be considered incorporated herein.

### 3232.01 - **OUTSIDE COACHING EMPLOYMENT**

A teaching staff member employed full-time by this district may, in accordance with rules of the State Board of Education and the policies of this Board of Education, work on a part-time basis in the co-curricular interscholastic program of another Ohio school district.

Any teaching staff member who receives and intends to accept an offer of part-time employment in the interscholastic athletics program of another district shall report that offer to the Superintendent of this district. The Superintendent shall deny permission to accept the offer to any member who has been offered and has refused a part-time position in the interscholastic athletic program of this district and, further, shall deny permission to accept an offer to coach a team against which the pupils of this district are scheduled to compete.

A recommendation for Board approval of employment in the interscholastic athletic program of another school district should be supported by written evidence of the approval of the offering board of education and the County Superintendent.



### 3242 - **PROFESSIONAL DEVELOPMENT AND LICENSURE**

The Board shall establish a Professional Development Committee that is in compliance with applicable laws and regulations. The Committee shall be a District committee.

The Committee shall establish as follows:

- A. a set of bylaws governing when the Committee shall meet and where, how the committee shall select and replace members, the manner in which voting shall occur, and the procedure the Committee shall use to hear appeals of its decisions;
- B. the criteria that shall be used to determine whether or not a professional development plan shall be approved; and
- C. procedures for assessing the extent to which a staff member's professional development plan has been accomplished.

All Professional Development Committee meetings are subject to the Sunshine Law.

### 3243 - **PROFESSIONAL MEETINGS**

The Board encourages opportunities for professional staff members to develop increased competence, beyond that which they may attain through the performance of their assigned duties through attendance at professional meetings.

For purposes of this policy, a professional meeting shall be defined as:

- A. any meeting that is related to the activities, duties, or responsibilities of professional staff members as determined by the Superintendent.
- B. a meeting through which direct value can be derived for the person in attendance for later use in the performance of District duties.





**3266 – NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS  
OR ACTIVITIES**

Board Policy 1266 applies to professional staff and shall be considered to be incorporated herein.

### **3281 - USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL**

Board Policy 1481 applies to professional staff and shall be considered to be incorporated herein.



### 3362 - **ANTI-HARASSMENT**

Board Policy 1662 applies to the professional staff and shall be considered incorporated herein.

### **3362.01 - THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

Board Policy 1662.01 applies to the professional staff and shall be considered incorporated herein.









**3415 - SEVERANCE**

**Teaching Employees**

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Pursuant to R.C. 124.39(C), the Board provides more severance benefits in the collective bargaining agreement than those set forth in R.C. 124.39(B) for certain Teaching Employees. All other Teaching Employees shall be entitled to severance pay in accordance with R.C. 124.39 as applicable.

Payment of severance pay shall eliminate all obligations of the Board from any further payment or restoration of sick leave unused.

For purposes of this policy, “retirement” means service retirement under the State Teachers Retirement System of Ohio and/or the School Employees Retirement System of Ohio.

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**3417 - HOLIDAY**

**Teaching Employees**

Teaching Employees shall not be entitled to paid holidays.

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### 3419 - **GROUP HEALTH PLANS**

The Board of Education shall have discretion to establish and maintain group health plans for the benefit of eligible employees. The definition of group health plans as used in this policy may include, but is not limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefit plans to employees as permitted by law.

The Board has elected to provide minimum value health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

Eligible employees who have coverage through the employer of a working spouse may receive additional compensation if they waive the District's medical coverage. To receive this compensation, the eligible employee must provide the District with proof of medical coverage provided by the spouse's employer.

### 3419.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

- A. Medical Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Treasurer to serve as the Privacy Official of the group health plans. The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.

The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the Treasurer to serve as the Security Official of the group health plans. The Board Security Official shall conduct a risk analysis and to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.

The Board further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the HIPAA administrative guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Board.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

## **3419.02- PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

Board Policy 1419.02 applies to the professional staff and shall be considered incorporated herein.

### 3419.03 - PATIENT PROTECTION AND AFFORDABLE CARE ACT

The Board of Education acknowledges that the Patient Protection and Affordable Care Act (“ACA”) imposes certain obligations upon the District. Such obligations may include the following:

- A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee’s employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.









### 3430.01 - **FMLA LEAVE**

Board Policy 1630.01 applies to the professional staff and shall be considered incorporated herein.

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## **3432 - SICK LEAVE**

### **Teaching Employees**

Sick leave shall be governed by the applicable collective bargaining agreement.

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## **3433 - VACATION**

### **Teaching Employees**

Vacation leave shall be governed by the applicable collective bargaining agreement or applicable laws.

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## **3436 - PERSONAL LEAVE**

### **Teaching Employees**

Personal leave shall be governed by the applicable collective bargaining agreement.

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#### **3440 - JOB-RELATED EXPENSES**

Board Policy 1440 applies to the professional staff and shall be considered incorporated herein.

### **3531 - UNAUTHORIZED WORK STOPPAGE**

The Board is obligated and committed to provide certain basic services to students participating in District programs. Therefore, if the schools are open and the students are in attendance, those basic services shall be provided.

Recognizing the fact that the District, for various reasons, may experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and shall fulfill its obligations to operate the schools when possible.

Professional staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage shall be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

### 3662.02 - **BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR**

Board Policy 1662.02 applies to the professional staff and shall be considered incorporated herein.

**3663.01 - DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS**

Board Policy 1663.01 applies to the professional staff and shall be considered incorporated herein.

### **3663.02 - USE OF TOBACCO**

Board Policy 1663.02 applies to the professional staff and shall be considered incorporated herein.

# **CLASSIFIED STAFF**

#### 4112 - **BOARD-STAFF COMMUNICATIONS**

The Board desires to maintain open channels of communication between itself and the staff. The basic line of communication, shall, however, be through the Superintendent.

**A. Staff Communications to the Board**

Communications from staff members to the Board or its committees shall be submitted through the Superintendent. The Superintendent shall forward such communications received from staff members to the Board.

**B. Board Communications to Staff**

All official communications, policies, and directives of the Board of staff interest and concern to the staff shall be communicated through the Superintendent, who shall also keep staff members fully informed of the Board's concerns, and actions. Communications shall be submitted to and communicated by the Treasurer/CFO with respect to the Treasurer/CFO's staff.

**C. Social Interaction**

Since Board members are not authorized to act on behalf of the Board unless in open public session or when specifically vested with such authority, Board members and members of the staff shall not discuss individual personalities, personnel grievances, or other complaints. Instead, such matters should be addressed in accordance with the procedures established in Board Policy.

#### **4113 - CONFLICT OF INTEREST**

Board Policy 1130 applies to classified staff and shall be considered incorporated herein.



#### **4120 - EMPLOYMENT OF CLASSIFIED STAFF**

As all Board employees are exempt from civil service, all classified employees are employed under R.C. 3319.081.

The Board recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with qualified and competent personnel.

No staff member employed in a position for which licensure is required (e.g., paraprofessional) may be paid until evidence of such appropriate licensure for the subject area, grade level, or position, etc. has been received by the Superintendent and transmitted to the Treasurer.

#### 4120.01 - **JOB DESCRIPTIONS**

The Board recognizes that it is essential for District and employee accountability for each staff member to be fully aware of the duties and responsibilities of his/her position. Job descriptions document and describe the essential functions for classified staff positions and thereby promote organizational effectiveness and efficiency. Therefore, the Board shall maintain continuously a comprehensive, coordinated set of job descriptions for classified staff positions.

#### **4120.04 - EMPLOYMENT OF SUBSTITUTES**

The Board recognizes its responsibility to procure the services of substitute classified staff in order to prevent the interruption of the operation of the schools.

The Board shall employ substitutes for the Superintendent's assignment as services are required to replace temporarily absent regular staff member and fill new positions. Such assignments shall be terminated when their services are no longer required.

Daily substitutes shall not earn sick leave nor be paid for days when students are not required to attend schools.

#### **4120.08 - EMPLOYMENT OF PERSONNEL FOR CO-CURRICULAR/EXTRA-CURRICULAR ACTIVITIES**

The Board of Education may find it necessary to employ, on a part-time basis, coaches or activity sponsors who are not members of the professional staff. Such part-time employees may be members of the District's classified and/or support staff or individuals from the community or nearby areas.

The Board authorizes the Superintendent to recommend candidates for employment by the Board.

Each coach or activity sponsor shall hold a valid Pupil Activity Program Permit issued by the State Board of Education under R.C. 3319.303(A), have any other necessary qualifications, have been properly interviewed, and shall sign an employment contract which includes the conditions of employment, compensation arrangements, and contract termination procedures.

No staff member employed in a position for which licensure or permit is required may be paid until evidence of such appropriate licensure or permit valid for the effective dates of such services has been received by the Superintendent and transmitted to the Treasurer.

Personnel must also pass a background check performed by the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation (see Policy 4121).

The Board may renew the contract of any non-licensed individual, currently employed by the Board for one or more years, without first offering the position held by that individual to employees of the District who are licensed individuals or advertising the position as available to any qualified licensed individuals who are not currently employed by the Board unless otherwise prohibited by a collective bargaining agreement.

#### 4120.09 - VOLUNTEERS

The Board recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that shall be helpful to members of the classified staff responsible for the conduct of those programs and activities.

The Superintendent is to inform each volunteer that s/he:

- A. is required to abide by all Board policies while on duty as a volunteer (including, but not limited to, the volunteer's obligation to keep confidential and not release or permit access to any and all student personally identifiable information to which s/he is exposed except as authorized by law);
- B. shall be covered under the District's liability policy but the District cannot provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the person eligible for workers' compensation;
- C. shall be asked to sign a form releasing the District of any obligation should the volunteer become ill or receive an injury as a result of his/her volunteer services; and
- D. may not accept compensation from any third party or source, including, but not limited to booster, parent, or other District support organizations, for the performance of his/her official duties as a volunteer on behalf of the Board.

Furthermore, the Superintendent shall inform all volunteers to display appropriate behavior at all times, and that they shall have to provide a set of fingerprints so that a criminal records check can be conducted at the Board's expense and that they shall have to pay the costs associated with the criminal records check either before they can begin their duties, or as a condition of continued service as a volunteer at the discretion of the Board.

#### 4120.10 - **JOB SHARING**

Job sharing determinations shall be made by the Superintendent.

#### 4121 - **CRIMINAL HISTORY RECORD CHECK**

Board Policy 1121 applies to the classified staff and shall be considered incorporated herein.



## **4122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

Board Policy 1422 applies to classified staff and shall be considered to be incorporated herein.

#### 4122.01 - **DRUG-FREE WORKPLACE**

Board Policy 1663 applies to the classified staff and shall be considered incorporated herein.

**4122.02 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

Board Policy 1422.02 applies to classified staff and shall be considered to be incorporated herein.

**4123 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION  
IN EMPLOYMENT**

Board Policy 1623 applies to the classified staff and shall be considered incorporated herein.



#### 4131 - **REDUCTION IN STAFF**

Classified staff contracts shall be suspended in accordance with R.C. 3319.172.

#### **4139 - STAFF DISCIPLINE**

The Board retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary, such action shall be in proportion to the employee's offense or misconduct, consistent with appropriate procedural and substantive due process and Applicable laws and regulations.

#### **4140 - TERMINATION AND RESIGNATION**

The employment of a classified staff member may be terminated pursuant to R.C. 3319.081.

If a classified staff member fails to maintain required licensure throughout the term of employment, the classified staff member shall be immediately suspended without pay and such failure is grounds for termination.

A classified staff member may resign in accordance with law and any applicable terms of his/her employment contract.

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#### **4161 - UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

Board Policy 1630 applies to the classified staff and shall be considered incorporated herein.



**4162 - DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS**

Board Policy 1663.01 applies to the classified staff and shall be considered incorporated herein.



#### 4170 - **SUBSTANCE ABUSE**

Board Policy 1664 applies to the classified staff and shall be considered incorporated herein.

#### **4200 - STAFF ETHICS**

Board Policy 1200 applies to classified staff and shall be considered to be incorporated herein.

## 4211 - **WHISTLEBLOWER PROTECTION**

Board Policy 1411 applies to classified staff and shall be considered to be incorporated herein.

#### **4213 - STUDENT SUPERVISION AND WELFARE**

Board Policy 1613 applies to the classified staff and shall be considered incorporated herein.

#### 4214 - **STAFF GIFTS**

Board Policy 1214 applies to classified staff and shall be considered to be incorporated herein.

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## **4216 - STAFF DRESS AND GROOMING**

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Board Policy 1216 applies to classified staff and shall be considered to be incorporated herein.

## 4217 - **WEAPONS**

Board Policy 1217 applies to classified staff and shall be considered to be incorporated herein.

#### **4220 - EVALUATION OF CLASSIFIED STAFF**

The Board recognizes the importance of implementing a program of classified staff member evaluations for the purpose of promoting individual job performance and improving services to students.

The goals of the Board's evaluation plan for classified personnel are to:

- A. improve and reinforce the skills, attitudes, and abilities which enable a classified staff member to be effective in achieving assigned job goals; and
- B. identify and remediate weaknesses which prevent a classified staff member from achieving the goals of assigned duties.

#### 4231 - **OUTSIDE ACTIVITIES OF CLASSIFIED STAFF**

Staff members should avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations threaten a staff member's effectiveness within the School System, the Superintendent and Board of Education shall evaluate the impact of such interest, activity, or association upon the staff member's responsibilities.

- A. Staff members may not dedicate work time to an outside interest, activity, or association.
- B. Staff members may not use school property or school time to solicit or accept customers for private enterprises.
- C. Staff members may not engage in business transactions on behalf of private enterprises in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information that the staff member has obtained or may obtain by reason of his/her position or authority.
- D. Staff members may not campaign on school property during working hours on behalf of any political issue, or candidate for local, State, or National office. The constitutional right to express political and other opinions as citizens is reserved to all employees.
- E. Staff members should refrain from expressions that disrupt the efficient operation of the school and/or interfere with the maintenance of discipline by school officials.



**4266 – NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS  
OR ACTIVITIES**

Board Policy 1266 applies to classified staff and shall be considered to be incorporated herein.

**4281 - USE OF EMPLOYEE'S PERSONAL PROPERTY AT DISTRICT FACILITIES**

Board Policy 1481 applies to classified staff and shall be considered to be incorporated herein.

**4362 - ANTI-HARASSMENT**

Board Policy 1662 applies to the classified staff and shall be considered incorporated herein.



**4362.01 - THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

Board Policy 1662.01 applies to the classified staff and shall be considered incorporated herein.







## **4415 - SEVERANCE**

### **Non-Teaching Employees**

Pursuant to R.C. 124.39(C), the Board provides more severance benefits in the collective bargaining agreement than those set forth in R.C. 124.39(B) for certain Non-Teaching Employees. All other Non-Teaching Employees shall be entitled to severance pay in accordance with R.C. 124.39 as applicable.

Payment of severance pay shall eliminate all obligations of the Board at the time of retirement from any further payment or restoration of sick leave unused.

For purposes of this policy, “retirement” means service retirement under the State Teachers Retirement System of Ohio and/or the School Employees Retirement System of Ohio.

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## **4417 - HOLIDAY**

### **Non-Teaching Employees**

All Non-Teaching Employees shall be entitled to paid holidays in accordance with R.C. 3319.087 as applicable.

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#### 4419 - **GROUP HEALTH PLANS**

The Board of Education shall have discretion to establish and maintain group health plans for the benefit of eligible employees. The definition of group health plans as used in this policy may include, but is not limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefit plans to employees as permitted by law.

The Board has elected to provide minimum value health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

Eligible employees who have coverage through the employer of a working spouse may receive additional compensation if they waive the District's medical coverage. To receive this compensation, the eligible employee must provide the District with proof of medical coverage provided by the spouse's employer.

#### 4419.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

- A. Medical Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Treasurer to serve as the Privacy Official of the group health plans. The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.

The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the Treasurer to serve as the Security Official of the group health plans. The Board Security Official shall conduct a risk analysis and to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.

The Board further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the HIPAA administrative guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Board.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.



The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

#### **4419.02 - PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

Board Policy 1419.02 applies to classified staff and shall be considered to be incorporated herein.

#### 4419.03 - PATIENT PROTECTION AND AFFORDABLE CARE ACT

The Board of Education acknowledges that the Patient Protection and Affordable Care Act (“ACA”) imposes certain obligations upon the District. Such obligations may include the following:

- A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee’s employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.





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#### 4430.01 - **FMLA LEAVE**

Board Policy 1630.01 applies to the classified staff and shall be considered incorporated herein.

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**4432 - SICK LEAVE**

**Non-Teaching Employees**

Sick leave shall be governed by the applicable collective bargaining agreement.

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## **4433 - VACATION**

### **Non-Teaching Employees**

Vacation leave shall be governed by the applicable collective bargaining agreement or applicable laws.

#### **4436 - PERSONAL LEAVE**

##### **Non-Teaching Employees**

Personal leave shall be governed by the applicable collective bargaining agreement.

#### **4440 - JOB-RELATED EXPENSES**

Board Policy 1440 applies to the classified staff and shall be considered incorporated herein.

#### **4531 - UNAUTHORIZED WORK STOPPAGE**

The Board is obligated and committed to provide certain basic services to students participating in District programs. Therefore, if the schools are open and students are in attendance, those basic services shall be provided.

Recognizing the fact that a District, for various reasons, may experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and shall fulfill its obligations to operate the schools, when possible.

Classified staff members who fail to perform their normal duties when so required as part of an unauthorized work stoppage shall be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the policies of this Board and the laws of the State.

#### 4662.02 - **BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR**

Board Policy 1662.02 applies to the classified staff and shall be considered incorporated herein.

#### **4663.02 - USE OF TOBACCO**

Board Policy 1663.02 applies to the classified staff and shall be considered incorporated herein.

# **STUDENTS**

## 5111 - ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

The Board of Education establishes the following residency policy for determining eligibility to attend the schools of this District.

The Board shall provide tuition-free education for the benefit of children at least five (5) but under twenty-two (22) years of age whose parents reside in the District and such others as may be eligible pursuant to Federal and/or State law and the policies of the Board, including disabled preschool children who are at least three (3) years of age but not of compulsory school age and who are not currently enrolled in kindergarten, regardless of their citizenship or immigration status. The Board shall meaningfully communicate material information about enrollment requirements and procedures with parents, including parents who have limited proficiency in English. Access to information regarding enrollment requirements and procedures shall be available on the District's web site.

In addition, the Board shall provide tuition-free education for the benefit of a child whose grandparent(s) resides in the District and who is the subject of a:

- A. power of attorney designating the grandparent as the attorney-in-fact; or
- B. caretaker authorization affidavit executed by the grandparent that provides the grandparent with authority over the care, physical custody, and control of the child, including the ability to enroll the child in school, consent in all school related matters, and discuss with the District the child's educational progress.

In accordance with State law, the grandparent shall be considered the "parent" of the child who is the subject of the power of attorney (Form 5111 F7) or caretaker authorization affidavit (Form 5111 F8). The child may attend the schools of this District (Form 5111 F9) unless the power of attorney or caretaker authorization form was created for the sole purpose of enrolling the child in the District so that the child may participate in the academic or interscholastic programs of this District or another reason exists to exclude the child under State law. Additionally, the child may attend the schools of the District until the power of attorney or caretaker authorization affidavit terminates upon the occurrence of one (1) of the following events:

- A. the child ceases to reside with the grandparent(s);
- B. the document is terminated by court order; or
- C. either the child who is the subject of the document or the grandparent dies.

Additionally, the power of attorney terminates if it is revoked in writing by the person who created it and that person gives written notice of the revocation to the grandparent and the juvenile court with which the power of attorney was filed. Further, the caretaker authorization affidavit terminates if the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove of an action or decision of the grandparent(s) who signed the affidavit with



respect to the child, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian or custodian or fails to file a complaint to seek custody within fourteen (14) days after delivery of the written notice of negation, revocation or other disapproval. It is the responsibility of the grandparent(s) to notify the District within one (1) week of the termination of the power of attorney or caretaker authorization affidavit.

The Board reserves the right to verify each student's residency and other conditions of eligibility for tuition-free education as well as the validity of the claim of any student to an education in the District. In addition, if a student has recently been discharged or released from the custody of the Department of Youth Services (DYS) and is seeking admittance or re-admittance into the District, such students will not be admitted until the records required to be released by DYS to the Superintendent have been received (see AG 5111 for listing of required records). Within twenty-four (24) hours of admission into the District, the Superintendent shall request a copy of the student's school records from the school the student most recently attended.

### **Nonresident Eligibility for Tuition-Free Education**

A student shall be entitled to attend school in this District free of any tuition obligation under the following circumstances:

- A. A child whose parent has signed a contract to buy or build a house in this District and provides proper sworn statements shall be enrolled without payment of tuition for a period not to exceed ninety (90) days. The Superintendent is authorized to determine the number of days. The parent shall provide:
  - 1. a sworn statement explaining the situation, the location of the house being purchased or built, and stating the parent's intention to reside there upon its completion; and
  - 2. a statement from the builder that the house is being built for the parent and its location or a statement from a real estate broker or bank officer confirming that the parent has a contract to purchase, that the parent is waiting upon a closing date, and that the house is at the location identified in the parent's sworn statement.

Such child shall also be eligible to participate in interscholastic athletics, if released by formal action of the district of current residency and the OHSA.

- B. Children under a shared-parenting plan establishing both parents as "residential parents" when the child is residing with the parent, if one (1) parent resides in the District. If a student resides in another school district but attends school in this District (where one (1) parent resides), it is the obligation of the parents to provide transportation for that student from the home of the nonresident parent. Where a court has vested legal custody with only one (1) parent, the child is entitled to attend school tuition-free only in the district in which the custodial

parent resides.

- C. Children of active-duty uniformed services members who are subject to a transfer or relocation order and will be relocating to but do not yet reside in the District shall be permitted to apply for enrollment in the same manner and at the same time as resident students in accordance with the provisions of the Interstate Compact on Educational Opportunity for Military Children (see Policy 5111.02).
- D. A child under the age of eighteen (18) years of age who is married and resides in the District.
- E. Students between the ages of eighteen (18) and twenty-two (22) who support themselves by their own labor, live apart from their parents, reside in the District, and have not successfully completed the District's high school program or their I.E.P.
- F. Students who are considered by Federal law to be illegal aliens, children or youth in foster care, and/or homeless students who are required to be admitted by Federal law and in accordance with State guidelines.
- G. A child with a medical condition that may require emergency medical attention providing a parent is employed in the District and submits the proper certification required by the Board, including a medical statement from the child's physician.
- H. A child, living with a resident other than a parent and whose parent is in the armed services outside the State of Ohio, providing the child's parent submits the appropriate affidavit stating that the parent is in the armed forces outside the State of Ohio, intends to reside in the District upon return to the State, and provides the name and address of the person with whom the child will reside. The child may attend school in the District tuition-free for a period not to exceed twelve (12) months. If the parent does not intend to reside in the District, the child may attend school as a tuition student only.
- I. A student who is living with a parent under the care of a shelter program for victims of domestic violence located in the District.
- J. A nonresident child who has been or is currently being placed for adoption with a resident of this District, unless the adoption has been terminated or another district is required to educate the child.
- K. Any student who enrolls in the District under the District's open enrollment policy.

### **Optional Tuition-Free Education**

The Board may admit students tuition-free under the following circumstances:

- A. Children under the age of twenty-two (22), who are:
  - 1. in the legal custody of their parent;
  - 2. residing with a resident grandparent; and
  - 3. not in need of special education, provided the Board and the board of education of the child's district of residence enter into a written agreement specifying there is good cause for the transfer, describing the nature of the good cause, and consenting to the attendance.

The grandparent, and, if possible, the custodial parent shall sign the consent form providing the necessary authorizations. This option does not apply to children who are residing with a resident grandparent and are the subject of either a power of attorney or caretaker authorization affidavit that provides the grandparent with authority over the care, physical custody, and control of the child, as set forth in an earlier section of this policy. The Board shall admit children who are the subject of either a power of attorney or caretaker authorization affidavit tuition-free.

- B. Foreign-exchange students participating in a bona fide foreign-exchange program or residents of foreign nations who request admission as foreign-exchange students or the student is a non-Ohio, U.S. resident admitted under an exchange program operated by a student exchange organization.
- C. Residents, regardless of age, who have graduated from an approved special education program and who wish to participate in a vocational program offered by the District or the Trumbull Career and Technical Center, provided all of the conditions established in the AG 5111 have been met.
- D. The Superintendent may allow a student to remain in school beyond the additional semester, if, in his/her opinion, the student is making adequate progress toward completion of the high school program or I.E.P. but, due to circumstances such as illness, personal hardship, family responsibilities, or the need to work part-time has been unable to complete the program or I.E.P. within the school year and/or one (1) additional semester.
- E. Natural or legally-adopted children of full-time staff members who reside outside the District provided proper application, prior to the first day of school, has been made.
- F. A nonresident student under the age of twenty-two (22) is entitled to attend school in the District if the superintendent of the student's district of residence and the

Superintendent enter into a written agreement consenting to the attendance and specifying that the purpose of the attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

If the student is not receiving special education, there shall be no requirement for either district to provide transportation for the student.

Any student admitted to the District under this provision shall be allowed to participate in all District student activities, including interscholastic athletics, on the same basis as any student who has attended the District's schools while of compulsory age.

- G. A child may enroll free of any tuition obligation for a period not to exceed sixty (60) days, on the sworn statement of an adult resident of the District that s/he has initiated legal proceedings for custody of the child. If the court fails to grant the adult resident custody, continued enrollment beyond the sixty (60) days will be at the discretion of the Board. If enrollment continues, tuition shall be assessed in accordance with law. If the court awards custody to the adult resident, s/he shall produce the journal entry awarding custody and tuition shall be determined in accordance with State law and/or the court order.
- H. A child who becomes a nonresident at the time of a parent's death may continue to attend school in the District on a nontuition basis for the remainder of the school year.

### **Students Suspended or Expelled from Other District**

After offering an opportunity for a hearing, the Superintendent, at his/her discretion, may deny admission to a student who has been suspended or expelled from another public school within or outside the State, for the period of unexpired time of the suspension or expulsion. If the expulsion is from an out-of-state public school, the lesser of the period of such expulsion or the period of expulsion which would have been applied had the student committed the offense in this District will be imposed. When the suspension or expulsion from the other district has expired, the student is to be admitted providing all other eligibility requirements have been met. This provision also applies to a student who is the subject of power of attorney designating the child's grandparent as the attorney-in-fact or caretaker authorization affidavit executed by the child's grandparent.

### **Mandatory Admission/Payment of Tuition**

The Board shall admit students who reside in the District but his/her parents do not reside in the District and tuition payments shall be assessed pursuant to State law if:

- A. the student is in the legal or permanent custody of a governmental agency or a person other than his/her natural or adoptive parents;
- B. the student resides in a home as defined by State law;
- C. the student requires special education;
- D. the child resides in the District and the child's parent is in a residential facility, correctional facility, or juvenile placement and the other parent, if living and not in such a facility or placement, is not known to reside in this State.

If the District admits a student to the District who is not otherwise entitled to attend or whose attendance tuition is not an obligation of another district, the Board shall collect tuition from the student's parents.

The Superintendent shall develop administrative guidelines for the enrollment of nonresident children which:

- A. admit such children only on the proper application of the parent or guardian; release by the board of education of residency, if required; and the approval of the Board;
- B. do not exclude any child, otherwise eligible, on the basis of such child's race, creed, color, national origin, ancestry, or disability;
- C. verify claims of residency;
- D. deny admission where the educational program maintained for the children of this District is inadequate to meet the needs of the applicant;
- E. make continued enrollment of any nonmandatory nonresident, regular-education student contingent upon maintaining good standards of citizenship and discipline.

The Superintendent shall recommend to the Board for their approval the admission of qualified applicants.

Tuition rates shall be determined as required by Ohio Statutes.

Tuition shall be charged monthly, in advance of attendance.

### **Safe at Home/Address Confidentiality**

If a parent (or adult student), presents information to the District certifying that the parent (or adult student), his/her child, or a member of the parent's household is a participant in the Safe at Home/Address Confidentiality Program administered by the Secretary of State, the Board shall

use the address designated by the Secretary of State to serve as the student's address for enrollment purposes. The District shall place a copy of any certification provided by the parent in the enrollment files.

## **5112 - ENTRANCE REQUIREMENTS**

The Board of Education establishes the following entrance age requirements for students, which are consistent with statute and sound educational practice, and directs that all eligible students be treated in an equitable manner.

### **Preschool**

A child is eligible for entrance into preschool if s/he attains the age of four (4) years on or before September 30th of the year in which s/he applies for entrance and has not yet attained the age at which s/he will be admitted to kindergarten.

### **Kindergarten**

A child is eligible for entrance into kindergarten if s/he attains the age of five (5) on or before August 1st of the year in which s/he applies for entrance. The Board may admit a younger child to kindergarten if the child satisfies the Board's early entrance criteria. A child under age six (6) who is enrolled in kindergarten will be considered of compulsory school age.

The Board will admit to kindergarten any child who has not attained the entrance age requirement of this District, but who was properly enrolled in a public or chartered nonpublic school kindergarten before transferring to the District.

### **First Grade**

A child is eligible for entrance into first grade if s/he attains the age of six (6) on or before September 30th of the year in which s/he applies for entrance. Any student who has successfully completed kindergarten in accordance with R.C. 3321.01(B) shall be admitted to first grade. The Board may admit to first grade a younger child if the child satisfies the Board's early entrance criteria.

### **Required Documents**

The Superintendent shall require that each child who registers for entrance to school provide:

- A. his/her birth certificate or similar documentation authorized by law as proof of age and birthdate;

Acceptable forms of documentation include: foreign birth certificate; religious, hospital, or physician's certificate showing date of birth; entry in a family bible; baptismal record; adoption record; affidavit from a parent; previously verified school records; or other documents permitted by law.

- B. a certified copy of any custody order or decree together with any modification in such an order or decree.

If such documents are not provided, the child may be admitted under the Superintendent's guidelines. Appropriate law enforcement authorities shall be notified in the event that required documents are not provided in accordance with the provisions of R.C. 3313.672. However, a child who is placed in a foster home or residential facility (i.e., a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four (24) hour child care, county children's home, or district children's home) will not be denied admission solely because the child does not present a birth certificate, comparable certification, or other comparable document upon registration. Such protected child will be admitted under temporary enrollment for a period of up to ninety (90) days to present the required documentation. The protected child and/or the child's parent, guardian, or custodian will be so informed at the time of the child's initial admission.

Each child entering the District's kindergarten or first grade program for the first time must be properly screened for any medical or health problems as well as those related to hearing, vision, speech, and communications. The cost for such screening shall be paid by the District.

Any parent may provide the District with a written statement indicating that s/he does not wish to have his/her child screened.



## **Early Entrance Criteria**

The District provides early admission to kindergarten and first grade for qualified students. Copies of the referral forms for evaluation for early entrance to kindergarten or first grade will be available in each school building. Any student residing in the District may be referred by an educator employed by the District, a preschool educator who knows the child, the child's parent or guardian, or a pediatrician or psychologist who knows the child. The referral shall be made to the principal of the school for evaluation for possible early admission.

Before a student is evaluated for early entrance, the principal (or his/her designee) of the school to which the child may be admitted shall obtain written permission from the child's parent/guardian.

Evaluations related to referrals submitted to the school principal between August 15th and April 15th, will ordinarily be completed and a written report issued within forty-five (45) calendar days of submission of the referral to the school principal. Evaluations related to referrals submitted to the school principal between April 16th and August 14th will ordinarily be completed and a written report issued within forty-five (45) days of the start of the school year.

Children referred for early entrance will be evaluated in a prompt manner. The principal of the school to which the child may be admitted shall convene an acceleration evaluation committee to determine whether early entrance is appropriate for that child. The acceleration evaluation committee shall include the following:

- A. a parent/legal guardian or a representative designated by the parent/guardian
- B. a gifted education coordinator or gifted education specialist, or, if neither is available, a school psychologist or a guidance counselor with expertise in the appropriate use of academic acceleration
- C. the principal or assistant principal of the school to which the child may be admitted
- D. a teacher at the grade level to which the student may be admitted

The acceleration evaluation committee shall be responsible for conducting a fair and thorough evaluation of the student. The acceleration evaluation committee will also consider the student's own thoughts on possible accelerated placement in its deliberations.

Children considered for early entrance shall be evaluated using an acceleration assessment process approved by the Ohio Department of Education.

A meeting will be conducted with the parent/guardian following the evaluation to inform him/her of the committee's decision and, if appropriate, to discuss the results of the evaluation and the nature of the kindergarten or first grade program.

The parent/guardian will be provided with a written summary of the outcome of the evaluation process. This notification shall include instructions for appealing the outcome of the evaluation process.

Appeals must be made in writing to the Superintendent within thirty (30) calendar days of the parent/guardian receiving the results of the evaluation. The Superintendent or his/her designee shall review the appeal and notify the parent/guardian of his/her decision within thirty (30) calendar days of receiving the appeal. The Superintendent or his/her designee's decision will be final.

If a child is recommended for early entrance, the acceleration evaluation committee will develop a written acceleration plan for that child. The plan will specify:

- A. placement of the child in the accelerated setting;
- B. strategies to support successful early entrance; and
- C. an appropriate transition period for accelerated students.

A school staff member will be assigned to oversee the implementation of the acceleration plan and to monitor the child's adjustment to the early entrance.

At any time during the transition period, a parent/guardian of the child may request in writing that the child be withdrawn from the accelerated placement. In such cases, the principal shall remove the child without repercussions.

Also, at any time during the transition period, a parent/guardian may request in writing an alternative accelerated placement. In such cases, the principal shall direct the acceleration evaluation committee to consider other placement options and to issue a decision within thirty (30) calendar days of receiving the request. If the student will be placed in a different setting from that initially recommended, the acceleration plan shall be revised accordingly, and a new transition period shall be specified.

At the end of the transition period, the accelerated placement shall become permanent. The child's records shall be modified accordingly, and the acceleration plan shall become part of the student's permanent record to facilitate continuous progress through the curriculum.

## **5113 - ADMISSION OF HIGH SCHOOL AGED STUDENTS ENROLLING THROUGH OPEN ENROLLMENT**

The Board of Education shall operate the Mathews Local School District for the benefit of school aged youth who are resident to the member Districts. Out of District students will be admitted only if existing openings cannot be filled by resident students from the above-described Districts.

Programs and program size:

The number of programs and program size shall be determined by the Board Superintendent in accordance with District policies, state regulations, and in consultation with participating District Superintendents.

Program size shall be determined by the following:

- A. Enrollment in occupational specific programs shall have a maximum enrollment of twenty (20) students.
- B. Enrollment in programs shall be subject to an agreement of the participating District to provide transportation to and from the District.
- C. Students enrolled from another District will need to arrange their own transportation to and from Mathews Local.
- D. All students enrolled through the open enrollment policy shall be expected to meet the qualifications described for students from member Districts.

## **5114 - NONIMMIGRANT STUDENTS AND FOREIGN-EXCHANGE STUDENTS**

The Board of Education recognizes the positive cultural benefits to the students, staff, and the community in meeting students from other countries and in having exchange visitor students as members of the student body of this District's high school(s).

An exchange visitor student is a foreign national who has been selected by a sponsor that has been approved by the United States Department of State (USDOS) to participate in an exchange visitor program and who is seeking to enter or has entered the United States temporarily on a J-1 visa.

### **Exchange Visitor Program for Nonimmigrant Students with J-1 Visas**

The Board authorizes the Superintendent to consider a request to admit an exchange visitor student who meets the USDOS requirements and applies for admission through a sponsoring organization, and determine whether or not that student should be accepted.

In accordance with Federal law, an exchange visitor student will be selected and sponsored by an organization that has been approved by the USDOS. The Board, pursuant to Federal law, requires the sponsoring agency to secure prior written acceptance of the Superintendent for the placement of an exchange visitor student in the District high school.

After written acceptance of school placement is secured, the sponsoring agency should issue the certificate of eligibility for J-1 Visas to the exchange visitor student who meets the criteria established in Federal law for participation in an EVP.

Pursuant to Federal law the sponsoring agency is also responsible for selecting a host family who resides in the District for each exchange visitor student.

Lastly, pursuant to Federal law, a sponsoring agency can place no more than five (5) exchange visitor students in the District high school.

### **Other Nonimmigrant Students**

This policy does not apply to nonimmigrant students with citizenship in countries other than the United States who are not participating in an approved exchange visitor program at a District school.

All other nonimmigrant students with citizenship in countries other than the United States who seek to enroll in the District's schools are subject to State law and the District's policies regarding enrollment and, if applicable, tuition.



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## 5200 - ATTENDANCE

The educational program offered by this District is predicated upon the presence of the student and requires continuity of instruction and classroom participation. Attendance shall be required of all students enrolled in the schools during the days and hours that the school is in session or during the attendance sessions to which s/he has been assigned.

A student in grades 9 through 12 may be considered a full-time equivalent student provided the student is enrolled in at least five (5) units of instruction, as defined by applicable laws and regulations, per school year.

In accordance with statute, the Superintendent shall require, from the parent of each student of compulsory school age or from an adult student who has been absent from school or from class for any reason, a statement of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each single absence or prolonged absence.

Repeated infractions of Board policy on attendance may result in suspension or expulsion.

The Board considers the following factors to be reasonable excuses for time missed at school:



- A. Personal illness (a written physician's statement verifying the illness may be required);
- B. Appointment with a health care provider;
- C. Illness in the family necessitating the presence of the child;
- D. Quarantine of the home;
- E. Death in the family;
- F. Necessary work at home due to absence or incapacity of parent(s)/guardian(s);
- G. Observation or celebration of a bona fide religious holiday;
- H. Out-of-state travel (up to a maximum of four (4) days per school year) to participate in an ESC-approved enrichment or extracurricular activity (any classroom assignment missed due to the absence shall be completed by the student);
- I. Such good cause as may be acceptable to the Superintendent;
- J. Medically necessary leave for a pregnant student in accordance with Board Policy 5751;
- K. College Visitation in which the District requires verification of the date and time of the visitation by the college, university, or technical college;
- L. Absences due to a student's placement in foster care or change in foster care placement or any court proceedings related to their foster care status; and
- M. Absences due to a student being homeless.

Attendance need not always be within the school facilities, but a student shall be considered to be in attendance if present at any place where school is in session by authority of the Board.

The Board shall consider each student assigned to a program of other guided learning experiences to be in regular attendance for the program provided that s/he reports to such staff member s/he is assigned for guidance at the place in which s/he is conducting study, and regularly demonstrates progress toward the objectives of the course of study.

The Superintendent may excuse a student over fourteen (14) years of age from attendance at school for a future limited period for the purpose of performing essential work directly or exclusively for his/her parents or guardians. Such excuse should not exceed five (5) days and

may at the discretion of the Superintendent be renewed for five (5) additional days. At no time, however, shall such excuse cause a student to be absent from school for a period of more than ten (10) consecutive days.

At the discretion of the Superintendent or designee, a student may be excused for a longer period than ten (10) days if a child's parent or guardian has recently died or become totally or partially incapacitated and there is no older brother or sister living in the home who is out of school. (The Superintendent may request a certificate of a physician attesting to the physical condition of the parent or guardian.)

### **Contacting the Parent/Guardian of an Absent Student**

When a parent, guardian, or other person having care of a student has failed to initiate a telephone call or other communication notifying the school or building administration of the student's excused or unexcused absence within one hundred twenty (120) minutes after the beginning of the school day, the attendance officer or designee for each school building shall make at least one (1) attempt to contact the parent, guardian, or other person having care of any student who is recorded as absent without legitimate excuse within one hundred twenty (120) minutes after the beginning of each school day by a method designated by the Superintendent in accordance with Ohio law.

## 5215 - **MISSING AND ABSENT CHILDREN**

It is the interest of this Board to cooperate with local, State, and National efforts to decrease the number of missing children.

## **5230 - LATE ARRIVAL AND EARLY DISMISSAL**

It is necessary that a student be in attendance throughout the school day in order to benefit fully from the educational program of the District.

The Board recognizes, however, that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day.

As agent responsible for the education of the children of this District, the Board shall require that the school be notified in advance of such absences by written request of the student's parent, which shall state the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the building principal/program manager.

If one (1) parent has been awarded custody of the student by the courts, the parent of custody shall provide the school with a copy of the custody order and inform the school in writing of any limitations in the rights of the noncustodial parent. Absent such notice, the school shall presume that the student may be released into the care of either parent.

No student who has a medical disability which may be incapacitating may be released without a person to accompany him/her.

No student shall be released to anyone who is not authorized such custody by the parents.

## 5310 - **HEALTH SERVICES**

The Board may require students of the District to submit to periodic health examinations.

The District may provide or request parents to provide vision and/or audiometric screening.

The Board shall directly notify the parents of students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any nonemergency, invasive physical examination or screening is scheduled or expected to be scheduled for students if the examination or screening is: (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of a specific student, or other students.

The term “invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Unless the physical examination or screening is permitted or required by an applicable laws and regulations, parents may refuse to allow the Board to administer a nonemergency, invasive physical examination, or screening upon written notification to the Board within five (5) days after receipt of the Board’s annual public notice.

## 5320 - IMMUNIZATION

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Board requires all students to be immunized against poliomyelitis, measles, diphtheria, rubella (German measles), pertussis, tetanus, mumps, and others legally designated in accordance with State statutes, unless specifically exempt for medical or other reasons. The Board requires that students who start kindergarten during or after the school year beginning in 1999 be immunized against Hepatitis B or be in the process of being immunized. The Board also requires that students who start kindergarten during or after the school year beginning in 2006 be immunized against chicken pox. The Board further requires that students enrolled in grades 7 through 12 during or after the school year beginning in 2016 be immunized against meningococcal disease in accordance with the administration procedures prescribed by the Ohio Department of Health. This policy pertains to both students who currently attend school in the District and those eligible to attend.

The Superintendent may exempt a student from being immunized against either or both measles and mumps if the student presents a signed statement from a parent or physician indicating s/he has had measles or mumps and does not need to be immunized. The student shall be allowed to attend school only if a physician's statement indicates there is no danger of contagion. In case of an outbreak of the disease for which the student has not been immunized or an epidemic, the Superintendent shall not allow the student to attend school.

In the case of a chicken pox epidemic in the school's population, the Superintendent may deny admission to a student otherwise exempted from the chicken pox immunization requirement. The Superintendent shall describe methods whereby the academic standing of a student who is denied admission during a chicken pox epidemic is preserved.

The Superintendent may also exempt a student from immunization if a physician certifies in writing that immunization from a particular disease is medically contra-indicated.

A student may also be exempted from immunization if a parent or guardian objects for good cause, including religious conviction.

A student who has not completed immunization may not be admitted to school, except as is consistent with the law.

## 5330 - USE OF MEDICATIONS

The Board shall not be responsible for the diagnosis and treatment of student illness. With the exception of diabetes care covered under Board Policy 5336, the administration of prescribed medication and/or medically-prescribed treatments to a student during school hours shall be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or if the child is disabled and requires medication to benefit from his/her educational program.

For purposes of this policy, “medication” shall include all medicines including those prescribed by a licensed health professional authorized to prescribe drugs and any nonprescribed (over-the-counter) drugs, preparations, and/or remedies. “Treatment” refers both to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization.

Before any prescribed medication (i.e., a drug) or treatment may be administered to any student during school hours, the Board shall require a written statement from a licensed health professional authorized to prescribe drugs (“prescriber”) accompanied by the written authorization of the parent. These documents shall be kept on file in the health center office and made available to the persons designated by this policy as authorized to administer medication or treatment. A copy of the parent’s written request and authorization and the Prescriber’s written statement shall be given, by the next school day following the District’s receipt of the documents, to the person authorized to administer drugs to the student for whom the authorization and statement have been received. No student is allowed to provide or sell any type of over-the-counter medication to another student. Violations of this rule shall be considered violations of Board Policy 5530 - Drug Prevention and of the Student Code of Conduct/Discipline Code.

In the case of non-prescribed (over-the-counter) medications, the same procedures as outlined above are to be followed with the exception of those procedures referring to the written statement from a licensed health professional. The Board shall require only a written authorization of the parent to administer non-prescribed (over-the-counter) medication. The parent is responsible for complying with all procedures in lieu of the Prescriber and assumes liability for any harm to the student arising from the administration of the non-prescribed medication.

Only medication in its original container; labeled with the date, if a prescription; the student’s name; and exact dosage shall be administered. The Superintendent shall determine a location in each building where the medications to be administered under this policy shall be stored, which shall be a locked storage place, unless the medications require refrigeration in which case they shall be stored in a refrigerator in a place not commonly used by students, and unless the medication to be administered is diabetes medication, which shall be kept in an easily accessible location pursuant to Board Policy 5336.

Parents may administer medication or treatment but only in the presence of a designated District employee, with the exception of diabetes care covered under Board Policy 5336.

Additionally, students may administer medication or treatment to themselves, if authorized in writing by their parents and a licensed health professional authorized to prescribe drugs but only in the presence of a designated District employee, with the exception of students authorized to attend to their diabetes care and management pursuant to Board Policy 5336.

However, students shall be permitted to carry and use, as necessary, an asthma inhaler, provided the student has prior written permission from his/her parent and physician.

Additionally, students shall be permitted to carry and use, as necessary, an epinephrine auto-injector to treat anaphylaxis, provided the student has prior written approval from the prescriber of the medication and his/her parent/guardian, if the student is a minor, and has submitted written approval. The parent/guardian or the student shall provide a back-up dose of the medication to the principal/program manager or school nurse. This permission shall extend to any activity, event, or program sponsored by the school or in which the school participates. In the event epinephrine is administered by the student or a District employee at school or at any of the covered events, a District employee shall immediately request assistance from an emergency medical service provider (911). Students with diabetes authorized to attend to their diabetes care and management may do so in accordance with Board Policy 5336.

With the exception of diabetes care covered under Board Policy 5336, only employees of the Board who are licensed health professionals or who have completed a drug administration training program conducted by a licensed health professional and are designated by the Board may administer prescription drugs to students in school.

With the exception of diabetes care covered under Board Policy 5336, provided they have completed the requisite training, the following staff are authorized to administer medication and treatment to students:

- A. principal/program manager;
- B. school nurse;
- C. building secretary; and
- D. others as designated by student's IEP and/or 504 plan.

No employee shall be required to administer a drug to a student if the employee objects, on the basis of religious convictions, to administering the drug.



## **5330.02 - PROCUREMENT AND USE OF EPINEPHRINE AUTO INJECTORS IN EMERGENCY SITUATIONS**

In accordance with state law, the Board of Education shall procure epinephrine auto-injectors (“Epi-Pens”) for use in emergency situations. Epinephrine is a prescription drug used to treat life-threatening allergic reactions caused by insect bites or stings, foods, medications, latex, and other causes. The Superintendent shall adopt a policy and procedures, alternatively termed “Administrative Guidelines,” governing the maintenance and use of Epi-Pens. The Superintendent shall consult with a licensed health professional who is authorized to prescribe drugs (“Prescriber”) when developing policy/administrative guidelines.

The Superintendent’s policy/administrative guidelines shall:

- A. identify the location(s) in each school building where the Epi-Pens shall be stored;
- B. specify the conditions under which Epi-Pens must be stored, replaced, and disposed of;
- C. specify the individuals employed by or under contract with the Board, in addition to a licensed school nurse and licensed athletic trainer, who may access and use Epi-Pens in emergency situations;
- D. specify the training that Board employees or contractors (besides school nurses or athletic trainers) must complete before being authorized to access and use Epi-Pens;
- E. identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which a school nurse, athletic trainer, or other trained employee/contractor may access and use an Epi- Pen;
- F. specify that assistance from an emergency medical service provider (911) must be requested immediately after an Epi-Pen is used; and
- G. specify individuals, in addition to students, employees, contractors, and visitors, to whom a dosage of epinephrine may be administered through an Epi-Pen in an emergency situation.

Each Building Principal shall endeavor to maintain at least two (2) Epi-Pens of both prescribed doses in their building. In procuring Epi-Pens, the Board will accept donations of Epi-Pens from wholesale distributors of dangerous drugs or manufacturers of dangerous drugs, as well as donations of money from any person to purchase Epi-Pens. The Superintendent shall report to the Ohio Department of Education (“ODE”), in the form and manner determined by ODE, each procurement of Epi-Pens and each occurrence in which an Epi-Pen is used from District’s supply.

In order to facilitate the use of an Epi-Pen in an emergency situation pursuant to this Policy and AG 5330.02, the Board will procure Epi-Pens by either (1) having a licensed health professional authorized to prescribe drugs, acting in accordance with State laws, personally furnish the Epi-Pens to the District or issue a prescription for them in the name of the District, or (2) having the Superintendent obtain a prescriber-issued protocol that includes definitive order for Epi-Pens and the dosages of epinephrine to be administered through them. If the Superintendent obtains a prescriber-issued protocol, s/he will retain the original protocol and provide a copy of it to each Building Principal of each school at which Epi-Pens are maintained in accordance with this Policy and AG 5330.02.

In accordance with Ohio law, the Board, its members, employees and contractors, and a licensed health professional authorized to prescribe drugs who personally furnishes or prescribes Epi-Pens, consults with the Superintendent, or issues a protocol, shall not be liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using Epi-Pens in emergency situations as provided for by this policy and AG 5330.02, unless the act or omission constitutes willful or wanton misconduct.

## 5335 - CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS

Students with chronic health conditions shall be provided with a free appropriate public education. If their impairment does not require specially designed instruction for them to benefit educationally, they shall be eligible for accommodations/modifications/interventions of the regular classroom, curriculum, or activity (i.e., the school setting) so that they have the same access to an education as students without disabilities. Such accommodations/modifications/interventions shall be provided pursuant to a Section 504 Plan.

Chronic health conditions, for the purposes of this policy, shall include:

- A. “peanut” and other food allergies;
- B. allergies;
- C. asthma; and
- D. diabetes.

All information regarding student identification, health care management, and emergency care shall be safeguarded as personally identifiable information in accordance with Board Policy 8330 and Board Policy 8350.

The District shall coordinate school health practices for management of a chronic health condition and shall provide for:

- A. identification of individuals with chronic health conditions;
- B. development of individual health care action plans;
- C. coordination of health care management activities by school staff;
- D. communication among school staff who interact with children with chronic health conditions;
- E. development of protocols to prevent exposure/episodic reactions; and
- F. awareness and training of school staff regarding Board policy on acute and routine management of chronic health conditions, information on signs and treatment of chronic health conditions, medication and administration, and emergency protocols for dealing with reactions in “unusual” situations such as field trips.

School health practices shall provide students with chronic health conditions the opportunity for:

- A. full participation in physical activities when students are well;
- B. modified activities as indicated by the student's health care action plan, 504 plan, or Individualized Education Plan (IEP);
- C. access to preventative medications before activity (as prescribed by their medical providers) and immediate access to emergency medications during activity; and
- D. communication regarding student health status between parents, physicians, teachers (particularly physical education teachers), and coaches.

Healthcare management activities shall include:

- A. procedures to obtain, maintain, and utilize written health care action plans, signed by the child's parents and physician, for each student with a chronic health condition;
- B. a standard emergency protocol in place for students experiencing a distress reaction if they do not have a written health care action plan on site;
- C. established communication strategies for students to use to tell an adult they may be having a health-related problem;
- D. procedures for students to have immediate access to medications in accordance with Board Policy 5330 that allow students to self-care and self-administer medications, inhalers, and Epi-pens, as prescribed by a medical professional, and approved by parents/guardians;
- E. prevention strategies to avoid causal elements;
- F. case management for students with frequent school absences, school health office visits, emergency department visits, or hospitalizations due to chronic health conditions; and
- G. management and care of the student's chronic health condition in the classroom, in any area of the school or school grounds, or at any school related activity or event.

Staff shall be trained about chronic health conditions and their control in each school in which there is a student with a chronic health condition.

Designated staff who have responsibility for specialized services such as giving inhaler treatments or injections, or conducting glucose and/or ketone tests shall be provided training specific to the procedures, by a licensed health professional.

The school nurse shall maintain a copy of the training program and the records of training completed by District employees.

## 5336 - CARE OF STUDENTS WITH DIABETES

The Board is committed to ensuring that each student enrolled in the District who has diabetes receives appropriate and needed diabetes care in accordance with an order signed by the student's treating physician.

The diabetes care to be provided includes any of the following:

- A. checking and recording blood glucose levels and ketone levels or assisting the student with checking and recording these levels;
- B. responding to blood glucose levels that are outside of the student's target range;
- A. in the case of severe hypoglycemia, administering glucagon and other emergency treatments as prescribed;
- C. administering insulin or assisting the student in self-administering insulin through the insulin delivery system the student uses;
- D. providing oral diabetes medications;
- E. understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the student's physician's order;
- F. following the physician's instructions regarding meals, snacks, and physical activity; and
- G. Administering diabetes medication, as long as the conditions described below are satisfied.

Within fourteen (14) days after the District receives an order signed by the student's treating physician, the Board shall inform the student's parent or guardian that the student may be entitled to a Section 504 Plan regarding the student's diabetes.

With regard to the administration of diabetes medication:

- A. The diabetes medication may be administered by a school nurse, or in the absence of a school nurse, such medication can be administered by a District employee who has received training provided by the Board that complies with the Ohio Department of Education's training guidelines, and complies with the following additional requirements:
  - 1. The training shall be coordinated by a school nurse, or if the school does not employ a school nurse, a medical or osteopathic doctor, a registered

nurse, or a licensed practical nurse with expertise in diabetes.

2. The training shall take place prior to the beginning of each school year or, as needed, not later than fourteen (14) days after the Board receives a physician's order related to a student with diabetes.
  3. Upon completion of the training, the Board shall determine whether each trained employee is competent to provide diabetes care.
  4. The school nurse, medical or osteopathic doctor, registered nurse, or licensed practical nurse who provided the training shall promptly provide all necessary follow-up training and supervision to an employee who receives training.
- B. The principal/program manager of a school attended by a student with diabetes shall distribute a written notice (see Form 5336 F1) to each employee containing the following information:
1. A statement that the school is required to provide diabetes care to a student with diabetes and is seeking employees who are willing to be trained to provide that care.
  2. A description of the tasks to be performed.
  3. A statement that participation is voluntary and that the District shall not take action against an employee who does not agree to provide diabetes care, including that the employee shall not be penalized or disciplined for refusing to volunteer to be trained in diabetes care.
  4. A statement that training shall be provided by a school nurse, a medical or osteopathic doctor, a registered nurse, or a licensed practical nurse with expertise in diabetes to an employee who agrees to provide care.
  5. A statement that a trained employee shall not be subject to disciplinary action by the Board for providing care or performing duties to students with diabetes.
  6. A statement that a trained employee is immune from liability for damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties (unless the act or omission constitutes willful or wanton misconduct).
  7. The name of the individual to contact if an employee is interested in providing diabetes care.

The school nurse and/or the District employee can only administer diabetes medication as described above if the requirements of Board Policy 5330 are met.

A student's diabetes medication shall be kept in an easily accessible location.

A student with diabetes shall be permitted to attend to his or her diabetes care and management, in accordance with the student's physician's order, during regular school hours and school sponsored activities only if:

- A. the student's parent or guardian provides a written request that the student be permitted to attend to his or her diabetes care and management while at school; and
- B. the student's physician has authorized such self-care and determined that the student is capable of performing diabetes care tasks.

A student with diabetes is permitted to perform diabetes care tasks in a classroom, in any area of the school or school grounds, and at any school-related activity. The student shall have access to a private area for performing diabetes care tasks if the student or the student's parent or guardian makes such a request.

A student with diabetes is permitted to possess on the student's self at all times all necessary supplies and equipment to perform diabetes care tasks. If the student performs any diabetes care tasks or uses medical equipment for purposes other than the student's own care, the Board shall revoke the student's permission to attend to the care and management of the student's diabetes.

The Board shall provide training in the recognition of hypoglycemia and hyperglycemia, and actions to take in response to emergency situations involving these conditions, to both of the following:

- A. a District employee who has primary responsibility for supervising a student with diabetes during some portion of the school day, and
- B. a bus driver employed by the Board who transports a student with diabetes.

By December 31 of each year, the Board shall report to the Ohio Department of Education the following information regarding students with diabetes:

- A. the number of students with diabetes enrolled in the District during the previous school year, and
- B. the number of errors associated with the administration of diabetes medication to students with diabetes during the previous school year.



D. “”

#### **5340 - STUDENT ACCIDENTS**

The Board believes that school personnel have certain responsibilities in case of accidents which occur in school. Said responsibilities extend to the administration of first aid by persons trained to do so, summoning of medical assistance, notification of administrative personnel, notification of parents, and the filing of accident reports.

Employees should administer first aid within the limits of their knowledge of recommended practices. All employees should make an effort to increase their understanding of the proper steps to be taken in the event of an accident.

The Superintendent shall include the reporting of accidents, when appropriate.

## 5341 - EMERGENCY MEDICAL AUTHORIZATION

Annually, before the first day of October, the Board shall distribute to parents or guardians of all students the Emergency Medical Authorization Form. Thereafter, the Board shall, within thirty (30) days after the entry of any student for the first time into a public school in this State, provide the child's parent with a copy of the Emergency Medical Authorization Form.

When the Form is returned to the District, the District shall keep the Form on file, and shall send the Form to any school to which the student is transferred. Upon request of the student's parent, the District may permit the parent to make changes in a previously filed Form, or to file a new Form.

In the event emergency medical treatment for a student is necessary, the District shall adhere to the instructions on the authorization form. If a parent refuses to grant consent for emergency medical treatment, the parent shall indicate in the proper place on the Form the procedure the parent wishes school authorities to follow in the event of a medical emergency involving his/her child.

Even if a parent grants consent for emergency medical treatment, when a student becomes ill or is injured and requires emergency medical treatment while under school authority, or while engaged in an extra-curricular activity authorized by the appropriate school authorities, the building administrator(s) shall make reasonable attempts to contact the parent before treatment is given. The school representative shall present the student's Emergency Medical Authorization Form or a copy thereof to the hospital or practitioner rendering treatment.

The Emergency Medical Authorization Form shall be kept in a separate, easily accessible file in each school building during the school year.

Any time a student or a group of students is taken out of the District to participate in a school event, the staff in charge of the event shall take the Emergency Medical Authorization Forms for those students. This includes, and is not limited to, students involved in music trips, athletic trips, field trips, and academic contests. This does not include student spectators at events.

Staff members shall abide by any "Do Not Resuscitate" (DNR) order that may exist for a student, unless ordered otherwise by a court of law. Staff members may always call 911 to seek medical assistance regardless of whether the DNR order exists or not. If a DNR order exists, staff members should produce the DNR order to the emergency responder.

## 5350 - STUDENT MENTAL HEALTH AND SUICIDE PREVENTION

The Board recognizes that mental health conditions and self-injury are problems of increasing severity among children and adolescents. A student who suffers from a mental health condition such as depression and who has attempted self-injury poses a danger both to himself/herself and to other students.

In accordance with law, the Board will provide appropriate instruction on personal safety and assault prevention to all students in grades K-6. Additionally, beginning in the 2023-2024 school year, the District will include in health education at least one (1) hour (or a standard class period) of evidence-based instruction for students in grades 6-12 in each of the following topics:

- A. Suicide awareness and prevention;
- B. Safety training and violence prevention; and
- C. Social inclusion.

The Board shall use a training program that is approved by the Ohio Department of Education (ODE). Instruction may be provided during student assemblies, digital learning, and homework to satisfy the instruction requirement. Upon request of a parent/guardian, a student will be excused from instruction in these areas.

All school personnel should be alert for students who exhibit signs of unusual mental health related behavior or who threaten or attempt self-injury or suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness.

In accordance with Policy 8462 designated staff shall receive professional development training in accordance with Board-adopted curriculum that includes the risk factors, warning signs, and resources regarding youth suicide awareness and prevention at least every two (2) years.

Additional professional development training in youth suicide risk assessment and intervention shall be provided to mental health employees, counselors, teachers, administrators, school psychologists, and school nurses.

The Board shall adopt or adapt an evidence-based awareness and prevention curriculum approved by the ODE, or alternatively will utilize a suicide awareness and prevention curriculum that has been developed in consultation with public or private agencies/persons involved in youth suicide awareness and prevention and that has been approved by the ODE.

Throughout any intervention, it is essential that Board policies regarding confidentiality be observed at all times.

## **5408 - ACADEMIC ACCELERATION, EARLY ENTRANCE TO KINDERGARTEN, AND EARLY HIGH SCHOOL GRADUATION**

In accordance with the belief that all children are entitled to an education commensurate with their particular needs, students who can exceed the grade-level indicators and benchmarks set forth in the standards must be afforded the opportunity and be encouraged to do so.

The Board of Education believes that such students often require access to advanced curriculum in order to realize their potential contribution to themselves and society.

All children learn and experience success given time and opportunity, but the degree to which academic content standards are met and the time it takes to reach the standards will vary from student to student. The Board believes that all students, including advanced learners, should be challenged and supported to reach their full potential. For many advanced learners, this can best be achieved by affording them access to curriculum, learning environments, and instructional interventions more commonly provided to older peers.

This policy describes the process that shall be used for evaluating students for possible accelerated placement and identifying students who should be granted early admission to kindergarten, accelerated in one or more individual subject areas, promoted to a higher grade level than their same-age peers, and granted early graduation from high school.

### **Referrals and Evaluation**

- A. Any student residing in the District may be referred by a teacher, administrator, gifted education specialists, guidance counselor, school psychologists, or a parent or legal guardian of the student to the principal of his/her school for evaluation for possible accelerated placement. A student may refer himself/herself or a peer through a staff member who has knowledge of the referred child's abilities.
- B. Copies of this policy and referral forms for evaluation for possible early entrance, whole-grade acceleration, individual subject acceleration, and early high school graduation shall be made available to staff and parents at each school building. The principal of each school building (or his/her designee) shall solicit referrals of students for evaluation for possible accelerated placement annually, and ensure that all staff s/he supervises are aware of procedures for referring students for evaluation for possible accelerated placement.
- C. The principal (or his/her designee) of the referred students' school shall obtain written permission from the student's parent(s) or legal guardian(s) to evaluate the student for possible accelerated placement. The District shall evaluate all students who are referred for evaluation and whose parent(s) or legal guardian(s) have granted permission to evaluate the student for possible accelerated placement.

- D. Children who are referred for evaluation for possible accelerated placement sixty (60) or more days prior to the start of the school year shall be evaluated in advance of the start of the school year so that the child may be placed in the accelerated placement on the first day of school. Children who are referred for possible accelerated placement sixty (60) or more days prior to the start of the second semester shall be evaluated for possible accelerated placement at the start of the second semester. In all other cases, evaluations of a referred child shall be scheduled at the student's principal's discretion and placed in the accelerated setting(s) at the time recommended by the acceleration evaluation committee – if the committee determines the child should be accelerated. Pursuant to R.C. 3321.01, all children who will be the proper age for entrance to kindergarten or first grade by the first day of January of the school year for which admission is requested shall be evaluated upon the request of the child's parent or legal guardian. Children who will not yet be the proper age for entrance to kindergarten or first grade by the first day of January of the school year for which admission is requested shall also be evaluated for possible early admittance if referred by an educator within the District, a pre-school educator who knows the child, or pediatrician or psychologist who knows the child. Children who will not yet be the proper age for entrance to kindergarten or first grade by the first day of January of the school year for which admission is requested may also be evaluated for possible early admittance at the discretion of the principal of the school to which the student may be admitted.
- E. A parent or legal guardian of the evaluated student shall be notified in writing of the outcome of the evaluation process within forty-five (45) days of the submission of the referral to the referred student's principal. This notification shall include instructions for appealing the outcome of the evaluation process.
- F. A parent or legal guardian of the referred student may appeal in writing the decision of the evaluation committee to the Superintendent within thirty (30) days of being notified of the committee's decision. The Superintendent shall review the appeal and notify the parent or legal guardian who filed the appeal of his/her final decision within thirty (30) days of receiving the appeal. The Superintendent's decision shall be final. However, the student may be referred and evaluated again at the next available opportunity if s/he is again referred for evaluation by an individual eligible to make referrals as described in this policy.

### **Acceleration Evaluation Committee**

- A. Composition
1. The referred student's principal (or his/her designee) shall convene an evaluation committee to determine the most appropriate available learning environment for the referred student. This committee shall be comprised of the following:

- a. a principal or assistant principal from the child's current school
- b. a current teacher of the referred student (with the exception of students referred for possible early admission to kindergarten)
- c. a teacher at the grade level to which the student may be accelerated (with the exception of students referred for possible early graduation from high school)
- d. a parent or legal guardian of the referred student or a representative designated by a parent or legal guardian of the referred student
- e. a gifted education coordinator or gifted intervention specialist

If a gifted coordinator or gifted intervention specialist is not available in the District, a school psychologist or guidance counselor with expertise in the appropriate use of academic acceleration may be substituted.

2. The acceleration evaluation committee shall be charged with the following responsibilities:

- a. The acceleration evaluation committee shall conduct a fair and thorough evaluation of the student.
  - 1. Students considered for whole-grade acceleration and early entrance to kindergarten shall be evaluated using an acceleration assessment process approved by the Ohio Department of Education. The committee shall consider the student's own thoughts on possible accelerated placement in its deliberations.
  - 2. Students considered for individual subject acceleration shall be evaluated using a variety of data sources, including measures of achievement based on State academic content standards (in subjects for which the State had approved content standards) and consideration of the student's maturity and desire for accelerated placement. The committee shall consider the student's own thoughts on possible accelerated placement in its deliberations.
  - 3. Students referred for possible early high school graduation shall be evaluated based on past academic performance, measures of achievement based on State academic content

standards, and successful completion of State mandated graduation requirements. The committee shall consider the student's own thoughts on possible accelerated placement in its deliberations.

- b. The acceleration evaluation committee shall issue a written decision to the principal and the student's parent or legal guardian based on the outcome of the evaluation process. If a consensus recommendation cannot be reached by the committee, a decision regarding whether or not to accelerate the student will be determined by a majority vote of the committee membership.
- c. The acceleration evaluation committee shall develop a written acceleration plan for students who will be admitted early to kindergarten, whole-grade accelerated, or accelerated in one or more individual subject areas. The parent(s) or legal guardian(s) of the student shall be provided with a copy of the written acceleration plan. The written acceleration plan shall specify:
  - 1. placement of the student in an accelerated setting;
  - 2. strategies to support a successful transition to the accelerated setting;
  - 3. requirements and procedures for earning high school credit prior to entering high school (if applicable); and,
  - 4. an appropriate transition period for accelerated placement for early entrants to kindergarten, grade-level accelerated students, and students accelerated in individual content areas.
- d. For students the acceleration evaluation committee recommends for early high school graduation, the committee shall develop a written acceleration plan designed to allow the student to complete graduation requirements on an accelerated basis. This may include the provision of educational options in accordance with Ohio Administrative Code 3301-35-06(G), waiving District prerequisite requirements for enrolling in advance courses, waiving District graduation requirements that exceed those required by the State, and early promotion to sophomore (or higher) status to allow the student to take the Ohio Graduation Test.
- e. The acceleration evaluation committee shall designate a school staff member to ensure successful implementation of the written

acceleration plan and to monitor the adjustment of the student to the accelerated setting.

### **Accelerated Placement**

- A. The acceleration evaluation committee shall specify an appropriate transition period for accelerated placement for early entrants to kindergarten, grade-level accelerated students, and students accelerated in individual subject areas.
  - 1. At any time during the transition period, a parent or legal guardian of the student may request in writing that the student be withdrawn from accelerated placement. In such cases, the principal shall remove the student without repercussion from the accelerated placement.
  - 2. At any time during the transition period, a parent or legal guardian of the student may request in writing an alternative accelerated placement. In such cases, the principal shall direct the acceleration committee to consider other accelerative options and issue a decision within thirty (30) days of receiving the request from the parent or legal guardian. If the student will be placed in an accelerated setting different from that initially recommended by the acceleration evaluation committee, the student's written acceleration plan shall be revised accordingly, and a new transition period shall be specified.
- B. At the end of the transition period, the accelerated placement shall become permanent. The student's records shall be modified accordingly, and the acceleration implementation plan shall become part of the student's permanent record to facilitate continuous progress through the curriculum.



## **5410 - PROMOTION, ACADEMIC ACCELERATION, PLACEMENT, AND RETENTION**

The Board of Education recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

It is the Board's intent that each student be moved forward in a continuous pattern of achievement and growth that is in harmony with his/her own development.

Such pattern should coincide with the system of grade levels established by this Board and the instructional objectives established for each.

The promotion and retention provisions of this policy shall be in compliance with the terms of Ohio's Third Grade Reading Guarantee (Policy 2623.02).

### **Promotion:**

A student will be promoted to the succeeding grade level when s/he has:

- A. completed the course and State-mandated requirements at the presently assigned grade;
- B. in the opinion of the professional staff, achieved the instructional objectives set for the present grade;
- C. demonstrated sufficient proficiency to permit him/her to move ahead in the educational program of the next grade;
- D. demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the next grade.

### **Academic Acceleration:**

Academic acceleration may involve whole-grade acceleration or individual subject acceleration. Academic acceleration occurs when a student is not only doing the caliber of work necessary to be promoted to the next grade or enrolled in the next course in the academic sequence, but also demonstrates the ability to do the caliber of work required of students in that next grade level/subject/course. An acceleration evaluation committee will determine whether the student will be permitted to skip a grade level (i.e., whole-grade acceleration), or take a subject at a higher grade level or skip a course in the usual and customary academic sequence (i.e., individual subject acceleration).

Any student residing in the District may be referred by a staff member or a parent/guardian to the principal of his/her school for evaluation for possible accelerated placement. Students may refer

themselves or a peer through a staff member who has knowledge of the referred child's abilities. Copies of referral forms for evaluation for whole-grade or individual subject acceleration will be available at each school building. The principal of each school (or his/her designee) will solicit referrals of students for evaluation for accelerated placement, and notify all staff s/he supervises of the referral process.

Students referred for accelerated placement will be evaluated in a prompt manner. The building principal will schedule the evaluations. Normally, changes in a student's schedule will occur only at the start of a semester.

Before a student is evaluated for accelerated placement, the principal (or his/her designee) shall obtain written permission from the student's parent/guardian.

Evaluations related to referrals that occur during the school year will ordinarily be completed and a written report issued within forty- five (45) calendar days. Evaluations related to referrals that occur at the end of a school year or during the summer will be completed and a written report issued either before the end of the school year, if possible, or within forty-five (45) calendar days of the start of the next school year.

Upon referral, the student's principal (or his/her designee) shall convene an acceleration evaluation committee to determine the appropriate learning environment for the referred student. This committee shall include the following:

- A. a parent/guardian, or a representative designated by that parent/guardian
- B. a gifted education coordinator or gifted intervention specialist, or if neither is available, a school psychologist or guidance counselor with expertise in the appropriate use of academic acceleration may be substituted
- C. a principal or assistant principal from the child's current school
- D. a current teacher of the referred student
- E. a teacher at the grade level or course to which the referred student may be accelerated

The acceleration evaluation committee shall be responsible for conducting a fair and thorough evaluation of the student. The acceleration evaluation committee will consider the student's own thoughts on possible accelerated placement in its deliberations. In the event that career-technical programs are considered for acceleration, a career-technical educator shall be consulted as a part of the evaluation.

Students considered for whole-grade acceleration will be evaluated using an acceleration assessment process approved by the Ohio Department of Education.

Students considered for individual subject acceleration will be evaluated using a variety of data sources, including measures of achievement based on State academic content standards (in subjects for which the State Board of Education has approved content standards) and consideration of the student's maturity and desire for accelerated placement.

The acceleration evaluation committee shall issue a written decision on the outcome of the evaluation process to the principal and the student's parent/guardian. This notification shall include instructions for appealing the decision.

Appeals must be made in writing to the Superintendent within thirty (30) calendar days of the parent/guardian receiving the committee's decision. The Superintendent or his/her designee shall review the appeal and notify the parent/guardian of his/her decision within 30 calendar days of receiving the appeal. The Superintendent or his/her designee's decision shall be final.

If the student is recommended for whole-grade or individual subject acceleration, the acceleration evaluation committee will develop a written acceleration plan. The parent/guardian shall be provided with a copy of the plan. The plan shall specify:

- A. placement of the student in an accelerated setting;
- B. strategies to support a successful transition to the accelerated setting;
- C. requirements and procedures for earning high school credit prior to entering high school (if applicable); and,
- D. an appropriate transition period for accelerated students.

A school staff member will be assigned to oversee implementation of the acceleration plan and to monitor the adjustment of the student to the accelerated setting.

At any time during the transition period, a parent/guardian of the student may request in writing that the student be withdrawn from accelerated placement. In such cases the principal shall remove the student from the accelerated placement without repercussions.

At any time during the transition period, a parent/guardian may request in writing an alternative accelerated placement. In such cases, the principal shall direct the evaluation committee to consider other accelerative options and to issue a decision within thirty (30) calendar days of receiving the request. If the student will be placed in a different accelerated setting from that initially recommended, the student's acceleration plan shall be revised accordingly, and a new transition period shall be specified.

At the end of the transition period, the accelerated placement shall become permanent. The student's record shall be modified accordingly, and the acceleration implementation plan shall become part of the student's permanent record to facilitate continuous progress through the curriculum.

**Retention:**

A student may be retained at his/her current grade level when s/he has in the opinion of the professional staff, failed to achieve the instructional objectives set forth at the current grade level that are requisite for success at the succeeding grade level.

A student may be placed at the next grade level when retention would no longer benefit the student.

The Superintendent shall develop administrative guidelines for promotion, placement, and retention of students that:

- A. require that parents are informed in advance of the possibility of retention of a student at a grade level;
- B. assure that efforts will be made to remediate the student's difficulties before s/he is retained;
- C. require that a student be retained if s/he is truant for ten percent (10%) or more of the required school days and has failed at least two (2) courses of study, unless the principal and the teachers of the failed subjects determine that the student is academically prepared to be promoted;
- D. assign to the principal the final responsibility for determining the promotion, placement, or retention of each student;
- E. provide parents the opportunity to request the promotion, placement, or retention of their child;
- F. provide parents the opportunity to appeal the decision about their child's promotion, placement, or retention.

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**5460 - GRADUATION REQUIREMENTS**

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In order to acknowledge each student's successful completion of the instructional program appropriate to the achievement of District goals and objectives as well as personal proficiency, the Board of Education awards a diploma to eligible students at a graduation ceremony.

The Board shall award a regular high school diploma to every student enrolled in this District who meets the requirements of graduation established by State law and this Board or who properly completes the goals and objectives specified in his/her individualized education program (IEP) including either the exemption from or the requirement to complete the tests required by the State Board of Education in order to graduate. In addition to earning course credits, each student must fulfill the requirements of one (1) graduation pathway that has been approved by the State to earn a high school diploma for students in the Class of 2020 (See AG 5460).

### **Course Credits Required for Graduation**

The requirements for graduation from high school include earning twenty-one (21) units of credit in grades nine (9) through twelve (12) as established in State law and this Board and fulfilling the requirements of one (1) graduation pathway that has been approved by the State. To graduate, students must earn twenty-one (21) units of credit in grades nine through twelve as follows:

<b>Subject</b>	<b>Units Required</b>
English Language Arts	4.0
Health	0.5
Physical Education	0.5
Mathematics (must include one (1) unit of algebra II or equivalent of algebra II or one (1) unit of advanced computer science. Parents must sign a written statement acknowledging that not taking algebra II might negatively impact college admissions decisions before a student may substitute advanced computer science for algebra II. Students who are enrolled in a career technical program may complete a career-based pathway math course as an alternative to algebra II or advanced computer science.)	4.0
Science (must include 1 unit physical sciences, 1 unit of life sciences, and 1 unit advanced study in one (1) or more of: chemistry, physics, other physical science, advanced biology or other life science, physical geology or other earth or space science, computer science.)	3.0
Social Studies (for students entering ninth grade after July 1, 2017, must include at least one-half (1/2) unit in world history and civilizations)	3.0
History and Government [Minimum of one (1) credit] (must include one-half	

(1/2) unit of American history, one-half (1/2) unit of American government)

Electives (must include one (1) or any combination of foreign language, 6.0 computer coding, fine arts, business, career-technical education, family and consumer sciences, technology, agricultural education, a junior reserve officer training corps (JROTC) program approved by the U.S. Congress, or English language arts, mathematics, science, or social studies courses not otherwise required)

All students must receive instruction in economics and financial literacy during Grades 9-12. Additionally, all students must receive instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator from an approved source during Grades 9-12, unless the student is exempted from such training due to disability or by written request of the parent.

Students who achieve an industry credential or license that requires an examination shall not be required to take additional technical assessments. If the student does not participate in licensure or license examination, the student shall take the applicable technical assessments. Students must attain specified scores on assessments as required to demonstrate workforce readiness on a nationally recognized job skills assessment in order to obtain a diploma.

Certain students are not required to take the college and career readiness assessments administered to all eleventh (11th) grade students:

- A. students who demonstrate they are remediation-free on the English, math and reading nationally-recognized assessments prior to the administration of the college and career readiness assessments;
- B. students with significant cognitive disabilities who take an alternative assessment and students with intellectual disabilities in accordance with State guidance, and
- C. Limited English proficient students enrolled in United States schools for less than two (2) years for whom no appropriate accommodations are available.

Students may take the assessment even if they are not required to do so.

### **Physical Education Waiver**

Students who have participated in interscholastic athletics, marching band, show choir, or cheerleading for at least two (2) full seasons as defined in the student handbook, while enrolled in grades 9 through 12, and as documented by the guidance counselor may be excused from the high school physical education requirement. Students electing such an excuse shall complete one-half (1/2) unit of at least sixty (60) hours of instruction in another course of study which is designated by the Board as meeting the high school curriculum requirements. A student who has participated in the junior reserve officer training corps for at least two (2) full school years while enrolled in grades 9 through 12 may be excused from the high school physical education



requirement and may use credit for such participation to satisfy the requirement to complete one-half (1/2) unit in another course of study.

Credit may be earned by:

- A. completing coursework;
- B. testing out of or demonstrating mastery of course content; or
- C. pursuing one (1) or more educational options in accordance with the District's Credit Flexibility Program.

Credit may be earned at an accredited postsecondary institution through College Credit Plus (CCP).

Every high school may permit students below the ninth grade to take advanced work for credit. This work shall count toward the graduation requirements if it was both:

- A. taught by a person who possesses a license/certificate issued under State law that is valid for teaching high school;
- B. designated by the Board as meeting the high school curriculum requirements.

### **State Graduation Requirements**

The District will comply with State Board of Education requirements for graduation. Students shall earn required credits for graduation in the appropriate subject areas, and achieve one (1) of the pathways as summarized below (available pathways change and are specific to each graduating class):

#### **Class of 2019 through Class of 2022**

Students who have entered ninth grade before July 1, 2019, shall earn required credits for graduation in the appropriate subject areas, and achieve one (1) of three (3) pathways:

- A. earning a State Board of Education approved, industry-recognized credential or group of credentials and achieve the required score on a workforce readiness assessment selected by the State; or
- B. earning a cumulative score on subject-specific end of course exams equal to State Board requirements for the year of graduation; or
- C. earning remediation-free scores in English language arts and math on a nationally recognized college admission exam such as ACT or SAT.

Students in the graduating classes of 2019 and 2020 may be eligible for graduation by completing two (2) additional alternative pathways.

- A. Academic Pathway. Take all end-of-course examinations and retake examinations in English Language Arts or Math at least once if the student received a score lower than a three (3), plus meet at least two (2) of the following conditions:
1. attain an attendance rate of at least ninety-three percent (93%) during twelfth grade year (not available for students who enter ninth grade after July 1, 2016)
  2. take at least four (4) full-year or equivalent courses during twelfth grade and obtain a grade point average of 2.5 on a 4.0 scale during twelfth grade (students who entered ninth grade between July 1, 2016, and June 30, 2017, must obtain this GPA during eleventh grade as well)
  3. complete a capstone project during twelfth grade in accordance with District administrative guidelines (capstone projects for students who entered ninth grade between July 1, 2016, and June 30, 2017, must comply with guidance to be developed by the State)
  4. complete 120 hours of work in community service in accordance with District administrative guidelines (community service approved for students who entered ninth grade between July 1, 2016, and June 30, 2017, must comply with guidance to be developed by the State and be both approved and verified by the District)
  5. earn three (3) or more transcribed credit hours under the College Credit Plus Program at any time during high school
  6. pass an Advanced Placement or International Baccalaureate course and receive a score of three (3) or higher for an AP examination or four (4) or higher for an International Baccalaureate examination during high school
  7. earn a level three (3) score for each of “reading for information,” “applied mathematics,” and “locating information” components of the job skills assessment selected by the State Board
  8. obtain an industry-recognized credential or a group of credentials equal to at least three (3) total points
  9. satisfy conditions required to receive an OhioMeans-Jobs-readiness seal

B. Career Technical Pathway

Take all end-of-course examinations; complete a career-technical training program approved by ODE that includes at least four (4) career-technical courses, and meet one (1) of the following conditions:

1. demonstrate successful workplace participation with 250 hours of workplace experience and evidence of regular, positive evaluations from the employee or supervisor and a representative of the School District
2. obtain an industry-recognized credential or group of credentials equal to at least twelve (12) points
3. attain a cumulative score of at least proficient on career-technical education assessments or test modules required for the program

**Class of 2023 and Beyond**

Students who enter ninth grade after July 1, 2019, must satisfy the following two (2) requirements.

A. Earn at least two (2) State diploma seals, one (1) of which must include:

1. Seal of Biliteracy;
2. OhioMeansJobs-readiness Seal; or
3. State Diploma Seal in one (1) of the following areas: Industry-recognized Credential Seal; College-ready seal; Military Enlistment Seal; Citizenship seal; Science Seal; Honors Diploma Seal; Technology Seal.

The Board offers the following additional seal(s) in accordance with adopted administrative guidelines: Community Service Seal; Fine/Performing Arts Seal; Student Engagement Seal.

B. Attain a competency score on each of the Algebra I and English Language Arts II end-of-course examinations. Students who receive a proficient score on Algebra I or English Language Arts prior to entering high school will fulfill this requirement and will not be required to retake the exams. Students who fail to attain the competency score in either subject will be offered remedial support and will be required to retake the exam(s) at least once. A student who fails to achieve the competency score a second time may demonstrate competency in the failed

subject area by completing one (1) of the following:

1. earn course credit through College Credit plus in that subject
2. provide evidence of enlistment in a branch of the armed services of the United States; or
3. complete two (2) of the following options, with at least one (1) of the options being a foundational option
  - a. **Foundational Options:** earning a score of proficient or higher on three (3) or more State technical assessments; obtaining an industry-recognized credential; completing a pre-apprenticeship or apprenticeship in a chosen career field; providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen (18) years of age or older.
  - b. **Supporting Options:** completing 250 hours of a work-based learning experience with evidence of positive evaluations; obtaining an OhioMeansJobs-readiness seal; attaining a workforce readiness score selected by the State.

An honors diploma shall be awarded to any student who meets the established requirements for graduation or the requirements of his/her IEP; attains the applicable scores on the tests required by the State Board of Education to graduate; and meets any additional criteria the State Board may establish.

Participation in commencement exercises is a privilege and not a right. Commencement exercises will include only those students who have successfully completed requirements for graduation as certified by the high school principal or those students who have otherwise been deemed eligible to participate in such exercises. A student may be denied participation in the ceremony of graduation when personal conduct so warrants. However, no student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure.

The Board also shall grant a diploma of adult education to all District residents over the age of twenty-one (21) who meet the requirements established by the State Board of Education.

The Superintendent shall establish whatever administrative guidelines are necessary to comply with State rules and regulations.

#### 5460.01 - DIPLOMA DEFERRAL

Social graduation is an opportunity for students with individualized education programs (“IEPs”) to participate in high school graduation ceremonies without obtaining an official diploma. Students with IEPs who have completed all academic requirements for high school graduation, but who have not yet completed their transition-related IEP goals may be eligible for social graduation. Students may participate in social graduation only upon the recommendation of their respective IEP teams. If social graduation is recommended, the student may engage in all aspects of the graduation celebration (e.g., wearing a cap and gown; sitting with the graduating class; having his/her name printed in the program and read aloud at the ceremony; walking across the stage to receive a faux diploma). Instead of receiving an official diploma, however, the student will receive an unsigned diploma or a certificate of participation.

The determination of whether social graduation is recommended for any particular student will be done on an individual basis during the first semester of any year in which the student’s chronological peer group is eligible to receive a high school diploma. The IEP team may raise the issue, or the student and/or his/her parent may raise the issue. The IEP team members should consider whether social graduation is appropriate to further the student’s progress with regard to IEP goals. The team may also consider any objectives the student will be required to accomplish before s/he is eligible to participate. Finally, the team should determine additional arrangements or preparations, if any, that will need to be made to enable the student to participate in the ceremony. If the team determines that social graduation is recommended, the Superintendent or designee shall be notified. The IEP team makes the final decision with regard to social graduation, in accordance with the student’s IEP goals and Federal and State laws and regulations and local Board policies. Students for whom participation in graduation ceremonies is precluded for disciplinary issues (when the discipline was not a manifestation of the student’s disability) or nonpayment of school fines may not participate in social graduation.

After participating in the ceremony, the student is expected to continue working on his/her IEP transition goals and objectives. The student will also continue to receive services to address his/her transitional, vocational, and/or independent living skills as delineated in his/her IEP. An official high school diploma will be granted to the student when the IEP team determines that the transition goals have been met.

## **5460.02 - STUDENTS AT-RISK OF NOT QUALIFYING FOR A HIGH SCHOOL DIPLOMA**

The Board of Education is committed to ensuring that all students have an opportunity to graduate with a high school diploma. To assist with this commitment, a graduation plan is developed for all students who are enrolled in high school. The Board also utilizes specific procedures and criteria to identify students who are at-risk of not qualifying for a high school diploma and provides appropriate interventions and supports to assist at-risk students in meeting graduation requirements.

### **Development of a Graduation Plan**

The District will develop a graduation plan for each student enrolled in grades nine through twelve. The plan will be developed jointly by the student and a District representative and will remain in effect until the student qualifies for a high school diploma. The plan will be updated annually and will describe the targeted academic pathway(s) for the student to meet graduation requirements. Parents/guardians will be invited to assist in developing and updating the graduation plan.

The District may use a student's Individualized Education Plan ("IEP") in lieu of developing a graduation plan if the IEP contains academic goals that are substantively similar to a graduation plan.

### **Criteria for Identifying Students At-Risk**

The determination of whether a student is at-risk of not qualifying for a high school diploma will be made using one (1) or more of the following criteria:

- A. student's lack of adequate progress in meeting the terms of a graduation plan;
- B. excessive tardiness or absences from school;
- C. history of in-school or out-of-school discipline such as suspension and expulsion;
- D. failing quarter/semester grades in two (2) or more classes for at least two (2) semesters during high school.

Administrative guidelines will be implemented that further define the criteria and how it will be used to identify at-risk students.

### **Procedures for Identifying Students At-Risk**

The Superintendent will develop and implement procedures for identifying at-risk students enrolled in grades nine through twelve.

The procedures will include a method for determining when a student is not making adequate progress in meeting the terms of their graduation plan, as well as a process for determining whether students meet any of the other criteria included in this policy and administrative guidelines. Students who are identified as at-risk will be provided appropriate interventions and supports in accordance with Board policy and administrative guidelines.

### **Parent Notice**

Upon determination that a student has been identified as at-risk, and at least annually thereafter while the student remains identified as at-risk, the District will provide parents/guardians with written notice. The notice will include the following information:

- A. a statement that the student is at-risk of not qualifying for a high school diploma;
- B. a description of the curriculum requirements and/or the student's individualized education program requirements that must be completed, as well as any other requirements a student, must satisfy to qualify for a high school diploma; and
- C. a description of any additional instructional interventions and supports that are available to assist the student with meeting the qualifications for a diploma.

### **Interventions and Supports**

The Board will provide instructional interventions and supports for students identified as at-risk. The interventions and supports will be selected to assist the student in qualifying for a diploma. Interventions and supports may include the following:

- A. mentoring programs;
- B. tutoring programs;
- C. earning high school credit through demonstration of subject area competency;
- D. adjusted curriculum options;
- E. career-technical program options;
- F. mental health services;
- G. physical health care services;
- H. family engagement and support services.

## **5463 - CREDITS FROM STATE-CHARTERED AND COMMUNITY SCHOOLS**

In recognizing its responsibility to uphold the minimum educational standards of the State of Ohio, the Board of Education establishes the following policy and criteria regarding the acceptance of credits from public schools whether they are State-chartered or community schools.

For credit or course-work to be accepted for courses taken in such schools, either a copy of the charter or other assurance of compliance with the minimum requirements established by the State must be provided. Evidence of compliance shall include the use of the Trumbull County Courses of Study and/or Ohio's Academic Content Standards for instruction.

Recognition of credits or course-work shall be granted when the proper assurance and the student's transcript has been received. The District reserves the right to assess such transfer students to determine proper grade placement and to be assured the student can demonstrate the learnings that are prerequisite to a placement.

Although credits from nonchartered schools may be granted and placed on a student's transcript, no grades will be entered on the transcript or considered for class ranking. Only grades awarded for courses taken at the District or at a school approved or chartered by a State education agency shall be considered in class ranking and for entering on the transcript.

The Superintendent shall develop the administrative guidelines necessary to implement this policy.



#### **5463.01 - ADMISSION OF STUDENTS FROM NON-CHARTERED OR HOME SCHOOLS**

The Superintendent may recommend the enrollment of a student(s) from a non-chartered or home school and holds the right of grade placement. A student(s) who has been enrolled in a non-chartered or a home school and who wishes to be admitted to the School District may be required to take an assessment. The purpose of this assessment is to assist in determining the proper grade placement for the registering student(s). The Superintendent or designee shall be responsible for the selection or development of the assessment.

The student must have taken all State-required assessments and have met all requirements prior to the grade placement. The Superintendent shall, for the purposes of placement, consider the student's academic records from the school(s) attended, if any; the assessment results; and any other evaluation information that the Superintendent determines necessary.

The Superintendent shall develop the administrative guidelines necessary to implement this policy.

## **5464 - EARLY GRADUATION**

The Board of Education acknowledges that some students are pursuing educational goals which include graduation from high school at an earlier date than their designated class.

A student who completes the requirements for early high school graduation may participate in the graduation ceremonies with his/her designated class or the class graduating in the year in which s/he completes the District's requirements for high school graduation.

### **Early High School Graduation - General**

Application for early graduation will be submitted to the high school principal.

The principal may honor this request if all conditions for graduation are met and the student fulfills the graduation requirements.

### **Early High School Graduation - Advanced Learners**

Any student residing in the District may be referred for early high school graduation by a staff member or parent/guardian to the principal of his/her school. Students may refer themselves or a peer through a staff member who has knowledge of the referred child's abilities. Copies of referral forms will be available at each school building.

Students referred for early high school graduation will be evaluated in a prompt manner. The building principal will schedule the evaluations. Normally, changes in a student's schedule will only occur at the start of a semester.

Before a student is evaluated for early high school graduation, the principal (or his/her designee) must obtain written permission from the student's parent/guardian.

Evaluations related to referrals that occur during the school year will ordinarily be completed and a written report issued within forty-five (45) calendar days. Evaluations related to referrals that occur at the end of a school year or during the summer will be completed and a written report issued either before the end of the school year, if possible, or within forty-five (45) calendar days of the start of the next school year.

Upon referral, the student's principal (or his/her designee) shall convene an acceleration evaluation committee to determine the appropriateness of early high school graduation for the student. The committee shall include the following:

- A. a parent/legal guardian of the referred student
- B. a gifted education coordinator or gifted intervention specialist, or, if neither is available, a school psychologist or guidance counselor with expertise in early high

school graduation

- C. a principal or assistant principal from the student's current school
- D. a current teacher of the referred student

The acceleration evaluation committee shall be responsible for conducting a fair and thorough evaluation of the student.

Students referred for early high school graduation shall be evaluated based on past academic performance, measures of achievement based on State academic content standards, and successful completion of State mandated graduation requirements. The acceleration evaluation committee will consider the student's own thoughts on possible accelerated placement in its deliberations.

The acceleration evaluation committee shall issue a written decision on the outcome of the evaluation process to the principal and the student's parent/guardian. This notification shall include instructions for appealing the decision.

Appeals must be made in writing to the Superintendent within thirty (30) calendar days of the parent/guardian receiving the committee's decision. The Superintendent or his/her designee shall review the appeal and notify the parent/guardian of his/her final decision within thirty (30) calendar days of receiving the appeal. The Superintendent or his/her designee's decision shall be final.

If the student is recommended for early high school graduation, the acceleration evaluation committee will develop a written acceleration plan designed to allow the student to complete high school graduation requirements on an accelerated basis. The plan may include the provision of educational options in accordance with A.C. 3301-35-06(G), waiving District graduation requirements that exceed those by the State, and early promotion to a higher grade level to allow the student to take end-of-course examinations or other required State tests.

A staff member will be assigned to oversee implementation of the written acceleration plan and to monitor the adjustment of the student to the accelerated setting.

The student may participate in the graduation ceremonies with his/her designated class.

## 5500 - STUDENT CONDUCT

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law affecting students. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community. The Board has zero tolerance of violent, disruptive, or inappropriate behavior by its students.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained in the schools of this District.

Students may be subject to discipline for violation of the Code of Conduct/Student Discipline Code even if that conduct occurs on property not owned or controlled by the Board but that is connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or the property of such official or employee.

Student conduct shall be governed by the rules and provisions of the Student Code of Conduct/Student Discipline Code. This Code of Conduct/Student Discipline Code shall be reviewed periodically.

## **5511 - DRESS AND GROOMING**

The Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board shall not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the schools. The Board authorizes the Superintendent to establish a reasonable dress code in order to promote a safe and healthy school setting and enhance the educational environment. The dress code shall be incorporated into the Student Code of Conduct or Discipline Code.

Accordingly, the Superintendent shall establish such grooming procedures as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes, and shall establish the dress requirements for members of school groups when representing the District at a public event.

Students who violate the foregoing rules shall be subject to disciplinary action and may be suspended from school.

## 5512 - USE OF TOBACCO

The Board is committed to providing students, staff, and visitors with an indoor tobacco and smoke-free environment. The negative health effects of tobacco use for both the users and nonusers, particularly in connection with secondhand smoke, are well established. Further, providing a non-smoking and tobacco-free environment is consistent with the responsibilities of teachers and staff to be positive role models for our students.

For purposes of this policy, “use of tobacco” means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco or tobacco substitutes, including cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes and/or the smoking of electronic, “vapor,” or other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, the Board prohibits the possession, consumption, purchase or attempt to purchase and/or use of tobacco or tobacco substitute products by students on Board premises, in Board-owned vehicles, within any indoor facility owned or leased or contracted for by the Board, and/or used to provide education or library services to children, and at all Board-sponsored events.

Students who violate this policy shall be subject to disciplinary action in accordance with the Student Code of Conduct/Student Discipline Code and in accordance with policies of the Board.

## **5513 - CARE OF SCHOOL PROPERTY**

The Board believes that the schools should help students learn to respect property.

The Board charges each student with responsibility for the proper care of school property and the school supplies and equipment entrusted to his/her use.

Students who cause damage to school property shall be subject to disciplinary measures, and their parents shall be financially liable for such damage to the extent of the law, except that students eighteen (18) years of age or older shall also be liable for damage they cause.

The Board authorizes the imposition of fines for the loss, damage or destruction of school equipment, apparatus, musical instruments, library material, textbooks, and for damage to school buildings.

A reward may be offered by the Board for the apprehension of any person who vandalizes school property.

#### **5514 - USE OF BICYCLES**

The Board regards the use of bicycles for travel to and from school by students as an assumption of responsibility on the part of those students — a responsibility in the care of property, in the observation of safety rules, and in the display of courtesy and consideration toward others. The Board shall permit the use of bicycles by students. The Board shall not be responsible for bicycles which are lost, stolen, or damaged.



## **5515 - USE OF MOTOR VEHICLES**

The Board regards the use of motor vehicles for travel to and from school by students as an assumption of responsibility on the part of those students -- a responsibility in the care of property, in the observation of safety rules, and in the display of courtesy and consideration toward others – and an assumption of liability on the part of those students and their parent(s).

The Superintendent shall develop rules for the operation and parking of motor vehicles by students which shall include the requirement that students are licensed drivers.

The Board shall not be responsible for motor vehicles which are lost, stolen, or damaged while on school property.

#### **5515.01 - SAFE OPERATION OF MOTORIZED UTILITY VEHICLES BY STUDENTS**

Because of the clear and present danger of accident, the Board prohibits the use of motorized utility vehicles by students on school grounds or for school activity purposes.

## 5516 - STUDENT HAZING

Hazing activities of any type are inconsistent with and disruptive to the educational process, and prohibited at any time in school facilities, on school property, and/or off school property if the misconduct is connected to or associated with Board-sponsored activities (e.g., extracurricular teams, clubs, or groups) or incidents that have occurred on school property. No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of the ESC shall encourage, permit, authorize, condone, or tolerate any hazing activities. The preceding prohibition includes recklessly permitting the hazing of any person associated with the District. Additionally, no student shall plan, encourage, or engage in any hazing.

Hazing is defined as doing any act or coercing another, including the victim, to do any act of initiation into any class, team, or organization or any act to continue or reinstate membership in or affiliation with any class, team, or organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse. No person shall recklessly participate in the hazing of another. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Administrators, employees, faculty members, teachers, consultants, alumni, or volunteers of the District shall be alerted to possible situations, circumstances, or events that might include hazing. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately to the Superintendent. Additionally, no administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of the District who is acting in an official and professional capacity shall recklessly fail to immediately report the knowledge of hazing to a law enforcement agency in the county in which the victim of hazing resides or in which the hazing is occurring or has occurred. Students, administrators, employees, faculty members, and teachers who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil and criminal penalties in accordance with law. Likewise, consultants, alumni, and volunteers associated with the District who fail to abide by this policy may be prohibited from continuing their involvement and/or participation in activities associated with the District and may be held personally liable for civil and criminal penalties in accordance with law.

The Superintendent shall distribute this policy to all students, Board employees, consultants, and volunteers, and shall incorporate it into building, staff, and student handbooks. It shall also be posted on the District's website. This policy shall be the subject of discussion at employee staff meetings or in-service programs.

Board employees, consultants, and volunteers shall not intentionally remain ignorant of hazing or potential hazing activities.

## 5517 - ANTI-HARASSMENT

### **General Policy Statement**

It is the policy of the Board to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex, disability, age (except as authorized by law), religion, ancestry, or genetic information (collectively, “Protected Classes”) that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment), and encourages those within the District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

### **Other Violations of the Anti-Harassment Policy**

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one’s supervisory duties.

### **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on School Center property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School Center community at school-related events/activities (whether on or off Center property).

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

### **Bullying**

Bullying rises to the level of unlawful harassment when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual’s school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;

- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

### **Harassment**

Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against a student or District employee that:

- A. places a student or District employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of a District school/program/activity.

### **Sexual Harassment**

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or

activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
- F. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.
- G. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- H. Giving unwelcome personal gifts such as lingerie that suggests the desire for a romantic relationship.
- I. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.

- J. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- L. Inappropriate boundary invasions by a District employee or other adult member of the District community into a student's personal space and personal life.
- M. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct shall be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

Sexual conduct/relationships with students by District employees or any other adult member of the District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery" as set forth in R.C. 2907.03. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the District community.

### **Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to



participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

### **National Origin/Ancestry Harassment**

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

### **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

### **Reports and Complaints of Harassing Conduct**

Students and all other members of the District community and third parties are encouraged to promptly report incidents of harassing conduct to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer within two (2) business days.

Members of the District community, which includes students, or third parties who believe they have been unlawfully harassed are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Board Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the

Superintendent or designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Superintendent or designee shall report the act of bullying, aggressive, behavior and/or harassment to the Compliance Officer who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Superintendent or designee shall suspend any Board Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Superintendent or designee informed of the status of the Board Policy 5517 investigation and provide the Superintendent or designee with a copy of the resulting written report.

### **Anti-Harassment Compliance Officers**

The Board designates the following individual(s) to serve as "Anti-Harassment Compliance Officers" for the District (hereinafter referred to as the "Compliance Officer"):

Principal  
Baker Elementary School  
4095 Sheridan Drive  
Vienna, Ohio 44473  
(330) 637-3500

or

Special Education Supervisor  
Mathews High School  
4429 Warren-Sharon Road  
Vienna, Ohio 44473  
(330) 637-3500

The Compliance Officer shall be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student, other member of the District community or third party in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The Compliance Officer shall accept complaints of unlawful harassment directly from any member of the District community or a visitor to the District. Upon receipt of a complaint either directly or through a District employee, a Compliance Officer shall begin either an informal or formal process (depending on the request of the person alleging the harassment or the nature of the alleged harassment), or the Compliance Officer shall designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer shall prepare recommendations for the Superintendent or designee or shall oversee the preparation of such recommendations by a designee. All members of the District community shall report incidents of

harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officer within two (2) business days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer or designee shall contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) business days to advise the student/parent(s) of the Board's intent to investigate the alleged misconduct including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

### **Investigation and Complaint Procedure**

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any student who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation shall be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is promptly to stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

Students who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged

harasser(s)) agree to participate in the informal process. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complainants involving a District employee, any other adult member of the School Center community, or a Third Party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the conduct is inappropriate and shall stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the alleged inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing, to (1) to a District employee; (2) the Superintendent or designee; and/or (3) directly to the Compliance Officer.

All informal complaints shall be reported to the Compliance Officer who shall either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The District's informal complaint procedure is designed to provide students who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
- B. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint shall be resolved, the Compliance Officer/designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied

with the results of the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer determines the allegations are not appropriate for resolution through the informal process,, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with the Compliance Officer, Superintendent or designee, or another District employee. Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs the Superintendent or designee or another District official, either orally or in writing, about any complaint of harassment, that employee shall report such information to the Compliance Officer within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints shall include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer shall prepare a written summary of the oral interview, and the Complainant shall be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer shall consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions the Compliance Officer deemed appropriate in consultation with the Superintendent or designee.

Within two (2) business days of receiving the complaint, the Compliance Officer/designee shall initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation.

Simultaneously, the Compliance Officer shall inform the Respondent that a formal complaint has been received. The Respondent shall be informed about the nature of the allegations and provided with a copy of any relevant policies, including the Board's Anti-Harassment policy. The Respondent shall also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer/designee shall attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation shall include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations shall be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard shall be used. The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent or designee.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer or the designee, the Superintendent shall either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent or designee's final decision shall be delivered to both the Complainant and the Respondent.

If the Superintendent or designee requests additional investigation, the Superintendent or designee shall specify the additional information that is to be gathered and such additional investigation shall be completed within ten (10) business days. At the conclusion of the

additional investigation, the Superintendent or designee shall issue a written decision as described above.

The decision of the Superintendent or designee shall be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the student alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The District shall employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related policies shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of a formal investigation, the Compliance Officer/designee shall instruct all members of the District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action shall be taken in accordance with applicable State law. When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider

whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior remedial action has been taken against a member of the District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person from making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanction/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

### **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

State law requires any school teacher or District employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge shall be made in accordance with State law and Board Policy.

State law defines certain contact between a teacher and a student as "sexual battery." If the Compliance Officer or a designee has reason to believe that the Complainant has been the victim of criminal conduct as defined in Ohio's Criminal Code, such knowledge should be immediately reported to local law enforcement.



Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent or designee.

### **Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension**

The Superintendent shall report to the Ohio Department of Education, on forms provided for that purpose, matters of misconduct on the part of licensed professional staff members convicted of sexual battery, and shall suspend such employee from all duties that concern or involve the care, custody, or control of a child during the pendency of any criminal action for which that person has been arrested, summoned and/or indicted in that regard.

### **Education and Training**

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and harassment in general, shall be age and content appropriate.

### **Retention of Investigatory Records and Materials**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media created and/or received as part of an investigation, which may include, but is not limited to:

- A. all written reports/allegations/complaints/grievances/ statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;

- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to District personnel related to this policy including, but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy including their duty to report alleged violations

of this policy and/or conducting an investigation of an alleged violation of this policy;

- O. documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
- P. copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
- Q. copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing; and
- R. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings including the investigation report and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media retained may include public records and records exempt from disclosure under applicable state and federal laws. The documents, ESI, and electronic media created or received as part of an investigation shall be retained in accordance with applicable state and federal laws for not less than three (3) years but longer if required by the District's records retention schedule.

## 5517.01 - BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR

The Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community.

Harassment, intimidation, or bullying toward a student, whether by other students, staff, or third parties is strictly prohibited and shall not be tolerated. This prohibition includes aggressive behavior, physical, verbal, and psychological abuse, sexual violence, stalking, and violence within a dating relationship. The Board shall not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. This policy applies to all activities in the District, including activities on school property, on a school bus, or while en route to or from school, and those occurring off school property if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, in a school vehicle, or where an employee is engaged in school business.

This policy has been developed in consultation with parents, District employees, volunteers, students, and community members as prescribed in R.C. 3313.666 and the State Board's Model Policy (as adopted per HB 276 and HB 19).

Harassment, intimidation, or bullying means:

- C. any intentional written, verbal, electronic, or physical act that a student or group of students exhibits toward another particular student(s) more than once and the behavior both causes mental or physical harm to the other student(s) and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s); or
- D. sexual violence, stalking, and violence within a dating relationship.

“Electronic act” means an act committed through the use of a cellular telephone, computer, pager, personal communication device, or other electronic communication device.

Aggressive behavior is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. This type of behavior is a form of intimidation and harassment, although it need not be based on any of the legally protected characteristics, such as sex, race, color, national origin, marital status, or disability. It would include, but not be limited to, such behaviors as stalking, bullying/cyberbullying, intimidating, menacing, coercion, name calling, taunting, making threats, and hazing. This policy's use of the terms intimidation, harassment and bullying includes aggressive behavior, as set forth above.

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or

employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- L. teasing;
- M. threats;
- N. intimidation;
- O. stalking;
- P. cyberstalking;
- Q. cyberbullying;
- R. physical violence;
- S. theft;
- T. sexual, religious, or racial harassment;
- U. public humiliation; or
- V. destruction of property.

Harassment, intimidation, or bullying also means cyberbullying or electronically transmitted acts (i.e., internet, e-mail, cellular telephone, personal digital assistance (PDA), or wireless hand-held device) that a student(s) or a group of students exhibits toward another particular student(s) more than once and the behavior both causes mental or physical harm to the other student and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).

Any student or student's parent/guardian who believes s/he has been or is the victim of harassment, intimidation, bullying or aggressive behavior should immediately report the situation to the building principal, assistant principal, program manager or the Superintendent. The student may also report concerns to teachers and other school staff who shall be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal/program manager should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be harassment, intimidation, bullying or aggressive behavior directed toward a student. Reports may be made to those identified above.

All complaints about harassment, intimidation, bullying or aggressive behavior that may violate this policy shall be promptly investigated. The building principal or appropriate administrator shall prepare a written report of the investigation upon completion. Such report shall include findings of fact, a determination of whether acts of harassment, intimidation, or bullying were verified, and, when prohibited acts are verified, a recommendation for intervention, including disciplinary action shall be included in the report. Where appropriate, written witness statements shall be attached to the report.

If the investigation finds an instance of harassment, intimidation, bullying/cyberbullying by an electronic act or otherwise, has occurred, it shall result in prompt and appropriate remedial and/or disciplinary action. This may include suspension or cyberbullying) or up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials.

If, during an investigation of a reported act of harassment, intimidation and/or bullying/cyberbullying, the Principal or appropriate administrator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the /program manager shall report the act of bullying and/or harassment to one of the Anti-Harassment Compliance Officer so that it may be investigated in accordance with the procedures set forth in Board Policy 5517 - Anti-Harassment.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of harassment, intimidation, or bullying is prohibited and shall not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as harassment, intimidation, or bullying. Deliberately or making intentionally false reports about harassment, intimidation, or bullying for the purpose of getting someone in trouble is similarly prohibited and shall not be tolerated. Retaliation and deliberate or intentionally false reports may result in disciplinary action as indicated above.

If a student or other individual believes there has been harassment, intimidation, or bullying, regardless of whether it fits a particular definition, s/he should report it and allow the administration to determine the appropriate course of action.

This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by State or Federal law).

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken. If after investigation, acts of harassment, intimidation, or bullying against a specific student are verified, the building principal or appropriate administrator shall notify the custodial parent/guardian of the victim of such finding. In providing such notification care shall be taken to respect the statutory privacy rights of the perpetrator of such harassment, intimidation, or bullying.

If after investigation, act(s) of harassment, intimidation, or bullying or cyberbullying by an electronic act or otherwise, by a specific student are verified, the building principal or appropriate administrator shall notify in writing the custodial parent/guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in the notification. Discipline, including discipline for cyberbullying, may include suspension or up to expulsion for students.

The District shall protect victims from additional harassment, intimidation, bullying, or cyberbullying and shall also protect other students or individuals involved in making a good faith report of harassment, intimidation or bullying (including cyberbullying). Additionally, the District shall implement any other necessary intervention strategies to protect a victim or other person from new or additional harassment, intimidation, or bullying and from retaliation following such a report.

## **Complaints**

Students and/or their parents/guardians may file reports regarding suspected harassment, intimidation, or bullying. Such reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, or bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the building principal/program manager for review, investigation, and action.

Students, parents/guardians, and school personnel may make informal complaints or anonymous complaints of conduct that they consider to be harassment, intimidation, or bullying by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, or bullying, and the names of any potential student or staff witnesses. A school staff member or administrator who receives an informal complaint or anonymous complaint shall promptly document the complaint in writing, including the information provided. This written report shall be promptly forwarded by the school staff member and/or administrator to the building principal/program manager for review, investigation, and appropriate action.

Individuals who make informal complaints as provided above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. Anonymous complaints shall be reviewed and reasonable action shall be taken to address the situation, to the extent such action may be taken that (1) does not disclose the source

of the complaint, and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of harassment, intimidation, and/or bullying.

When an individual making an informal complaint has requested anonymity, the investigation of such complaint shall be limited as is appropriate in view of the anonymity of the complaint. Such limitation of investigation may include restricting action to a simple review of the complaint subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

### **Privacy/Confidentiality**

The District shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy shall be maintained as confidential to the extent permitted by law.

### **Reporting Requirement**

At least semi-annually, the Superintendent shall provide to the President of the Board a written summary of all reported incidents and post the summary on the District web site, (if one exists). The list shall be limited to the number of verified acts of harassment, intimidation, and/or bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.

Allegations of criminal misconduct and suspected child abuse shall be reported to the appropriate law enforcement agency and/or to Child Protective Services in accordance with statute. District personnel shall cooperate with investigations by such agencies.

### **Immunity**

A District employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy and R.C. 3313.666 if that person reports an incident of harassment, intimidation, or bullying promptly, in good faith, and in compliance with the procedures specified in this policy. Such immunity from liability shall not apply to an employee, student, or volunteer determined to have made an intentionally false report about harassment, intimidation, or bullying.

### **Notification**

Notice of this policy shall be **annually** circulated to and posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks.



At least once each school year a written statement describing the policy and consequences for violations of the policy shall be sent to each student's custodial parent or guardian.

The statement may be sent with regular student report cards or may be delivered electronically.

The policy and an explanation of the seriousness of bullying by electronic means shall be made available to students in the District and to their custodial parents or guardians.

State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires shall be required to review and sign off on this policy and the related complaint procedure.

Employee training materials shall also include information on this policy.

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying and violence within a dating relationship. The Superintendent or designee shall provide appropriate training to all members of the District community related to the implementation of this policy. All training regarding the Board's policy and aggressive behavior and bullying in general shall be age and content appropriate.

Annually, the District shall provide all students enrolled in the District with age-appropriate instruction regarding the Board's policy, including a written or verbal discussion of the consequences for violations of the policy, to the extent that State or Federal funds are appropriated for this purpose.

Students in grades seven (7) through twelve (12) shall receive age-appropriate instruction in dating violence prevention education, including instruction in recognizing dating violence warning signs and characteristics of healthy relationships. Parents, who submit a written request to the building principal/program manager to examine the dating violence prevention instruction materials used in the school, shall be afforded an opportunity to review the materials within a reasonable period of time.

To the extent that State or Federal funds are appropriated for these purposes, the District shall provide training, workshops, and/or courses on this policy for District employees and volunteers who have direct contact with students.

In accordance with Board Policy 8462, the Superintendent shall include a review of this policy on bullying and other forms of harassment in the required training. Additionally, the District shall provide training on their anti-bullying policies as a part of the in-service training for all teachers, administrators, counselors, nurses, and school psychologists. These designated employees shall receive in-service training in (1) the prevention of child abuse, violence, and substance abuse, (2) school safety, (3) the promotion of positive youth development, and (4) in the case of middle school and high school employees, the prevention of dating violence.

Employees shall complete at least four (4) hours of the in-service training within two (2) years after commencing employment and every five (5) years thereafter.

The complaint procedure established by the Superintendent shall be followed and shall include reporting and investigative procedures, as needed.

## **5520 - DISORDER AND DEMONSTRATION**

The Board recognizes the right of each student to attend school for the purpose of receiving an education. The disruption of the educational program of the schools by disorder or any other purposeful activity shall not be countenanced.

The Board, having the responsibility for providing an educational program for the students of this District, shall have the authority to preserve order for the proper functioning of that program.

Students shall not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that such exercise does not infringe on the rights of others and does not interfere with the operation of the schools.

## 5530 - **DRUG PREVENTION**

The Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the whole school community.

For purposes of this policy, “drugs” shall mean:

- A. all dangerous controlled substances as so designated and prohibited by Ohio statute;
- B. all chemicals which release toxic vapors;
- C. all alcoholic beverages;
- D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
- E. anabolic steroids;
- F. any substance that is a “look-alike” to any of the above; and
- G. tobacco products.

The Board prohibits the use, possession, concealment, or distribution of any drug or any drug-related paraphernalia as the term is defined by law, or the misuse of a product containing a substance that can provide an intoxicating or mood-altering effect on school grounds, on school vehicles, and at any school-sponsored event.

It further establishes a drug-free zone within 1000 feet of any facility used by the District for educational purposes.

## **5535 - DRUG TESTING OF STUDENTS PARTICIPATING IN NON-ACADEMIC ACTIVITIES**

### **Definitions**

- A. Vendor – The medical office or company selected by the Mathews Local School District Board of Education (“Board”) to carry out this Policy.
- B. Jr. High/High School Principal – Individual hired by the Board to oversee the operation of Mathews Jr. High/High School.
- C. Athletic Director – An individual hired by the Board to oversee the athletic programs in the Mathews Local School District.
- D. Medical Review Officer (“MRO”) – A licensed physician trained and certified in the process and interpretation of drug testing results.
- E. Banned Substance – A substance defined by this Policy as being banned from use by students.
- F. Student-Athlete – Any student participating in any interscholastic sport, activity, athletic program, or extra-curricular activity offered by the Board.
- G. Extra-Curricular Participant – Any student participating in any school sponsored clubs, groups or associations that are non-graded in nature.
- H. Sport – Any interscholastic athletic activity or program offered by the Board. Cheerleading shall be considered a sport for purposes of this policy.
- I. Chain of Custody Form – A preprinted form provided by the vendor that records all contact with the provided specimen. The form is initiated by the collector and donor and then follows with the specimen until the results are certified by the testing scientist and forwarded to the MRO for final certification.

- J. Adulterant/Adulteration – Any attempt to alter the outcome of a urine drug test by adding or deleting a substance to or from the sample, attempting to switch the sample, or otherwise interfering with the detection of banned substances in the urine, or purposefully over hydrating oneself in an attempt to dilute the urine to decrease possible detection of banned substances.
- K. Instant Drug Test – A point of collection test kit consisting of a one-step receptacle that has FDA pre-market clearance which ensures the safety and effectiveness of the testing device. It also provides an instant read for any of the tested drugs that are negative.
- L. SAMHSA – The Substance Abuse and Mental Health Services Administration; a governmental agency that certifies toxicology laboratories that perform drug testing following strict guidelines and constant quality assurance programs.

## **Overview**

The procedure for random drug testing of student-athletes and extra-curricular participants shall be accomplished in conjunction with an independent drug testing Vendor selected by the Board.

The Athletic Director will provide the Vendor with a list of eligible student-athletes and the sports the student athlete participates in. The Jr. High/High School Principal will provide the Vendor with a list of eligible extra-curricular participants and the activities they participate in. In turn, the Vendor will randomly select up to twenty percent (20%) of the student-athletes in every sport, and twenty percent (20%) of the total students participating in extra-curricular activities, for drug testing.

The Vendor will send qualified collectors or lab technicians to the school who will oversee the collection of all specimens and the Instant Drug Test as outlined in this Policy.

When using an Instant Drug Test, all non-negative screens will be sent out with a chain of custody form to a certified laboratory for confirmation. A Certified MRO will verify the positive test.

The Vendor will provide MRO services for interpretation and verification of results that is SAMSHA certified.

The results are reported to the Principal by the MRO.

Urine specimens are collected as split specimens. If a sample tests non-negative, the split sample may be sent to a certified laboratory at the parent/guardian/custodian and/or student-athlete's expense.

## **Statement of Need and Purpose**

The purpose of this policy shall be to do the following:

- A. to provide for the health and safety of all student-athletes;
- B. to prevent and deter drug use among the nation's schoolchildren which is a serious problem in terms of size, kinds of drugs, and consequences;
- C. to undermine the effects of peer pressure by providing a legitimate reason for student-athletes to refuse to use illegal drugs; and
- D. to encourage student-athletes who use drugs to participate in drug treatment programs.

### **Non-Punitive Nature of the Policy**

This policy is expressly non-punitive in nature. It is designed to create a safe, drug free, environment for student athletes and assist them in getting help when needed. The test results shall not lead to the imposition of discipline outside the extracurricular setting or have any academic consequences.

Information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by a valid and binding subpoena or other legal process, which the Board will not solicit. In the event of service of any such subpoena or legal process, the student and the student's custodial parent, legal guardian, or custodian will be notified as soon as possible before the Board responds, to the extent permitted by such subpoena or legal process.

### **Banned Substances**

For the purpose of this Policy, the following drug classes, substances, or their metabolites can be tested for and are considered banned substances for student-athletes:

- A. alcohol
- B. marijuana
- C. amphetamines
- D. methadone
- E. anabolic steroids
- F. methaqualone
- G. barbiturates

- H. nicotine (tobacco)
- I. benzodiazepines
- J. opiates, cocaine
- K. propoxyphene (Darvon)
- L. MDMA (Ecstasy)
- M. Any substance included in 21 U.S.C. 802(6), which an individual may not sell, offer to sell, possess, present, exchange, use, distribute, or purchase under State or Federal Law. This definition also includes all prescribed and over-the-counter drugs being used in any way other than for medical purposes in accordance with the directions for use provided for in the prescription or by the manufacturer.

## **Procedures for the Testing of Student Athletes and Extra-Curricular Participants**

### **Informed Consent for Testing**

At the beginning of each season, as determined by the Ohio High School Athletic Association, or at the beginning of a student- athlete's involvement in a sport, the student-athlete and parent/guardian/custodian shall complete and sign the Informed Consent Agreement. No student-athlete may participate in practice or competition until this form is properly executed and on file with the Athletic Director. At the start of the extra-curricular activity, or at the beginning of a student's involvement in the activity, the student and parent/guardian/custodian shall complete and sign the Informed Consent Agreement. No student may participate in the extra- curricular activity until this form is properly executed and on file with the Jr. High/High School Principal.

### **Drug Testing Frequency**

In-season random testing shall be done in each sport throughout the season. Each sport may have up to twenty percent (20%) of its eligible student-athletes tested per random selection for the banned substances listed in this Policy. A student may be tested more than once per season. From the beginning and through the end of an extra-curricular activity, random testing shall be done throughout the activity. Up to twenty percent (20%) of the total eligible extra-curricular participants may be tested per random selection for the banned substances listed in this Policy. A student may be tested more than once per season.

The refusal of any student-athlete to submit to a random drug test shall be treated as if he or she tested positive.

### **Collection Process**



Prior to the collection of any specimens, the Athletic Director and Principal or their designee will ensure that the Informed Consent Form has been completed.

The student athletes and extra-curricular participants shall complete a Chain of Custody Form provided by the Vendor. This form ensures that each student and his or her specimen are properly identified with a confidential number.

The student-athletes and extra-curricular participants will be directed to the appropriate locker room (i.e., girls or boys locker room). The drug testing area will be secured during the testing. Only lab technicians of the same gender of the student-athletes and extra-curricular participants will witness the test.

There will be a designated school official at the beginning of the collection process to ensure proper identification.

All purses, jackets, hats, book bags, coats, vests, sweaters, and scarves must be removed before entering the collection area. Only non-baggy dress may be worn in the collection area. Any infringement of the rules will result in the student providing another sample.

Student-athletes and extra-curricular participants will be asked to hold out their hands and a sanitizer will be applied to their hands or will wash their hands with soap and water or a hand sanitizer. The bathroom personnel will add a dye to the toilet.

The lab technician will provide the student-athlete and extra-curricular participants an uncontaminated collection cup. Student-athletes and extra-curricular participants will be asked to urinate directly into the collection cup given to them by the lab personnel. The lab technician will provide the student as much privacy as possible in a restroom stall during the collection process. While the lab technician will provide the student privacy in a restroom stall, the lab technician will be permitted stand outside a closed restroom stall and listen for normal sounds of urination.

Students are not to flush the toilets or urinals. In the event that a student flushes the toilet s/he will be required to provide a new sample immediately.

With the student watching, the lab technician will cap the sample and hand it to the student who must then return it to the intake technician. In the event the student does not hand the cup directly to the intake technician, the sample is invalid and a new sample must be collected. If the student leaves the collection area or has contact with anyone other than the lab technician, the sample will be invalid and the student will have to produce another sample.

The lab technician will use an Instant Drug Test to determine whether or not the sample is negative.

Students processed by the lab technician who cannot produce a sample will be kept in a secured area for up to 180 minutes to wait until they can produce a sample. The lab technician will

provide the student up to forty (40) ounces of water and allow the student up to 180 minutes to provide a sample. Under no circumstances will the lab technician or any other individual require the student to drink water or any other substance. If the student leaves the testing area s/he will not be allowed to produce a sample during that collection. The student is not to have contact with anyone other than the lab technician until after the sample is given.

Any eligible student-athlete or extra-curricular participant selected randomly for drug testing who is not in school or is unavailable on the day of testing shall be tested within the next twenty-four (24) hours upon his/her return to school.

Any student unable to produce an adequate specimen of urine during the collection period, after consuming up to forty (40) ounces of water and waiting up to 180 minutes, will be suspected of not cooperating with the testing program and will not be allowed to compete in any competitions until the required testing is completed.

Students not able to produce an adequate specimen of urine during the collection period shall be provided the opportunity to produce a urine specimen at the next testing time. Students not able to produce an adequate specimen of urine at the next testing time will be viewed as refusing to test and shall be treated as if s/he tested positive.

This collection procedure is subject to change because of procedural requirements of the Vendor. The Board reserves the right to change the collection procedure to coincide with the testing guidelines set forth by the Vendor.

### **Confidentiality of Results**

All drug test results are considered confidential information and will be handled accordingly. The Jr High/High School Principal shall secure all forms used to implement this Policy. All records of random student-athlete drug screening activities will remain confidential and not part of a student's academic record. Records obtained under this policy shall be kept in a lockable filing system, under the supervision of the Jr. High/High School Principal.

### **Vendor Requirements**

At a minimum, the Vendor must be able to provide the following services:

#### **A. Random Selection of Student Athletes and Extra-Curricular Participants**

Once provided a list of eligible students, the Vendor must select the required number of students in a random and confidential manner. The vendor will arrange with the Jr. High/High School Principal a day and time to collect specimens. The schedule will not follow any recognizable pattern. The selected students names will be given to the Jr. High/High School Principal at the school, who will arrange for these students to report to the collection area.

#### **B. Collection of Urine Specimens**

The vendor will oversee the collection of all urine specimens.

**C. Medical Review Officer (MRO) Services**

The vendor will provide MRO services by a licensed physician who is certified by the Medical Review Officer Certification Council (MROCC) or the American Association of Medical Review Officers as having proven by examination to have had the appropriate medical training to interpret and evaluate drug test results and thus qualified for certification as an MRO. Additionally the MRO must demonstrate a willingness to abide by this Policy as to the evaluation of positive drug tests and reporting findings to the Jr. High/High School Principal in a timely and confidential manner. All results will be kept on file by the MRO for a period of at least five (5) years.

**D. Reporting of Random Drug Test Results by Vendor**

The MRO, personally or through vendor staff, will certify all urine drug screens as negative or positive via written report and shall verbally report by telephone any positive findings in a confidential manner to the Jr. High/High School Principal. The MRO shall not provide the Jr. High/High School Principal a copy of the written report unless specifically requested in writing.

**E. Statistical Reporting and Confidentiality of Drug Test Results**

The vendor, testing laboratory, or MRO may not release the results of any tests or any statistics on the rate of positive drug tests to any person other than the Jr. High/High School Principal, Superintendent or Superintendent's designee.

**Procedures in the Event of a Positive Result**

A test result that reads non-negative by an Instant Drug Test shall be forwarded to a SAMSHA certified testing laboratory for certification by an MRO who meets the qualifications provided. The MRO will use a highly accurate immunoassay technique (ACMS) to analyze each specimen.

If necessary, the MRO may contact the parent/guardian directly to determine if the student is on any prescribed medications from a physician.

If the student is on medication, the parent/guardian will be asked to provide a copy of the prescription label directly to the MRO. Within forty-eight (48) hours after they speak with the MRO, to document what medications the student-athlete is taking. Failure to provide such information, which is the student's choice, will be considered a positive result.

Based on the information provided to the MRO, the MRO will certify the drug test results as a positive or negative and report this result to the Jr. High/High School Principal, who will report any positive results by telephone to the student's parent/guardian/custodian.

Under no circumstances will any Board personnel be involved in this process or assist, in any way, in inquiring into prescribed medications or transferring copies of prescription labels.

If the parent/guardian/custodian or the student wishes to contest the results, the vendor will arrange for the split portion of the specimen to be submitted to another laboratory approved by the Board for testing. This is done at the parent, guardian custodian and/or student's expense. Such a request must be made to the Jr. High/High School Principal in writing within five (5) school days from first notification of positive test results.

If the MRO verifies that the test result is positive for a banned substance under this Policy, then the MRO shall submit a report of that positive test result to the Jr. High/High School Principal. If the MRO determines that a student's test result should be deemed negative then the MRO shall report that result to the Jr. High/High School Principal and no further action shall be taken.

### **Penalties for Positive Results**

#### **A. First Positive Result:**

For the first positive result, the student will be given the option of:

1. The student will have to make an appointment with a certified chemical dependency counselor (or with an agency certified by the Ohio Department of Health or the Ohio Department of Alcohol and Drug Addiction Services) for a chemical dependency assessment and then follow the recommendations of the counselor or agency. The student's parent, guardian, custodian is responsible for all expenses and for providing the Jr. High/High School Principal with documentation that the student-athlete completed all recommendations of the counselor or agency.

**OR**

2. Denial of participation in twenty percent (20%) of playable contests for the sport or extracurricular activity the student is participating in at the time of the positive result. If there are not twenty percent (20%) of playable contests remaining in the season, the denial will be enforced in the next sport or season the student participates in. The student-athlete will be permitted to practice during this period.

#### **B. Second Positive Result:**

1. The student will have to make an appointment with a certified chemical dependency counselor (or with an agency certified by the Ohio Department of Health or the Ohio Department of Alcohol and Drug Addiction Services) for a chemical dependency assessment and then follow the recommendations of the counselor or agency. The student's parent, guardian, custodian is responsible for all expenses and for providing the Jr. High/High School Principal with documentation that the student has completed all recommendations of the counselor or agency.

**OR**

2. Denial of participation in fifty percent (50%) of playable contests for the sport or extra-curricular activity the student-athlete is participating in at the time of the positive result. If there are not fifty percent (50%) of playable contests remaining in the season, the denial will be enforced in the next sport or season the student- athlete participates in. The student-athlete will be permitted to practice during this period.

**C. Any Subsequent Positive Result:**

Denial of participation in all contests and/or activities for one (1) calendar year. The student-athlete will be permitted to practice during this time.

**INFORMED CONSENT AGREEMENT**

STUDENT NAME \_\_\_\_\_

We hereby consent to allow the above named student named on the reverse side to undergo urinalysis testing for the presence of banned substances in accordance with the policy of the Mathews Local School District Board of Education ("Board") for the random testing of students participating in interscholastic sports and extra-curricular activities.

We understand that testing will be administered in accordance with Board policy for the testing of student-athletes.

We understand that any urine sample taken for drug testing will be tested only by a Board approved company.

We hereby give our consent to the company selected by the Board, its employees, or agents, together with any company, hospital, or laboratory designated to collect samples from the student and perform urinalysis testing for the detection of drugs.

We further give our consent to the company selected by the Board, its employees, or agents, to release all results of these tests to designated school district employees or agents.

The student authorizes the release of the results of such testing to his or her parent/guardian/custodian.

We hereby release the Board, its employees, and agents from any legal responsibility or liability related to the implementation of the policy for the drug testing of students and for the release of such information and records related to the drug testing of students.

This Agreement will be deemed consent pursuant to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g as amended, and the Ohio Revised Code 3319.321, for the release of the test results or other personally identifiable information as authorized by the Informed Consent Agreement or as required by law.

## **INFORMED CONSENT AGREEMENT**

AS A STUDENT:

I understand and agree that participation in interscholastic athletic and/or extra-curricular activities is a privilege that may be withdrawn for violations of the Mathews Local School District Drug Testing Policy.

I have read the Random Drug Testing Of Students Participating In Interscholastic Sports And Extra-Curricular Activities Policy and thoroughly understand the consequences that I will face if I do not comply with my commitment to the Random Drug Testing Of Students Participating In Interscholastic Sports and Extra-curricular Activities Policy.

I understand that when I participate in an interscholastic athletic and/or extra-curricular activities, I will be subject random urine testing, and if I refuse such testing, I will not be allowed to participate in any athletic/extra-curricular activities.

I further understand that I may be subjected to certain penalties including, but not limited to, denial of participation in interscholastic athletic and/or extra-curricular activities, if I test positive for any substances banned by the Mathew Local School District Board of Education.

I have read the informed consent agreement and agree to its terms – including the disclosure of personally identifiable information necessary to implement the drug testing program.

I understand this agreement is binding while I am a student a participant in athletic and/or extra-curricular activities in the Mathews Local School District.

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STUDENT-ATHLETE SIGNATURE

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DATE

AS A PARENT/GUARDIAN/CUSTODIAN:

I have read the Mathews Local School District Drug Testing Policy and understand the responsibilities of my son/daughter/ward as a participant in sports and/or extra-curricular activities in the Mathews Local School District.

I understand that my son/daughter/ward, when participating in a sport and/or extra-curricular activity, will be subject to random urine testing, and if s/he refuses, will not be allowed to participate in any sport and/or extra-curricular activities.

I further understand that my son/daughter/ward may be subjected to certain penalties including, but not limited to, denial of participation in athletic and/or extra-curricular activities if s/he tests positive for any substances banned by the Mathew Local School District Board of Education.

I have read the Informed Consent Agreement and agree to its terms – including the disclosure of personally identifiable information necessary to implement the drug testing program.

I understand this agreement is binding while my son/daughter/ward is a participant in athletic activities in the Mathews Local School District.

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PARENT/GUARDIAN/CUSTODIAN SIGNATURE

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PARENT/GUARDIAN/CUSTODIAN PRINTED NAME

## **5540 - INTERROGATION OF STUDENTS**

The Board is committed to protecting students from harm that may or may not be directly associated with the school environment but also recognizes its responsibility to cooperate with law enforcement and public children's services agencies.

When law enforcement or other authorities arrive at the school and wish to interview a student or investigate an alleged violation of law, they shall contact the building administrator indicating the nature of their investigation and their desire to question a student or students.

### **Investigation of Child Abuse/Neglect by a Public Children's Services Agency or Law Enforcement Agency**

Every Board official and employee who, in connection with his/her position, knows or suspects child abuse or neglect shall immediately report that knowledge or suspicion to a public children's services or law enforcement agency in accordance with Board Policy 8462.

At the request of the building administrator, an official of a public children's services agency or law enforcement agency may interview a student on school property during school hours in order to investigate a claim of child abuse/neglect involving such student or a member of the student's family. If neither the student nor a member of his/her family is the subject of the child abuse/neglect investigation, such agency should contact the student during non-school hours and investigate the matter off school property, if at all possible, unless the alleged child abuse took place on school property and/or involves an emergency situation.

If the student (or a member of his/her family) is the subject of a child abuse/neglect investigation, or the student is being interviewed regarding alleged child abuse that took place on school property or involves an emergency, the building administrator shall attempt to contact the parent prior to questioning, and s/he shall remain in the room during questioning unless compelling reasons for exclusion are provided by the agency.

If an agency investigating child abuse/neglect indicates that the parent is believed to be the perpetrator, the building administrator shall not contact either parent prior to the interview. The building administrator shall remain in the room during questioning unless compelling reasons for exclusion are provided by the agency.

### **Investigations of Violations of Law by Law Enforcement Agencies**



Such agencies should contact a student during non-school hours and investigate alleged violations of the law off school property if at all possible. An investigation can take place immediately on school property during school hours at the request of the building administrator if the alleged violation of law took place on school property or in emergency situations.

Before the student(s) is (are) questioned as a witness to or suspect in an alleged violation of law, the building administrator shall attempt to contact the parent prior to questioning and shall remain in the room during the questioning unless compelling reasons for exclusion are provided by the agency.

### **Notification and Release of Records**

Attempts to notify the parents regarding investigations of child abuse/neglect and other law enforcement investigations should be documented diligently.

When an authorized law enforcement officer or public children's services agency removes a student, the building administrator shall notify the parent and the Superintendent.

No school official may release personally identifiable student information in education records to the police or public children's services agency without prior written permission of the parent, a lawfully-issued subpoena, or a court order. (See Board Policy 8330).

## 5600 - STUDENT DISCIPLINE

The Board acknowledges that conduct is closely related to learning - an effective instructional program requires an orderly school environment and the effectiveness of the educational program is, in part, reflected in the behavior of students.

The Board believes that the best discipline is self-imposed and that students should learn to assume responsibility for their own behavior and the consequences of their actions. The Board has zero tolerance of violent, disruptive or inappropriate behavior by its students.

The Board shall require each student of this District to adhere to the Student Code of Conduct/Student Discipline Code adopted by the Board and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. Such rules shall require that students:

- A. conform to reasonable standards of socially-acceptable behavior;
- B. respect the person and property of others;
- C. preserve the degree of order necessary to the educational program in which they are engaged;
- D. respect the rights of others;
- E. obey constituted authority and respond to those who hold that authority.

The Student Code of Conduct/Student Discipline Code designates sanctions for the infractions of rules, excluding corporal punishment, which shall:

- A. relate in kind and degree to the infraction;
- B. help the student learn to take responsibility for his/her actions;
- C. be directed, where possible, to reduce the effects of any harm which may have been caused by the student's misconduct.

Students may be prohibited by authorized school personnel from participating in all or part of co-curricular and/or extra-curricular activities without further notice, hearing or appeal rights. A student who has been disorderly on a school bus may be suspended from transportation services consistent with Board policy and the Student Code of Conduct/Student Discipline Code.

The Superintendent shall publish to all students and their parents the rules of this District regarding student conduct and the sanctions which may be imposed for breach of those rules.

The Superintendent shall inform the Board periodically of the methods of discipline imposed by this District and the incidence of student misconduct in such degree of specificity as shall be required by the Board.

The Superintendent, principals, and other administrators shall have the authority to assign discipline to students, subject to the Student Code of Conduct/Student Discipline Code and, where required by law, to the student's due process right to notice, hearing, and appeal.

Teachers, school bus drivers, and other employees of this Board having authority over students may take such action as may be necessary to control the disorderly conduct of students in all situations and in all places where such 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.

Discipline on Board vehicles shall be the responsibility of the driver on regular bus runs. When Board vehicles are used for field trips and other Board activities, the teacher, coach, advisor, or other Board employee shall be responsible for student discipline. If a student becomes a serious discipline problem on a vehicle, the Superintendent and/or designee may suspend the transportation privileges of the student providing such suspension conforms with due process. The procedures for suspension are set forth in the Student Code of Conduct/Student Discipline Code and Board Policy 5611 – Due Process Rights.

No student in grades K-8 is to be detained after the close of the regular school day unless the student's parent has been contacted and informed that the student shall be detained. If a parent cannot be contacted, the student should be detained on another day.

## **5605 - SUSPENSION/EXPULSION OF STUDENTS WITH DISABILITIES**

In addition to following the requirements and procedures set forth for all students in Board Policy 5610, the Board shall also abide by applicable laws and regulations when disciplining students with disabilities through removal by suspension and/or expulsion.

## **5610 - REMOVAL, SUSPENSION, EXPULSION, AND PERMANENT EXCLUSION OF STUDENTS**

The Board recognizes that exclusion from the educational program of the schools, whether by emergency removal, out-of-school suspension, expulsion, or permanent exclusion, is the most severe sanction that can be imposed on a student in this District, and one that cannot be imposed without due process. However, the Board has zero tolerance of violent, disruptive, or inappropriate behavior by its students.

No student is to be removed, suspended out-of-school, expelled and/or permanently excluded unless his/her behavior represents misconduct as specified in the Student Code of Conduct/Student Discipline Code approved by the Board. The Code shall also specify the procedures to be followed by school officials when implementing such discipline. In determining whether a student is to be suspended or expelled, District Administrators shall use a preponderance of evidence standard. In addition to the procedural safeguards and definitions set forth in this policy and the student/parent handbook, additional procedures and considerations shall apply to students identified as disabled under the IDEA, ADA, and/or Section 504 of the Rehabilitation Act of 1973. (See Board Policy 2465, "Suspension/Expulsion of Disabled Students.")

Students may be subject to discipline for violation of the Student Code of Conduct/Student Discipline Code even if that conduct occurs on property not owned or controlled by the Board but where such conduct is connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a District official or employee, or the property of such official or employee.

For purposes of this policy and the Student Code of Conduct/Student Discipline Code, the following shall apply:

- A. "Emergency removal" shall be the exclusion of a student who poses a continuing danger to District property or persons in the District or whose behavior presents an on-going threat of disrupting the educational process provided by the District. (See Board Policy 5610.03 "Emergency Removal")
- B. "Suspension" shall be the temporary exclusion of a student by the Superintendent, principal, assistant principal, or any other administrator from the District's instructional program for a period not to exceed ten (10) business days. Suspension may extend beyond the current school year, if at the time a suspension is imposed, fewer than ten (10) days remain in the school year. The Superintendent may apply any or all of the period of suspension to the following year. The procedures for suspension are set forth in the Student Code of Conduct/Student Discipline Code and Board Policy 5611 "Due Process Rights."

A student who is suspended shall be permitted to complete any classroom assignments missed because of the suspension, and receive at least partial credit for a completed assignment. Grade reductions on account of the student's suspension are permitted; however, no student may receive a failing grade on a completed assignment solely on account of his/her suspension.

- C. "Expulsion" shall be the exclusion of a student from the schools of this District for a period not to exceed the greater of eighty (80) school days or the number of school days remaining in a semester or term in which the incident that gives rise to the expulsion takes place or for one (1) year as specifically provided in this policy and the Student Code of Conduct/Student Discipline Code. Only the Superintendent may expel a student. The procedures for expulsion are set forth in the Student Code of Conduct/Student Discipline Code and Board Policy 5611 "Due Process Rights." When deciding whether or not a student will be expelled or permanently excluded under this policy, the Superintendent shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e., "Litigation Hold")) created and/or received as part of an investigation.

1. **Firearm or Knife**

Unless a student is permanently excluded from school, the Superintendent shall expel a student from school for a period of one (1) year for bringing a firearm or knife capable of causing serious bodily injury to a school building or on to any other property (including a school vehicle) owned, controlled, or operated by the Board, to an interscholastic competition, an extra-curricular event, or to any other school program or activity that is not located in a school or on property that is owned or controlled by the Board, except that the Superintendent may reduce this period on a case-by-case basis in accordance with this policy. Similarly, the Superintendent shall expel a student from school for a period of one (1) year for possessing a firearm or knife capable of causing serious bodily injury at school or on any other property (including a school vehicle) owned, controlled, or operated by the Board, at interscholastic competition, an extracurricular event, or at any other school program or activity that is not located in a school or on property that is owned or controlled by the Board, except the Superintendent may reduce this period on a case-by-case basis in accordance with this policy. The expulsion may extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place. The Superintendent shall refer any student expelled for bringing a firearm (as defined in 18 U.S.C. 921 (a)(3) or weapon to school to the criminal justice or juvenile delinquency system serving the District.

A firearm is defined as any weapon, including a starter gun, which shall or is designated to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of such weapons, any firearm muffler or silencer, or any destructive device. A destructive device includes, but is not limited to any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device.

A knife capable of causing serious bodily injury is defined as any weapon or cutting instrument consisting of a blade fastened to a handle; a razor blade; or any similar device (including sharp, metal martial arts weapons such as ninja throwing stars) that is used for, or is readily capable of, causing death or serious bodily injury.

The Superintendent may, in his/her sole judgment and discretion, modify or reduce such expulsion in writing, to a period of less than one (1) year, on a case-by-case basis, upon consideration of the following:

- a. Applicable State or Federal laws and regulations relating to students with disabilities (for example, where the incident involves a student with a disability and the misconduct is determined by a group of persons knowledgeable about the child to be a manifestation of the student's disability);
- b. The degree of culpability given the age of the student and its relevance to the misconduct and/or punishment and/or evidence regarding the probable danger posed to the health and safety of others, including evidence of student's intent and awareness regarding possession of the firearm or knife capable of causing serious bodily injury; and/or
- c. The academic and disciplinary history of the student, including the student's response to the imposition of any prior discipline imposed for behavioral problems; and/or

## **2. Violent Conduct**

If a student commits an act at school, on other school property, at an interscholastic competition, extra-curricular event, or any other school program or activity and the act:

- a. would be a criminal offense if committed by an adult; and

- b. results in serious physical harm to person(s) as defined in R.C. 2901.01(A)(5), or to property as defined in R.C. 2901.01(A)(6)

the Superintendent may expel the student for a period of up to one (1) year. The Superintendent may extend the expulsion into the next school year or reduce the expulsion as necessary on a case-by-case basis as specified below. The student need not be prosecuted or convicted of a criminal act to be expelled under this provision.

The Superintendent may, in his/her sole judgment and discretion, reduce such expulsion to a period of less than one (1) year, on a case-by-case basis, upon consideration of the following:

- a. applicable State or Federal laws and regulations relating to students with disabilities (for example, where the incident involves a student with a disability and the misconduct is determined by a group of persons knowledgeable about the child to be a manifestation of the student's disability); and/or
- b. other extenuating circumstance, including, but not limited to, the academic and disciplinary history of the student, including the student's response to the imposition of any prior discipline imposed for behavioral problems.

## 2. **Bomb Threats**

If a student makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat, the Superintendent may expel the student for a period of up to one (1) year. The Superintendent may extend the expulsion into the next school year or reduce the expulsion as necessary on a case-by-case basis as specified below. The student need not be prosecuted or convicted of any criminal act to be expelled under this provision.

The Superintendent may, in his/her sole judgment and discretion, reduce such expulsion to a period of less than one (1) year, on a case-by-case basis, for the following reasons:

- a. for students identified as disabled under the IDEA, ADA, and Section 504 of the Rehabilitation Act of 1973, upon recommendation from the group of persons knowledgeable of the student's education needs; and/or



- b. other extenuating circumstances, including, but not limited to, the academic and disciplinary history of the student, including the student's response to the imposition of any prior discipline imposed for behavioral problems.

If at the time of the suspension or expulsion, there are fewer days remaining in the school year than the number of days of the suspension or expulsion, the Superintendent may apply any or all of the remaining period to the following school year.

- c. "Permanent exclusion" shall mean the student is banned forever from attending a public school in the State of Ohio. (See Board Policy 5610.01)

If a student is expelled for more than twenty (20) school days or for any period of time that extends into the next school year, the Superintendent shall provide the student and his/her parents with the names, addresses, and telephone numbers of those public or private agencies in the community which offer programs or services that help to rectify the student's behaviors and attitudes that contributed to the incident(s) that caused the expulsion.

### **Suspension or Expulsion of Students in Grades Pre-Kindergarten through 3**

Beginning with the 2019-2020 school year, except as permitted by law, suspension or expulsion proceedings shall not be initiated against a student in any of grades Pre-kindergarten through 3 unless the student has committed the following acts:

- A. The student brings a firearm or knife capable of causing serious bodily injury to a school building or on to any other property (including a school vehicle) owned, controlled, or operated by the Board, to an interscholastic competition, an extra-curricular event, or to any other school program or activity that is not located in a school or on property that is owned or controlled by the Board, or possesses a firearm or knife capable of causing serious bodily injury at school or on any other property (including a school vehicle) owned, controlled, or operated by the Board, at an interscholastic competition, an extra-curricular event, or at any other school program or activity that is not located in a school or on property that is owned or controlled by the Board.
- B. The student commits an act at school, on other school property, at an interscholastic competition, extra-curricular event, or any other school program or activity and the act: 1) would be a criminal offense if committed by an adult; and 2) results in serious physical harm to person(s) as defined in R.C. 2901.01(A)(5), or to property as defined in R.C. 2901.01(A)(6).
- C. The student makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat.

- D. The student engages in behavior of such a nature that suspension or expulsion is necessary to protect the immediate health and safety of the student, the student's fellow classmates, the classroom staff and teachers, or other school employees.

Prior to suspending or expelling a student in any of grades Pre-K through 3, the Superintendent and/or designee shall, whenever possible, consult with a mental health professional under contract. If the events leading up to the student's suspension or expulsion from school indicate that the student is in need of additional mental health services, the Superintendent and/or designee or the District's mental health professional shall assist the student's parent or guardian with locating providers or obtaining such services, including referral to an independent mental health professional, provided such assistance does not result in a financial burden to the District or the student's school.

If a student in any of grades Pre-K through 3 is suspended or expelled, the student shall be afforded the same notice and hearing, procedural, and educational opportunities as set forth in Board policy and the law. The suspension or expulsion of a student in any of grades Pre-K through 3 shall not limit the Board's responsibilities with respect to the provision of special education and related services to such student in accordance with Board policy and the law. Further, the Board shall not be limited in its authority to issue an in-school suspension to a student in any of grades Pre-K through 3, provided that the in-school suspension is served in a supervised learning environment.

If the Superintendent determines that a student's behavior on a school vehicle violates school rules, s/he may suspend the student from school bus-riding privileges for the length of time deemed appropriate for the violation and remediation of the behavior. Any such suspension shall comply with due process and the Student Code of Conduct/Student Discipline Code.

Unless otherwise specified above, the Board authorizes the Superintendent to hold a suspension or expulsion in abeyance, and/or to reduce a suspension or expulsion in whole or in part, pending the student's meeting of specified criteria, which may include but not be limited to alternative educational options.

The Superintendent shall initiate expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. The expulsion shall be imposed for the same duration it would have been had the student remained enrolled.

The Board may temporarily deny admittance to any student who has been expelled from the schools of another Ohio District or an out- of-state District, if the student's expulsion period set by the other District has not expired. The expelled student shall first be offered an opportunity for a hearing. This provision also applies to a student who is the subject of a power of attorney designating the child's grandparent as the attorney-in-fact or caretaker authorization affidavit executed by the child's grandparent and is seeking admittance into the schools of this District in accordance with Board Policy 5111.

The Board may temporarily deny admittance to any student who has been suspended from the schools of another Ohio District, if the student's suspension period set by the other District has not expired. The suspended student shall first be offered an opportunity for a hearing before the Board.

When a student is expelled from this District, the Superintendent shall send written notice to any college in which the expelled student is enrolled under Postsecondary Enrollment Options at the time the expulsion is imposed. The written notice shall indicate the date the expulsion is scheduled to expire and that the Board has adopted a provision in Board Policy 2271 under R.C. 3313.613 to deny high school credit for postsecondary courses taken during an expulsion.

If the expulsion is extended, the Superintendent shall notify the college of the extension.

The Superintendent may require a student to perform community service in conjunction with or in place of a suspension or expulsion. The Board may adopt guidelines to permit the Superintendent to impose a community service requirement beyond the end of the school year in lieu of applying the expulsion into the following year.

A copy of this policy is to be posted in a central location in each school and made available to students and parents upon request. Key provisions of the policy should also be included in the parent-student handbook.

## 5610.01 - **PERMANENT EXCLUSION OF NONDISABLED STUDENTS**

In accordance with the law, the Board of Education may seek to permanently exclude a student, sixteen (16) years of age or older, who has been convicted of or adjudicated delinquent for the reason of the following offenses:

- A. carrying a concealed weapon or conveying or possessing a deadly weapon or dangerous ordnance on property owned or controlled by a board of education or at an activity held under the auspices of this Board
- B. possessing, selling, or offering to sell controlled substances on property owned or controlled by a board of education or at an activity under the auspices of this Board
- C. complicity to commit any of the above offenses, regardless of where the complicity occurred

In accordance with law, any student, sixteen (16) years of age or older, who has been convicted or adjudicated delinquent for committing the following offenses may be subject to permanent exclusion:

- A. rape, gross sexual imposition or felonious sexual penetration
- B. murder, manslaughter, felonious or aggravated assault
- C. complicity to commit offenses described in paragraphs A and B, regardless of where the complicity occurs

The above statement of policy on permanent exclusion is to be posted in a central location in each school as well as made available to students, upon request.

If the Superintendent has adequate evidence that a student, sixteen (16) years old or older at the time of the offense, has been convicted of or is an adjudicated delinquent resulting from any of the above offenses, s/he shall submit a written recommendation to the Board that the student should be permanently excluded from the public schools by the State Superintendent of Public Instruction. The recommendation is to be accompanied by the evidence, other information required by statute, and the name and position of the person who should present the District's case to the State Superintendent. The Board, after considering all the evidence, including the hearing of witnesses, shall take action within fourteen (14) days after receipt of the Superintendent's recommendation.

If the Board adopts the resolution, the Superintendent shall submit it to the State Superintendent, together with the required documents and the name of the person designated by the Board as its representative to present the case to the State Superintendent. A copy of the resolution shall be sent to both the student and his/her parents.

If the Board fails to pass the resolution, it shall so notify the Superintendent, in writing, who, in turn, shall provide written notification of the Board's action to both the student and his/her parents.

If the State Superintendent rejects the Board's request, the District Superintendent shall readmit the student in accordance with statute and District guidelines.

If the State Superintendent acts on the Board's request, his/her actions and those of the District shall be in accord with the procedures described in statute.

## **5610.02 - IN-SCHOOL DISCIPLINE**

It is the purpose of this policy to allow for an alternative to out-of-school suspension. The availability of in-school discipline options is dependent upon the financial ability of the Board to support them.

In-school discipline shall only be offered at the discretion of the program manager/designee for offenses found in the Student Code of Conduct/Student Discipline Code.

### 5610.03 - EMERGENCY REMOVAL OF STUDENTS

If a student's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process taking place either in a classroom or elsewhere on District premises, then the Superintendent, principal, assistant principal, or program manager may remove the student from curricular activities or from the District premises. A teacher may remove the student from curricular activities under the teacher's supervision, but not from the premises. If a teacher makes an emergency removal, the teacher shall notify a building administrator of the circumstances surrounding the removal in writing, as soon as practicable. Because such removal is not subject to the normal suspension and expulsion procedures, no prior notice or hearing is required for any removal under this policy.

A due process hearing shall be held on the next school day after the removal is ordered. Written notice of the hearing and the reason for the removal and any intended disciplinary action shall be given to the student as soon as practical prior to the hearing. If the student is subject to out-of-school suspension, the student shall have the opportunity to appear at an informal hearing before the principal, assistant principal, Superintendent, or designee and has the right to challenge the reasons for the intended suspension or otherwise explain his/her actions. Within one (1) school day of the decision to suspend, written notification shall be given to the parent(s)/guardian(s) or custodian of the student. This notice shall include the reasons for the suspension, the right of the student or parent(s)/guardian(s) to appeal to the Board or its designee and the student's right to be represented in all appeal proceedings. If it is probable that the student may be subject to expulsion, the hearing shall take place on the next school day after the date of the initial removal and shall be held in accordance with the procedures outlined in the Board Policy 5611 – Due Process Rights. The person who ordered or requested the removal shall be present at the hearing.

A student in any of grades pre-kindergarten through 3 may be removed only for the remainder of the school day and shall be permitted to return to any curricular and extra-curricular activities on the next school day (following the day in which the student was removed or excluded). When a student in any of grades pre-kindergarten through 3 is removed and returned to his/her curricular and extra-curricular activities the next school day, the Superintendent or designee is not required to hold a hearing (or provide written notice of same).

The Superintendent or designee shall not initiate suspension or expulsion proceedings against a student in any grades pre-kindergarten through 3 who was removed unless the student has committed one (1) of the following acts:

- A. The student brings a firearm or knife capable of causing serious bodily injury to a District building or on to any other property (including a District vehicle) owned, controlled, or operated by the Board, to an interscholastic competition, an extra-curricular event, or to any other District program or activity that is not located in on District property that is owned or controlled by the Board. Similarly, the Superintendent or designee can initiate suspension or expulsion proceedings if the student possesses a firearm or knife capable of causing serious bodily injury on

any District property (including a District vehicle) owned, controlled, or operated by the Board, at interscholastic competition, an extra-curricular event, or at any other District program or activity that is not located on District property that is owned or controlled by the Board.

- B. The student commits an act at the District, on other District property, at an interscholastic competition, extra-curricular event, or any other District program or activity and the act: (1) would be a criminal offense if committed by an adult; and (2) results in serious physical harm to person(s) as defined in R.C. 2901.01(A)(5), or to property as defined in R.C. 2901.01(A)(6).
- C. The student makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat.
- D. The student engages in behavior of such a nature that suspension or expulsion is necessary to protect the immediate health and safety of the student, the student's fellow classmates, the classroom staff and teachers, or other District employees.

If the Superintendent or principal/program manager reinstates a student prior to the hearing for emergency removal, the teacher may request and shall be given written reasons for the reinstatement. The teacher cannot refuse to reinstate the student.

In an emergency removal, a student can be kept from class until the matter of the misconduct is disposed of either by reinstatement, suspension, or expulsion.



#### **5610.04 - SUSPENSION OF BUS RIDING/TRANSPORTATION PRIVILEGES**

Students on a bus or other authorized Board of Education transportation vehicles are under the authority of and directly responsible to the bus/vehicle driver. The driver has the authority to enforce the established regulations for bus/vehicle conduct. Disorderly conduct or refusal to submit to the authority of the driver will be sufficient reason for refusing transportation service to any student.

A student may be suspended from school bus/vehicle riding privileges for all or part of a school year for any violation of established regulations for bus conduct and/or for conduct occurring on the bus/vehicle in violation of the Student Code of Conduct/Student Discipline Code.

Before a suspension from bus/vehicle riding privileges is imposed, the Superintendent or other designated District personnel will provide a student with notice of an intended suspension and an opportunity to appear before the Superintendent or other designated District personnel. Disciplinary suspension periods will be commensurate with the infraction(s) committed as determined by the Superintendent or designated District personnel.

Any additional guidelines regarding conduct on school buses/vehicles, as well as general information about the school transportation program, will be made available to all parents and students and posted in a central location.

## **5610.05 - PROHIBITION FROM EXTRA-CURRICULAR ACTIVITIES**

Participation in extra-curricular activities, including interscholastic sports, is a privilege and not a right. Therefore, the Board of Education authorizes the Superintendent, principals, and assistant principals and other authorized personnel employed by the District to supervise or coach a student activity program, to prohibit a student from participating in any particular or all extra-curricular activities of the District for offenses or violations of the Student Code of Conduct/Student Discipline Code for a period not to exceed the remainder of the school year in which the offense or violation of the Student Code of Conduct/Student Discipline Code took place.

In addition, student athletes are further subject to the Athletic Code of Conduct and may be prohibited from participating in all or part of any interscholastic sport for violations therein.

Students prohibited from participation in all or part of any extra-curricular activity are not entitled to further notice, hearing, or appeal rights.

This policy shall be posted in a central location in each school building and will be available to students upon request.

## 5611 - DUE PROCESS RIGHTS

The Board recognizes that students have limited constitutional right when it comes to their education.

Accordingly, the Board establishes the following procedures which Board Administrators shall use when dealing with students:

**A. Student subject to suspension:**

When a student is being considered for an out-of-school suspension by the Superintendent, principal, or other administrator:

1. The student shall be informed in writing of the potential suspension and the reasons for the proposed action.
2. The student shall be provided an opportunity for an informal hearing to challenge the reason for the intended suspension and to explain his/her actions.
3. An attempt shall be made to notify parents or guardians by telephone if a suspension is issued.
4. Within one (1) school day of the suspension the Superintendent, principal, or other administrator shall notify the parents, guardians, or custodians of the student and the Treasurer/CFO of the Board. The notice shall include the reasons for the suspension and the right of the student, parent, guardian, or custodian to appeal to the Board or its designee; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board. The notice shall also specify that if the student, parent, guardian, or custodian intends to appeal the suspension to the Board or its designee, such notice of appeal shall be filed, in writing, with the Treasurer/CFO of the Board or the Superintendent within fourteen (14) calendar days after the date of the notice to suspend. If the offense is one for which the District may seek permanent exclusion, then the notice shall contain that information.
5. Notice of this suspension shall also be sent to the:
  - a. Superintendent;
  - b. Board Treasurer/CFO;
  - c. student's school record (not for inclusion in the permanent record).

6. If a student leaves school property without permission immediately upon violation (or suspected violation) of a provision of the Student Code of Conduct/Student Discipline Code or prior to an administrator conducting an informal hearing as specified above, and the student fails to return to school on the following school day, the principal, assistant principal, Superintendent, or any other administrator, may send the student and his/her parent(s)/guardian(s) notice of the suspension, and offer to provide the student and/or his/her parents an informal hearing upon request to discuss the reasons for the suspension and to allow the student to challenge the reasons and to explain his/her actions, any time prior to the end of the suspension period.

### **Appeal of Suspension to the Board or its designee**

The student who is eighteen (18) or older or the student's parent(s) or guardian(s) may appeal the suspension to the Board or its designee. They may be represented in all such appeal proceedings.

A verbatim record shall be kept of the hearing which may be held in executive session at the request of the student, parent, or guardian, if held before the Board.

Notice of appeal shall be filed, in writing, with the Treasurer/CFO or the Superintendent within five (5) calendar days after the date of the notice to suspend.

### **Appeal to the Court**

Under Ohio law, appeal of the Board's or its designee's decision may be made to the Court of Common Pleas.

### **B. Students subject to expulsion:**

When a student is being considered for expulsion by the Superintendent:

1. The Superintendent shall give the student and parent, guardian, or custodian written notice of the intended expulsion, including reasons for the intended expulsion.
2. The student and parent or representative have the opportunity to appear before the Superintendent or designee to challenge the proposed action or to otherwise explain the student's actions. The written notice shall state the time and place to appear, which shall not be earlier than three (3) school days nor later than five (5) school days after the notice is given, unless the Superintendent grants an extension upon request of the student or parent.

3. Within one (1) school day of the expulsion, the Superintendent shall notify the parents, guardians, or custodians of the student and Treasurer/CFO of the Board. The notice shall include the reasons for the expulsion and the right of the student, parent, guardian, or custodian to appeal to the Board or its designee; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board. If the offense is one for which the District may seek permanent exclusion, then the notice shall contain that information.

### **Appeal of Expulsion to the Board**

A student who is eighteen (18) or older or a student's parent(s) or guardian(s) may appeal the expulsion by the Superintendent to the Board or its designee. They may be represented in all such appeal proceedings and shall be granted a hearing before the Board or its designee.

A verbatim record shall be kept of the hearing which may be held in executive session at the request of the student, parent, or guardian.

Notice of appeal shall be filed, in writing, within fourteen (14) calendar days after the date of the Superintendent's decision to expel with the Treasurer/CFO of the Board or the Superintendent.

While a hearing before the Board may occur in executive session, the Board shall act in public.

### **Appeal to the Court**

Under applicable laws and regulations, the decision of the Board may be further appealed to the Court of Common Pleas.

#### **C. Students subject to emergency removal:**

Students whose conduct warrants emergency removal shall be dealt with in accordance with the rights and procedures outlined in Board Policy 5610.03 – Emergency Removal.

#### **D. Students subject to permanent exclusion:**

Students whose conduct is that for which permanent exclusion is warranted shall be dealt with in accordance with the rights and procedures outlined in Board Policy 5610.01 – Permanent Exclusion of Nondisabled Students.

#### **E. Students subject to suspension from bus riding/transportation privileges:**

Students whose conduct warrants suspension from bus riding and/or transportation services shall be dealt with in accordance with the rights and procedures outlined in Board Policy 5610.04 - Suspension of Bus Riding/Transportation Privileges.

In determining whether disciplinary action set forth in this policy is to be implemented, Board Administrators shall use a preponderance of evidence standard. Further, any individual charged with making a disciplinary determination under this policy shall retain all documents, electronically stored information (“ESI”), and electronic media (as defined in Policy 8315 - Information Management (i.e., “Litigation Hold”)) created and/or received as part of an investigation. In addition, this statement of due process rights is to be placed in all student handbooks in a manner that shall facilitate understanding by students and their parents.

These procedures shall not apply to in-school disciplinary alternatives including in-school suspensions. An in-school suspension is one served entirely in a supervised learning environment. Nor shall these disciplinary alternative procedures apply to students who are prohibited by authorized school personnel from all or part of their participation in co-curricular, interscholastic, and/or non-interscholastic extra- curricular activities.

## 5630 - CORPORAL PUNISHMENT

While recognizing that students may require disciplinary action in various forms, the Board does not condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

Professional staff should not find it necessary to resort to physical force or violence to compel obedience. If all other means fail, staff members may always resort to removal of the student from the classroom or school through suspension or expulsion procedures.

Professional staff as well as classified staff may, within the scope of their employment, use and apply reasonable and necessary force and restraint to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property.

Corporal punishment is not permitted. If any employee threatens to inflict, inflicts, or causes to inflict unnecessary, unreasonable, irrational, or inappropriate force upon a student, s/he may be subject to discipline by this Board and possibly charges of child abuse as well. This prohibition applies as well to volunteers and those with whom the District contracts for services.

## **5630.01 - POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS AND LIMITED USE OF RESTRAINT AND SECLUSION**

The Board is committed to implementation of Positive Behavior Intervention and Supports (PBIS) framework on a District-wide basis and the establishment of a school environment focused on the care, safety, and welfare of all students and staff members. Staff are directed to work to prevent the use of physical restraint and/or seclusion. The PBIS framework shall serve as the foundation for the creation of a learning environment that promotes the use of evidence-based academic and behavioral practices aimed at enhancing academic, social, and behavioral outcomes for all students. An emphasis shall be placed on promoting positive interventions and solutions to potential crises. If a student's behavior, however, presents a threat of immediate physical harm to the student or others, staff may, as a last resort (i.e., there is no other safe and effective intervention available) and in accordance with the terms of this policy, use approved physical restraint or seclusion to maintain a safe environment.

All physical restraint and seclusion shall only be done in accordance with this policy, which is based on the standards adopted by the State Board regarding the use of student restraint and seclusion.

Training in methods of PBIS and the use of physical restraint and seclusion shall be provided to all professional staff and support staff determined appropriate by the Superintendent. Training shall be in accordance with the State's Standards. Absent an emergency, only school staff who are trained in permissible seclusion and physical restraint measures shall use such techniques.

Every use of restraint and seclusion shall be documented and reported in accordance with this policy. This policy shall be made available to parents annually and shall be published on the District's website.

### **DEFINITIONS**

**Aversive behavioral interventions** means intervention that are intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as application of noxious, painful, and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalant, or taste, or other sensory stimuli such as climate control, lighting, and sound.

**Behavioral Intervention Plan ("BIP")** means a comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain it, by strengthening replacement skills, teaching new skills and by providing positive behavior intervention and supports and services to address behavior.

**Chemical restraint** means a drug or medication used to control a student's behavior or restrict freedom of movement that is not:



- A. Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under Ohio law, for the standard treatment of a student's medical or psychiatric condition; and
- B. Administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under Ohio law.

**De-escalation techniques** are interventions that are used to prevent violent and aggressive behaviors and reduce the intensity of threatening, violent and disruptive incidents

**Functional behavior assessment** ("FBA") is a school-based process for students with disabilities and students without disabilities that includes the student's parent and, as appropriate, the child, to determine why a child engages in challenging behaviors and how the behavior relates to the child's environment. Consent from the parent and, as appropriate, the child (eighteen (18) years of age or older), must be obtained at the initial Functional Behavior Assessment.

**Mechanical restraint** means any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body, using an appliance or device manufactured for this purpose. Mechanical restraint does not mean a device used by trained Student Personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which the device was designed and, if applicable, prescribed, including:

- A. restraints for medical immobilization;
- B. adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or
- C. vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

**Parent** means:

- A. a biological or adoptive parent;
- B. a guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the State if the child is a ward of the State);
- C. an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;

- D. a surrogate parent who has been appointed in accordance with A.C. 3301- 51-05(E); or
- E. any person identified in a judicial decree or order as the parent of a child or the person with authority to make educational decisions on behalf of the child.

**Physical escort** means the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

**Physical restraint** means the use of physical contact that immobilizes or reduces the ability of a student to move the student's arms, legs, body, or head freely. Physical restraint does not include a physical escort, mechanical restraint, or chemical restraint. Physical restraint does not include brief physical contact for the following or similar purposes to:

- A. break up a fight;
- B. knock a weapon away from a student's possession;
- C. calm or comfort;
- D. assist a student in completing a task/response if the student does not resist the contact; or
- E. prevent imminent risk of injury to the student or others

**Positive Behavior Intervention and Supports ("PBIS")** means multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes, and increasing learning for all students. PBIS includes a decision-making framework that guides selection, integration, and implementation of evidence-based academic and behavior practices for improving academic and behavior outcomes for all students. PBIS encompasses a range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors, and teach appropriate behaviors to students.

**PBIS Leadership Team** means the assigned team at the District and building level that plans, coaches and monitors PBIS implementation in the District and buildings. The PBIS Leadership Teams may include, but is not limited to, school administrators, teacher representatives across grade level and programs, staff able to provide behavioral expertise, and other representatives identified by the District such as bus drivers, food service staff, custodial staff, and paraprofessionals.

**Prone restraint** means physical or mechanical restraint while the student is in the face-down position.

**Seclusion** means the involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier.

**Student** means an individual enrolled in the District.

**Student Personnel** means teachers, principals, counselors, social workers, school resource officers, teacher's aides, psychologists, bus drivers, related service providers, nursing staff, or other District staff who interact directly with students.

**Timeout** means a behavioral intervention in which the student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

## **POSITIVE BEHAVIORAL INTERVENTION AND SUPPORTS FRAMEWORK**

The District will implement PBIS on a system-wide basis in accordance with R.C. 3319.46 and A.C. 3301-35-15. The District's PBIS framework involves comprehensive, school-wide data systems that enable monitoring of academic progress, behavioral incidents, attendance, and other critical indicators across classrooms. The administration is encouraged to use data-based decision making to select, monitor, and evaluate outcomes, practices, and systems. The PBIS framework further involves a school-wide investment in evidence-based curricula and effective instructional strategies, matched to students' needs, and data to support teachers' academic instruction. Evidence-based practices along a multi-tiered continuum of supports will be used. The District's PBIS framework will further focus on improving staff climate and culture regarding the role of discipline in the classroom, by using positive and proactive communication and staff recognition. Finally, classroom practices shall be linked to and aligned with the school-wide system so progress monitoring can occur with fidelity and target outcomes. The PBIS framework will strive to enable accurate and sustainable implementation of practices.

As part of its implementation of the PBIS framework, the District will provide Student Personnel with appropriate professional development, engage in explicit instruction of school-wide behavior expectation, employ consistent systems of acknowledging and correcting behavior, create teaching environments designed to eliminate behavior triggers, and promote family and community involvement.

The PBIS framework shall apply to all students and staff, and in all settings. It shall include:

- A. school staff trained to identify conditions such as where, under what circumstances, with whom, and why specific behaviors occur;
- B. functional behavior assessments that include:
  - 1. review of existing data;

2. interviews with parents, family members, and students; and
  3. examination of previous and existing behavior intervention plans.
- C. development and implementation of positive behavior intervention and supports, and the teaching of appropriate behavior, including:
1. modification of environmental factors that escalate inappropriate behavior;
  2. supporting the attainment of appropriate behavior; and
  3. use of de-escalation techniques to defuse potentially violent dangerous behavior.

The Superintendent shall develop emergency procedures for the District.

### **PROFESSIONAL DEVELOPMENT FOR IMPLEMENTATION OF PBIS**

In order to successfully implement the PBIS framework on a District-wide basis, the Board shall provide for Student Personnel shall receive professional development as follows:

- A. the professional development will occur at least every three (3) years;
- B. the professional development must be provided by a building or District PBIS Leadership Team or an appropriate State, regional, or national source in collaboration with the building or District PBIS Leadership Team;
- C. the trained PBIS Leadership team will provide the professional development in accordance with the District-developed PBIS training plan, which the Superintendent will develop;
- D. the Superintendent shall retain records of completion of the professional development; and
- E. the professional development will include the following topics:
  1. an overview of PBIS;
  2. the process for teaching behavioral expectations;
  3. data collection;
  4. implementation of PBIS with fidelity;

5. consistent systems of feedback to students for acknowledgment of appropriate behavior and corrections for behavior errors; and
6. consistency in discipline referrals.

F. the training will be appropriately modified for the intended audience.

The Superintendent is charged with arranging for continuous training structures to be in place to provide ongoing coaching and implementations with fidelity.

## **SECLUSION**

Seclusion may be used only when a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available. Seclusion may be used only as a last resort to provide the student with an opportunity to regain control of the student's actions. Seclusion shall be used in a manner that is age and developmentally appropriate, for the minimum amount of time necessary for the purpose of protecting the student and/or others from physical harm, and otherwise in compliance with this Policy and the Ohio Department of Education's ("ODE") corresponding policy.

Seclusion shall be implemented only by Student Personnel who have been trained in accordance with this Policy to protect the care, welfare, dignity, and safety of the student.

### **Additional requirements for the use of seclusion:**

If Student Personnel use seclusion, they shall:

- A. continually observe the student in seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- B. use communication strategies and research-based de-escalation techniques in an effort to help the student regain control as quickly as possible;
- C. remove the student from seclusion when the immediate risk of physical harm to the student and/or others has dissipated;
- D. conduct a debriefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs;
- E. complete all required reports and document their observations of the student;
- F. ensure safety of other students and protect the dignity and respect of the student involved;

- G. combine the use of seclusion with other non-physical interventions (which are always preferred) that will diminish the need for seclusion in the future;
- H. if at any point the staff assess that the intervention is insufficient to maintain safety of all involved, contact emergency personnel; and
- I. use seclusion for the least amount of time necessary.

**Requirements for a room or area used for seclusion:**

A room or area used for seclusion shall provide for adequate space, lighting, ventilation, and clear visibility in order to allow Student Personnel to observe the student.

A room or area used for seclusion *shall not be locked* or otherwise prevent the student from exiting the area should staff become incapacitated or leave the area.

**Additional prohibited seclusion practices:**

Seclusion shall not be used:

- A. for the convenience of staff;
- B. as a substitute for an educational program;
- C. as a form of discipline or punishment;
- D. as a substitute for other less restrictive means of assisting a student in regaining control;
- E. as a substitute for inadequate staffing;
- F. as a substitute for staff training in positive behavior intervention and supports framework and crisis management; or
- G. as a means to coerce, retaliate, or in a manner that endangers a student.

Seclusion of preschool-age children is prohibited, except that a preschool-age child may be separated from classmates, either in the classroom or in a safe, lighted, and well-ventilated space, for an amount of time that is brief in duration and appropriate to the child's age and development, if the child is always within sight and hearing of a preschool staff member.

## **PHYSICAL RESTRAINT**

Prone restraint, including any physical restraint that obstructs the airway of the student, or any physical restraint that impacts a student's primary mode of communication, is prohibited. Student Personnel may use physical restraint only as a last resort and in accordance with this policy and the requirements of A.C. 3301-35-15.

Physical restraint may be used only when the student's behavior poses an immediate risk of physical harm to the student and/or others and no other safe or effective intervention is available. The physical restraint shall be implemented in a manner that is age and developmentally appropriate, does not obstruct the student's ability to breathe, does not interfere with the student's ability to communicate in the student's primary language or mode of communication, and otherwise in compliance with this policy and the ODE's corresponding model policy.

Only Student Personnel trained in safe restraint techniques may implement physical restraint, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available. Student Personnel must be trained to protect the care, welfare, dignity, and safety of the student.

### **Additional requirements for the use of physical restraint:**

If Student Personnel use physical restraint, they shall:

- A. continually observe the student in restraint for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- B. use communication strategies and research-based de-escalation techniques in an effort to help the student regain control;
- C. remove the student from physical restraint immediately when the immediate risk of physical harm to the student and/or others has dissipated;
- D. conduct a debriefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs;
- E. complete all required reports and document their observations of the student;
- F. implement in a manner that accommodates age and body size diversity;
- G. ensure safety of other students and protect the dignity and safety of the student involved;
- H. combine with other non-physical interventions (which are always preferred) that will diminish the need for physical intervention in the future;
- I. use the least amount of force necessary for the least amount of time necessary; and

- J. if at any point the staff assesses the intervention is insufficient to maintain safety for all involved, contact emergency personnel.

Physical restraint shall not be used for punishment or discipline, or as a substitute for other less restrictive means of assisting a student in regaining control.

### **Prohibited Practices**

The following practices are prohibited under all circumstances, including emergency safety situations:

- A. prone restraint;
- B. any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that:
  - 1. involves the use of pinning down a student by placing knees to the torso, head, or neck of the student;
  - 2. uses pressure point, pain compliance, or joint manipulation techniques;
  - 3. otherwise involves techniques that are used to unnecessarily cause pain;
  - 4. causes loss of consciousness or harm to the neck or restricting respiration in any way;
  - 5. involves dragging or lifting of the student by the hair or ear or any type of mechanical restraint;
  - 6. uses other students or untrained staff to assist with the hold or restraint; and
  - 7. involves securing a student to another student or fixed object;
- C. corporal punishment as defined in R.C. 3319.41;
- D. child endangerment as defined in R.C. 3319.41;
- E. deprivation of basic needs;
- F. seclusion or restraint of preschool-age students, in violation of A.C. 3301-37-10(D) and A.C. 3301-35-15;
- G. mechanical restraint;
- H. chemical restraint;



- I. aversive behavioral interventions; and
- J. seclusion in a locked room or area.

### **MULTIPLE INCIDENTS OF RESTRAINT AND/OR SECLUSION - CONDUCTING A FUNCTIONAL BEHAVIOR ASSESSMENT AND DEVELOPING A BEHAVIOR INTERVENTION PLAN**

After a student's third incident of physical restraint or seclusion in a school year, a meeting must occur within ten (10) school days of the third incident as follows:

For a student who has been found eligible for special education services or has a 504 plan, the student's individualized education program or 504 team must meet to consider the need to conduct or develop a FBA or BIP, or amend an existing FBA or BIP.

- A. For all other students (i.e., students not described in the preceding paragraph), a team, consisting of the student's parent, an administrator or designee, a teacher of the student, a staff member involved in the incident (if not the teacher or administrator already invited), and other appropriate staff members must meet to discuss the need to conduct or review a FBA and/or develop a BIP.
- B. For all other students (i.e., students not described in the preceding paragraph), a team, consisting of the student's parent, an administrator or designee, a teacher of the student, a staff member involved in the incident (if not the teacher or administrator already invited), and other appropriate staff members must meet to discuss the need to conduct or review a FBA and/or develop a BIP.
- C. Nothing in this section is meant to prevent the completion of a FBA or BIP for any student who might benefit from these measures, but has fewer than three (3) incidents of restraint or seclusion.
- D. Nothing in this section is meant to prevent the District from conducting any evaluations or other obligations the staff feel are appropriate under the Individuals with Disabilities Education Improvement Act.

### **TRAINING AND PROFESSIONAL DEVELOPMENT FOR USE OF CRISIS MANAGEMENT AND DE-ESCALATION TECHNIQUES**

The District shall provide training and professional development for the use of crisis management and de-escalation techniques that includes the use of restraint and seclusion. Specifically, the District shall annually train an appropriate number of personnel in each building in evidence-based crisis management and de-escalation techniques, as well as the safe use of physical restraint and seclusion. At a minimum, the training will cover the following topics:

- A. proactive measures to prevent the use of seclusion or restraint;
- B. crisis management;
- C. documentation and communication about the restraint or seclusion with appropriate parties;
- D. the safe use of restraint and seclusion;
- E. instruction and accommodation for age and body size diversity;
- F. directions for monitoring signs of distress during and following physical control; and
- G. debriefing practices and procedures.

The training will occur face-to-face and allow for a simulated experience of administering and receiving physical restraint so that participants can demonstrate proficiency in the topics identified above.

The Superintendent is charged with maintaining written or electronic documentation concerning the training provided that includes the following:

- A. the name, position, and building assignment of each person who has completed training;
- B. the name, position, and credentials of each person who has provided the training;
- C. when the training was completed; and
- D. what protocols, techniques, and materials were included in training.

As part of the required training, Student Personnel shall be trained to perform the following functions:

- A. identify conditions such as: where, under what conditions, with whom and why specific inappropriate behavior may occur; and
- B. use preventative assessments that include at least the following:
  - 1. a review of existing data;
  - 2. input from parents, family members, and students; and
- C. examination of previous and existing behavior intervention plans.

Only individuals trained in accordance with this policy in the appropriate use of restraint and seclusion may use those techniques.

## **MONITORING AND COMPLAINT PROCEDURES**

The Superintendent shall develop a monitoring procedure to ensure that this policy is appropriately implemented.

Any parent of a child enrolled in school in the District may submit a written complaint to the Superintendent regarding an incident of restraint or seclusion. The Superintendent shall investigate each written complaint and respond in writing to the parent's complaint within thirty (30) days of receipt of the complaint.

## **REQUIREMENTS FOLLOWING AN INCIDENT OF SECLUSION OR PHYSICAL RESTRAINT**

Each use of physical restraint or seclusion shall be:

- A. reported to the building administration immediately;
- B. reported to the parent immediately; and
- C. documented in a written report (see Ohio Department of Education's Model Restraint and Seclusion Debriefing Form).

A copy of the written report shall be issued to the student's parent or guardian within twenty-four (24) hours of the use of restraint or seclusion. The District shall maintain the written report, including placing a copy of the written report in the student's file.

All written documentation of the use of restraint or seclusion are educational records pursuant to the Family Educational Right to Privacy Act ("FERPA"), and District personnel are prohibited from releasing any personally identifiable information to anyone other than the parent, in accordance with FERPA's requirements.

The Superintendent shall develop a process for the collection of data regarding the use of restraint and seclusion.

The administration shall develop a support plan for substitute teachers if they need assistance with PBIS or crisis management and de-escalation (including restraint and seclusion).

The Superintendent shall report information regarding the District's use of restraint and seclusion annually to the Ohio Department of Education in the form and manner prescribed by the Department as requested by that agency, and shall make the District's records concerning PBIS, restraint and seclusion available to the staff of the Ohio Department of Education upon request.

\* Adapted from the Ohio Department of Education's Positive Behavior Intervention and Supports, and Restraint and Seclusion Model Policy and Procedures, issued July 2021.

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## **5751 - PARENTAL STATUS OF STUDENTS**

No student, whether married or unmarried, who is otherwise eligible to attend school in the District shall be denied an educational program solely because of pregnancy, childbirth, pregnancy-related disabilities, or actual or potential parenthood.

The Board reserves the right to require as a prerequisite for attendance in the regular classes of the schools and the co-curricular and extra-curricular programs of the schools that each pregnant student present to the Superintendent her physician's written statement that such activity shall not be injurious to her health nor jeopardize her pregnancy.

A pregnant student shall be considered on an excused absence for so long a period as is deemed medically necessary by the student's physician. At the conclusion of the absence, the student shall be reinstated to the status she held when the absence began.

## 5771 - SEARCH AND SEIZURE

The Board recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner.

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Such spaces remain the property of the Board and, in accordance with law, may be the subject of random search. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official.

School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles or the locker, of a student, with or without the student's consent, whenever they reasonably suspect that the search shall turn up evidence of a violation of law or of school rules. The extent of the search shall be governed by the seriousness of the alleged infraction and the student's age.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board or District personnel.

Administrators are permitted to conduct a random search of any student's locker and its contents at any time, providing proper notice has been posted in the locker areas of each building.

Administrators may confiscate personal devices such as but not limited to cell phones and iPods, and the school may retain such devices for a brief period of time.

Students shall not have an expectation of privacy for content within personal devices if there is reasonable suspicion of imminent risk or harm or violation of the law or school rules.

Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level since the Board has established a zero tolerance for alcohol use.

The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent or Superintendent's designee has reasonable suspicion that illegal drugs or devices may be present in a school or as a routine preventative measure. This means of detection shall be used only to determine the presence of drugs in locker areas and other places on school property where such substances may be concealed. Canine detection shall be conducted in collaboration with law enforcement authorities or with organizations certified in canine detection.



Except as provided below, a request for the search of a student or a student's possessions shall be directed to the principal/program manager who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search shall be conducted by the principal/program manager in the presence of the student and a staff member other than the principal/program manager. A search prompted by the reasonable belief that health and safety are threatened shall be conducted with as much speed and dispatch as may be required to protect persons and property.

Where the inappropriate substances or objects are found, the principal/program manager shall be responsible for the recording in writing of the student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The principal/program manager shall be responsible for turning over any illegal or dangerous substance or object taken from a student to the police.

## 5772 - WEAPONS

The Board prohibits students from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.

The term “weapon” includes any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type whatsoever, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, incendiary devices, explosives, and other objects defined as dangerous ordinances under State law..

Policy exceptions include:

- A. items pre-approved by the building principal/program manager as part of a class or individual presentation under adult supervision, if used for the purpose and in the manner approved (working firearms and any ammunition shall never be approved as a part of a presentation);
- B. theatrical props used in appropriate settings.

Students shall report any information concerning weapons and/or threats of violence by students, staff members, or visitors to the principal/program manager. Failure to report such information may subject the student to disciplinary action.

This policy shall be implemented through the Code of Conduct/Student Discipline Code, Board Policy 5610, and Board Policy 5610.01.

The Superintendent shall refer any student who violates this policy to the student’s parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

This policy shall be published annually in all District student and staff handbooks. Publication is not a precondition to enforcement of this policy.

## 5780 - STUDENT/PARENT RIGHTS

The Board recognizes that students possess not only the right to an education but many of the rights of citizenship as well.

In providing students the opportunity for an education to which they are entitled, the Board shall attempt to offer nurture, counsel, and custodial care appropriate to their age and maturity. At the same time, the Board recognizes that no student may be deprived of the basic right to equal access to the educational program, and his/her constitutional right to due process and free expression and association as appropriate for the school environment.

Attendant to the rights afforded to each student, however, are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and rules of the District.

Since a student who has reached the age of majority possesses the full rights of an adult, s/he may authorize those school matters previously handled by his/her parents, but s/he also assumes the responsibility for his/her performance in school, attendance, and compliance with school rules.

Parents also have rights in the school system to know about their student's educational experience. Specific rights are listed in topic areas of these policies.

In addition, parents have the right to inspect any instructional materials used as part of the educational curriculum for their student. Instructional materials mean instructional content, regardless of format, that is provided to the student, including printed or representational materials, audio-visual materials, and materials available in electronic or digital formats (such as materials accessible through the Internet). Instructional material does not include academic tests or academic assessments.

This policy shall not supersede any rights under the Family Education Rights and Privacy Act.



## **5830 - STUDENT FUND-RAISING**

The Board acknowledges that the solicitation of funds from students by students shall be limited since compulsory attendance laws make the student a captive donor and since such solicitation may disrupt the program of the schools.

For purposes of this policy “student fund-raising” shall include student solicitation and collection of money for any purpose including collection of money in exchange for tickets, papers, or any other goods or services. “Student fund-raising” also includes giving away goods or services, but suggesting a monetary donation.

The Board shall permit student fund-raising in school, on school property, or at any school-sponsored event only when the profit therefrom is to be used for school purposes or for an activity connected with the schools.

Student fund-raising by approved school organizations, those whose funds are managed by the Treasurer/CFO, may be permitted in school by the principal/program manager. For any fund-raisers, including those operated by student clubs and organizations, parent groups, or boosters clubs, that involve the sale of food items and/or beverages to students that shall be consumed on the school campus (any area of property under the jurisdiction of the school that is accessible to students during the school day) during the school day (the period from the midnight before, to thirty (30) minutes after the end of the official school day), the food items and/or beverages to be sold shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, and also be consistent with requirements set forth in Board Policy 8550, Competitive Foods.

Student fund-raising by approved school organizations off school grounds may be permitted as determined by the Superintendent.

Fund-raising by students on behalf of school-related organizations whose funds are not managed by the Treasurer/CFO may be permitted on school grounds.

Upon request by the Treasurer/CFO, any approved school organization or school-related organization that engages in student fund-raising shall provide the organization's financial records to the Board.

Advisors for approved school organizations shall not accept any form of compensation from vendors that might influence their selection on a vendor that shall provide a fund-raising activity or a product that shall be sold as a fund-raiser. Furthermore, advisors for approved school organizations shall not accept any compensation from a vendor after a decision has been made regarding a fund-raising activity or a product that shall be sold as a fund-raiser. In addition, advisors for approved school organizations who make the selection of a vendor that shall provide a fund-raising activity or a product that shall be sold as a fund-raiser shall not enter into a contractual arrangement whereby an advisor receives compensation in any form from the vendor that provides a fund-raising activity or a product that shall be sold as a fund-raiser.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that an advisor of an approved school organization receives such compensation, albeit unsolicited, from a vendor, the individual shall notify the Treasurer/CFO, in writing, that s/he received such compensation and shall thereafter properly transmit said compensation to the Treasurer/CFO at his/her earliest opportunity.

#### **5850 - SCHOOL SOCIAL EVENTS**

The Board recognizes the value of student social events and class trips in enhancing and enriching the school experience for the children of this community.

The Board shall make school facilities available and provide appropriate staff for the conduct of social events within the school facilities which have been approved by the Superintendent. For social events which take place outside school facilities, approval is required by the Superintendent.

As voluntary participants in school social events and class events, students shall be held responsible for compliance with rules set forth for their conduct, and infractions of those rules shall be subject to the same disciplinary measures as are applied during the regular school program.

Participation in school events is not a right and may be denied to any student who has demonstrated disregard for the rules of the school.





# **FINANCES**

## 6105 - AUTHORIZATION TO USE FACSIMILE SIGNATURE

The Board authorizes the Treasurer/CFO, to prepare and utilize a facsimile signature, in lieu of their manual signature, and to affix such facsimile signature to any of the following instruments: checks; drafts; warrants; vouchers; or other instruments for the payment of money and necessary or desirable in connection with the withdrawal of Board funds for and on its behalf. The individuals specified above may affix their manual or facsimile signature to the instruments identified so long as they continue to act as such officers/employees. The use of facsimile signatures is expressly approved by the Board. Said checks, drafts, warrants, vouchers, or other instruments for the payment of money may be drawn or relate to the accounts of the District with the various financial institutions (depositories/banks) with which the District conducts business.

The Board directs that the financial institutions (depositories/banks), with which the District does business, are authorized, and requested to accept, honor, cash, pay or transfer, without limit as to the amount or without further inquiry, checks bearing the authorized signature(s) as provided by the immediately preceding paragraph whether tendered in payment of an individual obligation or deposited in the account of the District. The Treasurer/CFO is directed to provide written notice of the adoption of any facsimile signature to the depository from which funds are to be withdrawn, which notice shall include a description of the device to be used, a specimen of such facsimile signature, and a copy of this policy. Prior to use of the facsimile signature, the written approval of such depository shall be obtained.

Facsimile signature is defined to include, but is not limited to, the reproduction of any authorized signature by a copper plate or by a photographic, photostatic, or mechanical device. Facsimile signature does not authorize the use of a rubber stamp signature for any of the instruments detailed above.

In order to protect the Board and its employees from loss, damage or expense occasioned by the unauthorized use of a facsimile signature, the Board directs the Treasurer/CFO to procure for the District and for the individuals identified above a surety bond in such amount as approved by its legal advisor.

The actual facsimile signature should be maintained under the care, custody, and control of the Treasurer/CFO's Department and, as further precaution, all checks shall be entered into the check register so that all numbers can be accounted for.

The Treasurer/CFO and Board President are authorized, on behalf of the Board, to sign employment contracts, duly acted upon by the Board, by facsimile signature.

## **6107 - AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURES**

Unless a provision of law enacted after September 14, 2000, specifically prohibits the use of an electronic record for the specified purpose, the Board authorizes the acceptance and distribution/transmission of electronic records and electronic signatures to and from District staff and other persons, as well as between District staff members. The Board further authorizes District staff to create, generate, send, communicate, receive, store, process, use, and rely upon electronic records and electronic signatures. The Superintendent shall put in place measures to protect the integrity, security, and accessibility of electronic signatures and electronic records to comply with the mandates of State and Federal agencies or programs, including Medicaid.

All District staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all District staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

With regard to the acceptance and distribution/transmission of electronic records and electronic signatures, the Superintendent may specify the following:

- A. The manner and format in which the electronic records shall be created, generated, sent, communicated, received, and stored, and the systems established for those purposes.
- B. If electronic records shall be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature shall be affixed to the electronic record, and the identity of, or criteria that shall be met, by any third party used by a person filing a document to facilitate the process.
- C. Control processes and procedures as appropriate to provide for adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.
- D. Any other required attributes for electronic records that are specified for non-electronic records or reasonably necessary under the circumstances.

## 6108 - AUTHORIZATION TO MAKE ELECTRONIC FUND TRANSFERS

The Board authorizes electronic fund transfers (EFTs) for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment, provided such EFTs are consistent with the provisions of R.C. Chapter 1304 and the Electronic Fund Transfer Act. Upon the recommendation of the Treasurer/CFO, the Board shall approve the financial institutions that are authorized to receive monetary transactions through electronic or other medium.

Upon the recommendation of the Treasurer/CFO, the Board shall then approve written agreements with financial institutions with whom EFTs shall be made.

Such agreements shall set forth internal controls required by applicable laws and regulations that shall provide adequate integrity, security, confidentiality, and auditability of business transactions conducted by electronic commerce, including, but not limited to, the following:

- A. the official title of the bank account(s) subject to the agreement and each type of transaction approved, such as deposits, disbursements, or transfers, shall be specified;
- B. the manual signatures of the Treasurer/CFO to initiate EFTs shall be contained therein;
- C. a requirement that the District maintain documentation signed by the initiator and authorizer of the EFTs to confirm the authenticity of the EFTs;
- D. a requirement that, when funds are properly delivered to the receiving institution, that institution agrees to become responsible for prompt and diligent processing of the funds;
- E. a requirement that written or printed documentation from the financial institution acknowledging such transactions, including but not limited to deposit slips, debit and credit memos, trust receipts, transfer acknowledgements, or cancelled warrants, shall be provided so that it may be kept in the official files of the District, which shall be maintained in a manner which facilitates easy review and validation of transactions.

All District staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all District staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with applicable laws and regulations.

## **6110 - GRANT FUNDS**

It is the objective of the Board of Education to provide equal educational opportunities for all District students. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the District that benefits students and the educational program. Therefore, it is the intent of the Board to consider grant proposals and applications for their potential to enhance the educational opportunities, the educational environment, and the physical and mental growth for each student.

The Superintendent shall review new Federal education legislation and prepare proposals for programs s/he deems would be of aid to the students of this District. The Superintendent shall approve each such proposal prior to its submission, and the Board shall approve all grants resulting from such proposals.

The Board regards available Federal funds of aid to local school districts and communities as a public trust. It forbids the use of Federal monies for partisan political activities and for any use that would not be in accordance with Federal regulations and guidelines.

No Federal funds received by the District shall be used to:

- A. develop or distribute materials, or operate programs or courses of instruction directed at youths, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
- B. distribute or aid in the distribution by any organization of legally obscene materials to minors on school grounds;
- C. provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or
- D. operate a program of contraceptive distribution in schools.

### **Grant Proposal Development**

- A. All grant proposals must support at least one (1) District goal or priority.
- B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

### **Grant Proposal Internal Review**

- A. Each grant proposal shall be reviewed and approved by the Superintendent prior to submission to the funding source.

- B. The Superintendent shall present proposals with budgets exceeding \$5,000.00 to the Board for approval.

### **Grant Administration**

- A. The administration of grants will adhere to all applicable Federal, State, local and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as District policies and administrative guidelines.
- B. The Superintendent is responsible for the efficient and effective administration of grant awards through the application of sound management practices.
- C. The Superintendent is responsible for administering grant funds in a manner consistent with underlying agreements, applicable statutes, regulations and objectives, and the terms and conditions of the grant award.
- D. The District, in recognition of its unique combination of staff, facilities, and experience, shall employ internal controls, including the organizational and management strategies necessary to assure proper and efficient administration of grant awards.
- E. All Federal funds received by the District will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The Superintendent shall require that each draw of Federal monies be aligned with the District's payment process (whether reimbursement, cash advance or a combination). If funds are permitted to be drawn in advance, all draws will be as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding. Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) requirements of the Federal program will be met in accordance with the requirements of the specific funded program. The Center shall maintain appropriate documentation and records to substantiate compliance or to justify allowable exceptions, exemptions, or waivers.
- F. The Superintendent is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.

### **Financial Management**

The financial management of grant funds shall be in compliance with all applicable Federal, State, local and grantor rules, regulations, and assurances as well as District policies and administrative guidelines.

The District shall provide for the following:

- A. Identification, in District accounts, of all grant awards received and expended and the programs under which they were received. For Federal programs and awards, identification shall include the Catalog of Federal Domestic Assistance (“CFDA”) title and number, Federal award identification number and year, name of the Federal agency and name of the pass-through entity, as applicable.
- B. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant.
- C. Records that identify adequately the source and application of funds provided for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.
- D. Effective control over, and accountability for, all funds, property, and other assets. The District must adequately safeguard all assets and assure that they are used solely for authorized purposes.

Further, the District must:

- 1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the District is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;
  - 2. comply with Federal statutes, regulations and the terms and conditions of the Federal award;
  - 3. evaluate and monitor the District’s compliance with statutes, regulations and the terms and conditions of the Federal award;
  - 4. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings;
  - 5. take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.
- E. Comparison of expenditures with budget amounts for each Federal award.



- F. Recordkeeping and written procedures to the extent requires by Federal, State, local and grantor rules and regulations pertaining to the grant award and accountability, including, but not limited to, the following areas:
1. cash management
  2. allowability
  3. conflict of interest
  4. procurement
  5. equipment management
  6. conducting technical evaluations of proposals and selecting recipients
  7. compensation and fringe benefits
  8. travel
- G. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass through agency in accordance with applicable Federal policy.
- H. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the District.

### **Program Income**

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance.

It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts and interest earned on any of them. Additionally, taxes, special assessments, levies, fines and other such revenues raised by a recipient are not program income unless the revenues are specifically identified in the Federal award or Federal awarding agency regulations as program income. Finally, proceeds from the sale of real property, equipment or supplies are not program income.

Unless it has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the District uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the Federal awarding agency or pass-through entity.

## 6111 – INTERNAL CONTROLS

The Superintendent shall establish and maintain effective internal controls over Federal awards that provide reasonable assurance that the District is managing all awards in compliance with applicable statutes, regulations and the terms and conditions of the awards. The District will have a process that provides reasonable assurance regarding the achievement of the following objectives:

- A. effectiveness and efficiency of operations
- B. reliability of reporting for internal and external use
- C. compliance with applicable laws and regulations

The internal controls must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal reports; maintain accountability over assets; and demonstrate compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. The internal controls must also provide reasonable assurance that these transactions are executed in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award that could have a direct and material effect on a Federal award, as well as any other Federal statutes and regulations that are identified in the Compliance Supplement. Finally, the District's internal controls must provide reasonable assurance that all Federal funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

The District shall:

- A. comply with Federal statutes, regulations, and the terms and conditions of the Federal awards;
- B. evaluate and monitor its compliance with statutes, regulations, and the terms and conditions of the award;
- C. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; and
- D. take reasonable measures to safeguard protected “personally identifiable information” (PII) and other information the awarding agency or pass-through entity designated as sensitive or the District considers sensitive consistent with applicable Federal, State, local, and tribal laws and District policies regarding privacy and obligations of confidentiality.

PII is defined at 2 C.F.R. 200.79 as “information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying

information that is linked or linkable to a specific individual.”

However, the definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified.

**Suggested Resources:**

- A. “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States;
- B. “Internal Control Integrated Framework” (commonly referred to as the Green Book) issued by the Committee of Sponsoring Organizations of the Treadway Commission;
- C. “Compliance Supplement” issued by the U.S. Office of Management and Budget; and
- D. Internal control guidance issued by the U.S. Department of Education.

## 6112 - CASH MANAGEMENT OF GRANTS

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Treasurer/CFO shall implement internal controls in the area of cash management.

The District's payment methods shall minimize the time elapsing between the transfer of funds from the United States Treasury or the Ohio Department of Education (ODE) (pass-through entity) and disbursement by the District, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The District shall use forms and procedures required by the grantor agency or pass-through entity to request payment. The District shall request grant fund payments in accordance with the provisions of the grant. Additionally, the District's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Treasurer/CFO is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the District uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested shall be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The District shall make timely payment to contractors in accordance with contract provisions.
- C. To the extent available, the District shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- D. The District shall account for the receipt, obligation, and expenditure of funds.
- E. Advance payments shall be deposited and maintained in insured accounts whenever possible.
- F. Advance payments shall be maintained in interest bearing accounts unless the following apply:
  - 1. The District receives less than \$120,000 in Federal awards per year.

2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
  3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
  4. A foreign government or banking system prohibits or precludes interest bearing accounts.
- G. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts shall be remitted annually to the Department of Health and Human Services Payment Management System (“PMS”) through an electronic medium using either Automated Clearing House (“ACH”) network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as “addenda records” by Financial Institutions) as that shall assist in the timely posting of interest earned on Federal funds. Pertinent details include the Payee Account Number (PAN) if the payment originated from PMS, or Agency information if the payment originated from ASAP, NSF or another Federal agency payment system.

## 6114 - COST PRINCIPLES – SPENDING FEDERAL FUNDS

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives, and the specific terms and conditions of the grant award.

### Cost Principles

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal, and other laws and regulations;
3. market prices for comparable goods or services for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
5. whether the cost represents any significant deviation from the established practices or Board policy which may unjustifiably increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the necessary element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;
2. the cost is identified in the approved budget or application;
3. there is an educational benefit associated with the cost;
4. the cost aligns with identified needs based on results and findings from a needs assessment;
5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received. This standard is met if the cost: is incurred specifically for the Federal award; benefits both the Federal award and other work of the District and can be distributed in proportions that may be approximated using reasonable methods; and is necessary to the overall operation of the District and is assignable to the Federal award in accordance with cost principles mentioned here.

- B. Conform to any limitations or exclusions set forth in the cost principles in Part 200 or in the terms and conditions of the Federal award, including prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.
- D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles.
- F. Be representative of actual cost, net of all applicable credits, or offsets.

The term applicable credits refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.



- G. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
- H. Be adequately documented:
  - 1. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant-funded programs to assure that only permissible personnel expenses are allocated;
  - 2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.
- I. Be incurred during the approved budget period.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to carry out authorized work and expend the funds awarded, including any funds carried forward or other revisions pursuant to the law. Prior written approval from the Federal awarding agency or State pass-through entity may be required to carry forward unobligated balances to subsequent budget periods, unless waived.

### **Selected Items of Cost**

The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, Center staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District, and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

The following rules of allowability must apply to equipment and other capital expenditures:

- A. Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity.
- B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.
- C. Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost

except with the prior written approval of the Federal awarding agency, or pass-through entity.

- D. All federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.
- E. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 CFR 200.436 and 2 CFR 200.465.
- F. When approved as a direct cost by the Federal awarding agency or pass-through entity under Sections A - C, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.
- G. If the District is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.

### **Cost Compliance**

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

### **Determining Whether a Cost is Direct or Indirect:**

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long-distance telephone calls specific to the program, etc.). Direct costs may also include capital expenditures if approved by the Federal awarding agency or pass-through entity, as well as capital expenditures for special purpose equipment with a unit cost of less than \$5,000.

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the District, the governing body of the District, compensation of the Superintendent, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Ohio Department of Education (ODE) or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

Equipment and other capital expenditures are unallowable as indirect costs.

## **Timely Obligation of Funds**

Financial obligations are orders placed for property and services, contracts and subawards made, and similar transactions that require payment. This term is used when referencing a recipient's or subrecipient's use of funds under a Federal award.

The following list illustrates when funds are determined to be obligated under the U.S. Department of Education regulations:

If the obligation is for:

- A. Acquisition of property - on the date which the District makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the District - when the services are performed.
- C. Personal services by a contractor who is not an employee of the District - on the date which the Center makes a binding written commitment to obtain the services.
- D. Performance of work other than personal services - on the date when the District makes a binding written commitment to obtain the work.
- E. Public utility services - when the District receives the services.
- F. Travel - when the travel is taken.
- G. Rental of property - when the District uses the property.
- H. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

## **Period of Performance**

All financial obligations must occur during the period of performance. Period of performance means the total estimated time interval between the start of an initial Federal award when the District is permitted to carry out the work authorized by the grant and the planned end date. The period of performance may include one (1) or more funded portions or budget periods. The period of performance is dictated by statute and will be indicated in the Grant Award Notification (GAN). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of

initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, financial obligations under a grant may not be made until the application is approved or is in substantially approvable form, whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period, unless an agreement exists with the awarding agency or the pass-through entity (e.g., ODE) to reimburse for pre-approval expenses.

If a Federal awarding agency or pass-through entity approves an extension, or if the District extends under C.F.R. 200.308(e)(2), the Period of Performance will be amended to end at the completion of the extension. If a termination occurs, the Period of Performance will be amended to end upon the effective date of termination. If a renewal is issued, a distinct Period of Performance will begin.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all financial obligations incurred under the award not later than ninety (90) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the District shall closely monitor grant spending throughout the grant cycle.

## 6116 – TIME AND EFFORT REPORTING

As a recipient of Federal funds, the District shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Section 200.430 of the Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally-sponsored projects. This process is intended to verify that compensation for employment services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits, which are addressed in 2 C.F.R. 200.431 Compensation-fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

- A. is reasonable for the services rendered, conforms to the District's established written policy, and is consistently applied to both Federal and non-Federal activities; and
- B. follows an appointment made in accordance with the District's written policies and meets the requirements of Federal statute, where applicable.

### **Time and Effort Reports**

The reports:

- A. are supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;
- B. are incorporated into the official records of the District;
- C. reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities;
- D. encompass both Federally assisted and other activities compensated by the District on an integrated basis;
- E. comply with the District's established accounting policies and practices;
- F. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using

different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The District will also follow any time and effort requirements imposed by the pass-through entity to the extent that they are more restrictive than the Federal requirements. The Payroll Office is responsible for the distribution, collection, and retention of all employee effort reports. Individually reported data will be made available only to authorized auditors.

### **Reconciliations**

Budget estimates are not used as support for charges to Federal awards. However, the District may use budget estimates for interim accounting purposes. The system used by the District to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the District and entered into the District's records in a timely manner.

The District's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

## 6140 - **DEPOSITORY AGREEMENTS**

The Board shall adopt a resolution at least every five (5) years designating those banks and other depositories of public funds in which the Treasurer/CFO may deposit active and/or interim funds of the District, and authorizing the Treasurer/CFO to enter agreements with said banks and other depositories on behalf of the Board. The Board shall also make periodic changes if it is in the Board's best interest to appoint an additional depository or if one (1) or more of the designated depositories are found to be insolvent or operating in an unsound manner.



## 6144 - INVESTMENTS

The Board authorizes the Treasurer/CFO to make investments of available monies from the funds of the District in securities authorized by State law. These shall include:

- A. bonds, notes, or other obligations of or guaranteed by the United States, or those for which the faith of the United States is pledged for payment of principal and interest thereon but does not include stripped principal or interest obligations of such obligations;
- B. bonds, notes, debentures, or any other obligations or securities directly issued by a Federal government agency or instrumentality;
- C. interim deposits in Board-approved depositories;
- D. bonds and other obligations of the State or the political subdivisions of this state, provided that, with respect to bonds or other obligations of political subdivisions, all of the following apply the:
  - 1. bonds or other obligations are payable from the political subdivision's general revenues and backed by the full faith and credit of the political subdivision;
  - 2. bonds or other obligations are rated, at the time of purchase, in the three (3) highest classifications established by at least one (1) nationally recognized standard rating service and purchased through a registered securities broker or dealer;
  - 3. aggregate value of the bonds or other obligations does not exceed twenty percent (20%) of interim monies available for investment at the time of purchase; and
  - 4. Treasurer/CFO is not the sole purchaser of the bonds or other obligations at original issuance.
- E. no-load money market mutual funds consisting exclusively of obligations described in A. and B. above or repurchase agreements secured by such obligations, provided such investments are made only through eligible institutions authorized by R.C. 135.03; and
- F. the Ohio Subdivision Fund ("STAR Ohio").

Under no circumstances may the Treasurer/CFO invest in a derivative as defined by the Revised Code, reverse repurchase agreements, or other funds prohibited by law. The Treasurer/CFO shall

also not make investments which s/he does not reasonably believe can be held until the maturity date or leverage any investment.

No investment shall be made under division (D), as described above, unless the Treasurer/CFO has completed additional training that has been approved by the Treasurer of State and is either conducted by or provided under the supervision of the Treasurer of State.

The Treasurer/CFO is also authorized to enter into written repurchase agreements with any eligible institution in accordance with R.C. 135.03 provided that under the terms of the agreement the eligible institution agrees unconditionally to repurchase any of the securities listed in divisions (A) through (E), above. Such agreements may be either overnight or within a time not to exceed thirty (30) days and shall comply with the requirements of R.C. 135.14(E).

Upon a two-thirds (2/3's) vote of its members, the Board may authorize the Treasurer/CFO to invest to a maximum of forty percent (40%) of the District's interim funds in either of the following:

- A. Commercial paper notes issued by a for-profit corporation, business trust or association, real estate investment trust, common-law trust, unincorporated business, or general or limited partnership which has assets exceeding \$500,000,000. Such notes shall:
  - A. be rated at the time of purchase in the highest classification established by at least two (2) nationally recognized standard rating services;
  - B. have an aggregate value that does not exceed ten percent (10%) of the outstanding commercial paper of the issuing entity;
  - C. mature not later than 270 days after purchase; and
  - D. be limited to the aggregate of five percent (5%) of interim monies available for investment at the time of purchase, when issued by a single issuer.
- B. Bankers' acceptances of banks that are insured by the Federal Deposit Insurance Corporation ("FDIC") and that mature no later than 180 days after purchase.

Investments made by the Treasurer/CFO shall mature within five (5) years from the date of settlement unless they are matched to a specific obligation or debt of the District.

The Treasurer/CFO shall prepare annually and submit to the Board, the Superintendent of Public Instruction, and the Auditor of State, on or before August 31st, a report listing each investment made pursuant to (A) and (B) above, during the preceding fiscal year, income earned from such investments, fees and commissions paid in connection with the investments, and any other information required by the Board, Superintendent, and the Auditor of State.

The purpose of the investments is to maximize the returns on the District's excess cash balances consistent with safety of those monies and with the desired liquidity of the investments.

In making investments authorized by R.C. 135.14, the Treasurer/CFO may retain the services of an investment advisor, provided the advisor is licensed by the Division of Securities under R.C. 1707.141, or is registered with the Securities and Exchange Commission, and possesses experience in public funds investment management, specifically in the area of State and local government investment portfolios, or the advisor is an eligible institution in accordance with R.C. 135.03.

Whenever the Treasurer/CFO classifies public money as interim funds, the Treasurer/CFO shall notify the Board within thirty (30) days. If the Board does not agree with the Treasurer/CFO's classification or investment(s), the Board may order the Treasurer/CFO to sell or liquidate any investment(s) or deposits. The Board's order shall specifically describe the investment(s) or deposit(s) and fix the date upon which they are to be sold or liquidated for cash at the current market price. Neither the Treasurer/CFO nor the members of the Board shall be held accountable for any loss occasioned by sales or liquidations of investment(s) or deposit(s) at prices lower than their cost. Any loss or expense incurred in making such sales or liquidation is payable as other expenses of the Treasurer/CFO's office.

Unless the District's annual portfolio of investments is \$100,000 or less, the Treasurer/CFO shall place on file with the Auditor of State a written investment policy that has been approved by the Board and signed by all entities conducting investment business with the Board.

The Treasurer/CFO, acting in accord with the law, may withdraw funds from approved public depositories or sell negotiable instruments prior to maturity.

Provided the Board has no outstanding obligation(s) with respect to a loan received under the authority of R.C. 3313.483, the Treasurer of State and the Board issuing obligations under R.C. Chapter 133 that mature within one (1) year from the original date of issuance may enter into an agreement providing for:

- A. the purchase of those obligations by the Treasurer of State on terms and subject to conditions set forth in the agreement;
- B. the payment by the Board to the Treasurer of State of a reasonable fee as consideration for the agreement of the Treasurer of State to purchase those obligations.

## 6145 - **BORROWING**

Upon the initiative of the Board and as provided by the laws of the State of Ohio, including the Uniform Bond Law and the Ohio Constitution the Treasurer/CFO shall prepare the data and applications regarding the borrowing of State Aid Notes, Tax Anticipation Notes, and Bond Issues.

Bids shall be solicited for all short term loans which the Board has authorized. Funds shall be borrowed from the responsible organization offering the most favorable terms, as approved by the Board.

## 6150 - TUITION INCOME

The Board shall assess tuition for attendance in The School District.

The Treasurer/CFO shall be responsible for the assessment and attempted collection of tuition. Tuition billing may be assessed daily in advance of the period for which the billing is made.

When payment of tuition is more than thirty (30) days overdue, services may be terminated to the extent permitted by law.

## 6151 - **BAD CHECKS**

When the District receives a check from an individual or entity that, when deposited, is returned, dishonored, or marked “insufficient funds,” the Treasurer/CFO shall provide an opportunity for the payer to make proper payment, as well as any insufficient fund and related fees, or to arrange for a satisfactory payment schedule. If payment is not received within seven (7) calendar days, the payment schedule is not adhered to, or the monies do not appear to be collectable, the Board authorizes the Treasurer/CFO to remove the fee or charge from the District’s Accounts Receivable and to take appropriate action against the individual or entity.

## **6152 - STUDENT FEES, FINES, AND CHARGES**

The Board will provide the necessary textbooks and/or electronic textbooks required by the course of study free of charge for its students. The Board may need to levy certain charges to students to facilitate the utilization of other appropriate materials for curricular as well as co-curricular and extra-curricular, noncredit activities. Such charges would be made on expendable items such as magazines, workbook materials, paperback selections, and laboratory supplies, and materials, for clubs, independent study or special projects, and District-sponsored trips. Any waiver of fees shall be made pursuant to Policy 6152.01.

### **Fines**

When school property, equipment, or supplies are damaged, lost, or taken by a student, a fine will be assessed. The fine will be reasonable, seeking only to compensate the school for the expense or loss incurred.

Any fees, fines, and/or other charges collected by members of the staff shall be turned in to the Treasurer within one (1) business day after collection.

In accordance with R.C. 3313.642, failure to pay fees and fines may result in the withholding of grades and credit. In the event the above course of action does not result in the fee being collected, the Board authorizes the Treasurer to take the student and/or his/her parents to Small Claims Court for collection. Under no circumstances will the Board withhold the grades, credits, official transcripts, diploma, IEPs, or Section 504 Plans of a student for nonpayment of fees for materials used in the course of instruction, if a complaint has been filed at any time in a juvenile court alleging that the student is an abused, neglected, or dependent child, or if the student has been adjudicated an abused, neglected, or dependent child. Further the Board will transfer immediately the grades, credits, official transcripts, IEPs, or Section 504 Plans of a student upon the receipt of either another districts or school's request for those records pursuant to R.C. 3313.672, or a juvenile judge's order under R.C. 25151.272. The Superintendent may request a copy of any order regarding a child's custody or placement issued pursuant to a complaint filed under R.C. 2151.27. The Board, however, will not withhold records required to be transferred pursuant to this paragraph pending receipt of a copy of the order.

Annually the District will report to the Ohio Department of Education the number of students for whom it sent transcripts pursuant to R.C. 3313.642(D), and the total amount of unpaid fees lost due to compliance with that provision.

Nothing in this policy restricts the right of access of a parent or student to school records or to receive copies of such records, as required by Federal and State laws.

## **6152.01 - WAIVER OF SCHOOL FEES FOR INSTRUCTIONAL MATERIALS**

The Mathews Local School District shall waive fees assessed by the District for instructional materials only for students whose parent(s) or guardian are unable to afford them. The Superintendent may, as deemed necessary, establish additional procedures to supplement the procedures established in this policy regarding the requests for the waiver of fees. This waiver does not include District fees associated with extra-curricular activities or student enrichment programs that are not part of a course of instruction.

Additionally, the District may charge fees for tools, equipment, and materials, as specified, that are necessary for workforce-readiness training that may be retained by the students after completion of the course.

### **Eligibility Standards**

Students eligible for a waiver of school fees include, but are not limited to, the following:

- A. Students who qualify for aid under Ohio Works First (R.C. 5107 or Disability Assistance (R.C. 5115).
- B. Students who qualify for free lunch under the National School Lunch Act.
- C. Students whose families have suffered very significant financial losses due to severe illness or injury in the family or unusual expenses including, but not limited to, fire, flood, or storm damage.
- D. Other good and just reasons.
- E. Students who qualify for reduced breakfast and/or lunch under the Ohio School Meals Program.

### **Notification to Parents**

- A. Annually the substance of this policy shall be communicated in writing to the parent(s) or guardian of all students in the District.
- B. The first bill or notice sent to parents or guardians who owe fees shall state:
  - 1. The District will waive fees for persons unable to afford them in accordance with its policy.
  - 2. The procedure for applying for a fee waiver, and the name, address and telephone number of the person to contact for information concerning a fee waiver.



## **Procedures for Resolution of Disputes**

- A. A parent(s) or guardian who cannot pay school fees may write a letter requesting a waiver of fees to the Superintendent. The letter must contain the following:
1. name(s) of student(s)
  2. name of parent(s) or guardian(s)
  3. address of parent(s) or guardian(s)
  4. phone number of parent(s) or guardian(s)
  5. school where child(ren) attend(s)
  6. reason for request for waiver of fees

The Superintendent shall have the authority to review the waiver request and request such further information, if any, as s/he deems necessary in order to make a decision on that request.

- B. No fee shall be collected from any parent(s) or guardian who is seeking a fee waiver in accordance with the District's policy until the District has acted on the initial request or appeal (if any is made), and the parent(s) or guardian have been notified of the decision.
- C. If the Superintendent denies a request for fee waiver, then a copy of the decision shall be mailed to the parent(s) or guardian within fifteen (15) school days of receipt of the request. The decision shall state the reason for the denial and shall inform the parent(s) or guardian of the right to appeal, including the process and timelines for that action. The denial notice shall also include a statement informing the parent(s) or guardian that reapplication may be made for a waiver any time during the school year, if circumstances change. The decision of the Superintendent is final.

## **Nondiscrimination**

The Board expects all staff members to exercise the utmost care to see that, as a result of their actions or comments, students cannot differentiate between those students whose parents are unable to purchase required instructional materials or pay required fees and those whose parents can.

## **6220 - TAX BUDGET PREPARATION**

The District's operation and educational plan is reflected in its budgets. Each year, the Board of Education will cause to have prepared and then review the General Fund as well as the other funds which comprise the tax budget.

The Treasurer may include in the budget a Budget Reserve Fund. The amount of the reserve shall be stipulated by Board resolution.

The Board directs the Treasurer to present the tax budget to the Board prior to January 15th of each year. When presented to the Board for review and/or adoption, the tax budget shall indicate the information required by the State Auditor's Office.

With an affirmative vote of the majority of the County Budget Commission, including the County Auditor, the requirement that the Board of Education adopt a tax-budget may be waived. Therefore, the Board directs the Treasurer to prepare the tax budget in compliance with the requirements of the Lake County Auditor, the Ohio Revised Code, and the State Auditor's Office.

## **6231 – APPROPRIATIONS AND SPENDING PLAN**

The annual appropriation measure shall be designed to carry out District operations in a thorough and efficient manner, maintain District facilities properly, and honor continuing obligations of the Board.

The Board may establish a Board Service Fund which shall not exceed the greater of two dollars (\$2.00) per enrolled student or \$20,000. The Board Service Fund shall be set aside from the General Fund, on an annual basis, by resolution of the Board and shall be used to pay expenses actually incurred by Board members in the performance of their official duties. Such fund may also be used to pay for the expenses actually incurred by newly elected Board members relative to training and orientation to the performance of their duties prior to taking office. Appropriations from this fund shall not exceed the sum specified by R.C. 3315.15 in any one school year.

An annual appropriations resolution shall be developed, approved, and filed according to statute and the requirements of the Auditor of the State of Ohio.

The appropriation measure shall be adopted at the fund level for all funds.

The Board shall adopt as part of its annual appropriation measure a spending plan (also known as a forecast), as prescribed by statute, or in the case of an amendment or supplement to an appropriation measure, an amended spending plan setting forth a projection of revenue, expenditures, and assumptions. The forecast shall include the General Fund, any special cost center associated with General Fund money, Emergency Levy funds, any Debt Service activity that would otherwise have gone to the General Fund, DPIA, and Poverty Based Assistance (PBA) funds. A copy of the annual appropriation measure and any amendment or supplement to it and the spending plan or amended plan shall be submitted to the Superintendent of Public Instruction and shall set forth all revenues available for appropriation by the District during such year and their sources; the nature and amount of expenses to be incurred during the year; the outstanding and unpaid expenses on the date the measure, amendment, or supplement is adopted; the dates by which such expenses must be paid; and any other information the Superintendent or State law requires.

The plan, amended plan, and updates shall be presented in such detail and form and at such times as the Superintendent of Public Instruction or State law prescribes.

## 6232 – APPROPRIATIONS IMPLEMENTATION

The Board of Education places the responsibility of administering the appropriations, once adopted, with the Superintendent. S/He may consult with the Treasurer when major purchases are considered and shall keep the Treasurer informed as to problems or concerns as the appropriations are being implemented.

The Superintendent shall be authorized to proceed with making financial commitments, purchases, and other expenditures within limits provided in the appropriations, limitations stated in Board policies, and within legal authority expressed in State statutes.

Listings of expenditures, appropriate financial reports, and budget comparison reports shall be submitted monthly to the Board to keep members informed as to the status of the appropriations and overall financial condition of the District.

As a part of the regular fiscal report to the Board, the Treasurer shall include any occurrences of non-compliance with Ohio Budgetary Law, as well as any occurrences that actual revenues are less than estimated revenues, including the available equity upon which the appropriations from the fund were based. The Superintendent and/or Treasurer shall present to the Board recommended amendments to the General Appropriations Act that will prevent expenditures from exceeding revenues. Such recommendations shall be in accordance with requirements of the law and provisions of negotiated agreements.

## **6233 - AMENITIES FOR PARTICIPANTS AT MEETINGS AND/OR OTHER OCCASIONS**

The Board recognizes the value in providing meals, refreshments, and/or other amenities for staff, students, citizens, advisory groups who participate in meetings and staff development sessions, or on other occasions as deemed appropriate by the administration.

The Board hereby affirms that these expenses do serve a valid and proper public purpose. The Board believes that the “public purpose” served is the promotion of education, enhancement of morale, and rapport, and the encouragement of participation in said activities. However, under no circumstances shall public funds be expended for the purchase of alcoholic beverages.

## **6320 - PURCHASES**

### **Quotations and Bids**

It is the policy of the Board that the Treasurer/CFO seek at least three (3) price quotations on purchases of more than \$25,000 for a single item, except in cases of emergency or when the materials purchased are of such a nature that price negotiations would not result in a savings to the District or when the item is subject to formal bid. Standardized purchasing procedures of the District shall be followed when purchasing on the basis of price quotations from vendors.

### **Limitations**

All purchases that are within the amount contained in the fund of the appropriation may be made upon authorization of the Treasurer/CFO.

The Treasurer/CFO is authorized to adjust appropriations within a fund in order to make necessary purchases and shall report such modifications at the following regular Board meeting.

### **“Blanket” Certificates**

The Treasurer/CFO may issue “blanket” purchase orders (certificates) for a sum not exceeding an amount established by resolution of the Board against any specific line item account over a period of time, not to extend beyond the end of the fiscal year in which it is issued. Only one (1) “blanket” purchase order (certificate) may be outstanding at any one (1) particular time for any one (1) particular line item appropriation.

### **“Super Blanket” Certificates**

The Treasurer/CFO may issue “super blanket” purchase orders (certificates) for any amount for expenditures and contracts from a specific line-item appropriation account in a specified fund for most professional services, fuel, oil, food items, and any other specific recurring and reasonably predictable operating expense. Such a purchase order (certificate) shall not extend beyond the fiscal year.

### **Contracts for Development and Improvement of Facilities**

All contemplated contracts for professional design services such as from an architect or for construction management shall be in accordance with R.C. 9.33, 9.333, and 153.54 et seq.

### **Competitive Bidding**

When the Board determines to build, repair, enlarge, improve, or demolish a school building the cost of which will exceed \$50,000, or for the purchase (or lease-purchase) of school buses, the Treasurer/CFO or designee shall obtain competitive bids.

In accordance with statute, the Board may elect to forego the bidding for contracts in any of the following situations if:

- A. the Board elects and declares by resolution to participate in purchase contracts, in accordance with R.C. Chapter 125 and the terms and conditions prescribed by the Department of Administrative Services;
- B. the Board determines and declares by resolution adopted by two-thirds (2/3's) of its members that any item is available and can be acquired from a single source;
- C. the Board declares by resolution adopted by two-thirds (2/3's) of its members that the installation, modification, and/or remodeling subject to contracting is involved in an energy conservation measure undertaken through an installment payment contract under R.C. 3313.372 or pursuant to R.C. 133.06(G);
- D. the Board finds and determines that an urgent necessity exists (as defined by statute) with respect to a particular improvement; and
- E. pursuant to R.C. 9.48, the Board participates in a joint purchasing program, operated by or through a national or State association of political subdivisions in which the Board is eligible for membership or through the Federal government or another political subdivision.

The Superintendent shall verify that the specifications for any public improvement project for which bids are solicited do not require any bidder to:

- A. enter into agreements with labor organizations on said public improvement; or
- B. enter into an agreement that requires its employees to become members of or pay fees or dues to a labor organization as a condition of employment or continued employment.

Bidding shall be conducted in accordance with R.C. 3313.46 and related statutes.

Bids shall be sealed and shall be opened by the Treasurer/CFO or designee in the presence of at least one (1) witness.

### **Soliciting of Bids**

The Board, by resolution, may award a bid to the lowest responsible bidder. For a bidder to be deemed responsible, the Board may request evidence from the bidder concerning:

- A. the experience (type of product or service being purchased, etc.) of the bidder;
- B. the financial condition;



- C. the conduct and performance on previous contracts (with the District or other agencies);
- D. the bidder's facilities;
- E. management skills;
- F. the ability to execute the contract properly; and
- G. a signed affidavit affirming that neither the bidder nor any sub-contractor has entered into an agreement with any labor organization regarding the public improvement project.

### **Awarding of Bids**

The Board shall approve all contracts resulting from competitive bids prior to being awarded. The Board reserves the right to reject any or all bids.

In situations in which the Board has resolved to award a bid to the lowest responsible bidder and the low bidder does not meet the considerations specified above, the Board shall so notify the bidder, in writing, by certified mail.

### **Purchase of School Buses and Certain Other Motor Vehicles**

The Board shall use competitive bidding to enter into an agreement for the purchase or lease-purchase of a school bus unless an exception to bidding applies. The term "school bus" includes any vehicle designed to carry more than nine (9) passengers excluding the driver. Bids shall indicate that prior to delivery of the bus must comply with all applicable State laws and regulations, including the Ohio Pupil Transportation Operation and Safety Rules. No bid bonds will be required unless requested by the Board during the competitive bidding process. The Board is not required to use competitive bidding to rent or lease a school bus as long as the agreement does not include a provision for purchase of the bus.

For the purchase of motor vehicles other than school buses, the Board will follow the adopted procedures to obtain price quotations prior to purchase when applicable. Standardized purchasing procedures of the District shall be followed when purchasing a motor vehicle other than a school bus.

### **Lease-Purchase Agreements**

Lease-purchase agreements entered into by the Board shall be in accordance with R.C. 3313.375. Such agreements shall be a series of not more than thirty (30) one-year renewable lease terms, after which time ownership is transferred to the Board if all obligations of the Board under the agreement have been satisfied.

## **Purchases from the State**

In accordance with State law (R.C. 4115.31 et seq.), the Superintendent shall purchase products and services which are available from the Ohio Industries for the Handicapped (OIH) when such products or services are needed by the District. The Superintendent is to maintain the current catalog provided by OIH and inform all District personnel who may be purchasing products or services of the catalog's current listings.

## **Requirements**

Before the Treasurer/CFO places a purchase order, s/he shall check as to whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the District. All purchase orders shall be numbered consecutively.

In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that:

- A. items commonly used in the various schools or units thereof, be standardized whenever consistency with educational goals can be maintained; and
- B. where the requisitioner has recommended a supplier, the Treasurer/CFO may make alternate suggestions to the requisitioner if, in his/her judgment, better service, delivery, economy, or utility can be achieved by changing the proposed order.

The Board may acquire equipment as defined in law by lease, by installment payments, by entering into lease-purchase agreements, or by lease with an option to purchase, provided the contract sets forth the terms of such a purchase.

## **Reverse Auctions**

It is the policy of the Board to permit the use of a reverse auction to purchase services and supplies whenever it is determined that the reverse auction process shall be advantageous to the District (e.g., result in a cost savings to the District). To that end, vendors may submit proposals when competing to sell services and/or supplies in an open environment via the Internet. While the reverse auction process may be used to purchase supplies such as equipment, materials, tangible assets and insurance, the process may not be used to purchase real property or interests in real property. The process may also be used to purchase services such as the furnishing of labor, time, or effort by a person, provided such services do not involve the delivery of a specific end product other than a report, and are not being furnished in connection with an employment agreement.

The Board shall provide notice of the request for proposals and award contracts. When competitive sealed bidding and/or competitive sealed proposals for the purchase of services or supplies are required by law, purchases made by reverse auction shall satisfy such legal requirement.

### **Procurement – Federal Grants**

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (34 CFR 80.36) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a compliance system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of this policy.

## **6325 - PROCUREMENT – FEDERAL GRANTS/FUNDS**

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Board policies, and administrative procedures.

The Treasurer/CFO shall have and use a procurement and contract administration system in accordance with the USDOE requirements (2 C.F.R. 200.317-.326), including affirmative steps for small and minority businesses and women's business enterprises, for the administration and management of Federal grants and Federally-funded programs. The District shall maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchasing Board Policy 6320.

All Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.

All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees,

officers, and agents engaged in the selection, award, and administration of contracts as established in Board Policy 1130, Board Policy 3113 and Board Policy 4113 – Conflict of Interest.

The District shall avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

### **Competition**

All procurement transactions for the acquisition of property or services required under a Federal award shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgment. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- A. unreasonable requirements on firms in order for them to qualify to do business;
- B. unnecessary experience and excessive bonding requirements;
- C. noncompetitive pricing practices between firms or between affiliated companies.
- D. noncompetitive contracts to consultants that are on retainer contracts;
- E. organizational conflicts of interest;
- F. specification of only a “brand name” product instead of allowing for an “or equal” product to be offered and describing the performance or other relevant requirements of the procurement; or
- G. any arbitrary action in the procurement process.

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal

statute expressly mandates or encourages a geographic preference; or (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms or products to acquire goods and services, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list continuously.

The District shall require that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to provide maximum open and free competition. The District shall not preclude potential bidders from qualifying during the solicitation period.

### **Solicitation Language**

The District shall require that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board shall not approve any expenditure for an unauthorized purchase or contract.

### **Procurement Methods**

The District shall utilize the following methods of procurement:

#### **A. Micro-purchases**

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$10,000. To the extent practicable, the District shall distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Superintendent considers the price to be reasonable. The District

maintains evidence of this reasonableness in the records of all purchases made by this method.

B. Small Purchases

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property that does not exceed the competitive bid threshold of \$250,000. Small purchase procedures require that price or rate quotations shall be obtained from an adequate number of qualified sources as determined appropriate by the Board.

C. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to \$250,000 and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which shall exceed \$50,000.

In order for sealed bidding to be feasible, the following conditions shall be present:

1. a complete, adequate, and realistic specification or purchase description is available;
2. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
3. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

4. Bids shall be solicited in accordance with the provisions of applicable laws and regulations and Board Policy 6320. Bids shall be solicited from a minimum of three (3) adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
5. The invitation for bids shall include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
6. All bids shall be opened at the time and place prescribed in the invitation for bids; bids shall be opened publicly.

7. A firm fixed price contract award shall be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
8. The Board reserves the right to reject any or all bids for sound documented reason.

D. Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

1. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
2. Proposals shall be solicited from a minimum of three (3) adequate number of sources.
3. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
4. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications- based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

E. Noncompetitive Proposals



Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. the item is available only from a single source;
2. the public exigency or emergency for the requirement shall not permit a delay resulting from competitive solicitation;
3. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District; and/or
4. after solicitation of a number of sources, competition is determined to be inadequate.

**F. Noncompetitive Purchases Through Educational Service Centers (Districts)**

Under State law, the Board may enter into a contract with another educational service center (“District”) that authorizes the other District to make purchases for supplies, materials, equipment, and services or the delivery of services on the Board’s behalf. These contracts promote operational efficiency and cost savings, and further enhance the educational experience for our students. Purchases made through such contracts are exempt from competitive bidding.

The Board may apply for approval from ODE to use a noncompetitive purchasing method to procure personnel-based services from another District only when the following criteria are met:

1. The other District posts a list of all services it provides including costs of these services on its website;
2. The other District has been designated as “high performing” by the Ohio Department of Education, and
3. ODE as the passthrough state entity has determined that the other District was substantially in compliance with all audit rules and guidelines during the most recent audit conducted by the Auditor of State.

The Treasurer/CFO will submit an application and any required documentation to ODE on the designated form requesting approval for use of a noncompetitive purchasing method for personnel services. Purchases will not be made until the application is approved. Notice of approval will be maintained by the Treasurer/CFO.

**Contract/Price Analysis**

The District shall perform a cost or price analysis in connection with every procurement action in excess of \$150,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

### **Time and Materials Contracts**

The District uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

### **Suspension and Debarment**

The District shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180.

Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 C.F.R. Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. chapter 1). A person so excluded is debarred. (2 C.F.R. Part 180 Subpart H)

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at [www.sam.gov](http://www.sam.gov); collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

### **Bid Protest**

The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request for Proposals ("RFP"s) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy- two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

### **Maintenance of Procurement Records**

The District maintains records sufficient to detail the history of all procurements. These records shall include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).



## **6350 - PROHIBITION AGAINST CONTRACTING WITH A PERSON AGAINST WHOM AN UNRESOLVED FINDING FOR RECOVERY HAS BEEN ISSUED**

The Board shall not award a contract for goods, services, or construction, which is paid in whole or in part with public funds, to a person against whom a finding for recovery has been issued by the Auditor of State on or after January 1, 2001, if the finding for recovery is unresolved.

### **Findings for Recovery**

A finding for recovery is a determination by the Auditor of State that public money has been illegally expended, public money has been collected but not been accounted for, public money is due but has not been collected, or public property has been converted or misappropriated. A finding for recovery is unresolved unless:

- A. the money identified in the finding for recovery is paid in full to the State agency or political subdivision to whom the money was owed;
- B. the debtor has entered into a repayment plan that is approved by the Attorney General and the State agency or political subdivision to whom the money identified in the finding for recovery is owed;
- C. the Attorney General waives a repayment plan described in (B.) for good cause;
- D. the debtor and State agency or political subdivision to whom the money identified in the finding for recovery is owed have agreed to a payment plan established through an enforceable settlement agreement;
- E. the State agency or political subdivision desiring to enter into a contract with a debtor certifies, and the attorney general concurs, that all of the following are true:
  - 1. essential services that the State agency or political subdivision is seeking to obtain from the debtor cannot be provided by any other person besides the debtor;
  - 2. awarding a contract to the debtor for the essential services described above is in the best interest of the State; and
  - 3. good faith efforts have been made to collect the money identified in the finding for recovery.
- F. the debtor has commenced an action to contest the finding for recovery and a final determination on the action has not yet been reached.

## **Verifying Status Regarding Findings for Recovery**

Prior to the Board awarding a contract for goods, services, or construction, paid in part or in whole with public funds, the Treasurer/CFO, as the Board's designee, shall verify that the person or entity to whom the contract is to be awarded does not appear in the database maintained by the Auditor of State, listing those with findings for recovery against them. The Treasurer/CFO shall then print a certification page from the database, documenting that the person or entity is not subject to an unresolved finding for recovery, and keep this certification on file.

## **Contracts Not Applicable**

This policy does not apply to contracts that meet the following criteria:

- A. The cost for the goods, services, or construction under the contract is estimated to cost less than \$25,000; or
- B. the aggregate cost for the goods, services, or construction under multiple contracts entered into within the fiscal year preceding the fiscal year within which the contract is being entered into by the same parties is estimated to cost less than \$50,000.

The policy may apply to a contract renewal of a contract previously entered into and renewed pursuant to that preceding contract as long as it is not exempt because of the contract amount.

The policy does not apply to contracts with bonding companies or insurance companies unless a court has entered a final judgment against the company and the company has not yet satisfied the final judgment.

The policy does not apply to employment contracts.

## 6422 - PURCHASES NOT APPROPRIATED

The laws of the State and the interest of the community demand fiscal responsibility by the Board of Education in the operation of the School District. Appropriate fiscal controls are hereby adopted to ensure that public monies are not disbursed in amounts in excess of the appropriations provided this District.

To this end, the Board shall require that it approve, in advance:

- A. all expenditures of funds identified as the Permanent Improvement Fund;
- B. all transfers of funds from one (1) fund to another.

Other purchases may be placed following the Board's normal policy by the Superintendent, provided a sufficient amount is available for subsequent transfer by the Board to cover the purchase.

In the event of an emergency (which exists whenever the time required for the Board to act in accordance with regular procedures would endanger life or property or threaten the continuance of existing school classes), a purchase order up to \$10,000 may be authorized by the Superintendent from Permanent Improvement Fund.

It is not intended by this policy that "emergencies" be permitted to occur as a result of inadequate planning, delay, etc.

Any expenditures in excess of appropriation made in conformance with this policy shall be reported to the Board at the next meeting with a recommendation of funds to be transferred to cover said purchase.

## 6423 - USE OF CREDIT CARDS

The Board recognizes the value of an efficient method of payment and recordkeeping for certain expenses.

The Board, therefore, authorizes the use of District credit cards. The name of the Board shall appear on each District credit card and check related to a credit card account held by the District. A “credit card account” shall include any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or otherwise transact with the account, and any debit or gift card account related to the receipt of grant monies. The term expressly excludes any procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the account.

The authorization, handling and use of credit cards has been established to provide a convenient and efficient means to purchase goods and services from vendors. Credit cards, however, shall not be used in order to circumvent the general purchasing procedures established by State law and Board policy. The Board affirms that credit cards shall only be used in connection with Board-approved or school-related activities and that only those types of expenses that are for the benefit of the District and serve a valid and proper public purpose shall be paid for by credit card. However, under no circumstances shall credit cards be used for personal purchases or the purchase of alcoholic beverages regardless of whether the purchase of such beverages is made in connection with a meal. Use of credit cards in an unauthorized or illegal manner may result in revocation of credit card privileges, disciplinary action and/or, where appropriate, may require the user to pay any and all inappropriate charges, including finance charges and interest assessed in connection with the purchase. Additionally, any officer or employee of the District who knowingly misuses a credit card account is guilty of the criminal offense of misuse of credit cards. Violations will be reported to the appropriate law enforcement authorities and any applicable licensure board(s).

The Treasurer/CFO shall be responsible for the initial issuance, reissuance, and cancellation of District credit cards and shall maintain written procedures and all appropriate records and reports regarding the District’s credit card account(s). Records and reports will be maintained and made available for review in accordance with this policy and State law.

All officers and employees are required to immediately report lost or stolen credit cards or notice of a possible data breach involving a District credit card to their immediate supervisor and the Treasurer/CFO. The Treasurer/CFO will notify the entity that issued the credit card and request cancellation of the lost or stolen card as soon as practicable.

Subject to the discretion of the Board and the approval of the Superintendent, credit cards may be used for eligible goods and services including:

- A. transportation reservations and expenses;



- B. conference registrations;
- C. hotel reservation guarantees and expenses;
- D. reasonable meal expenses (both in-town and out-of-town), including a maximum gratuity of eighteen percent (18%), but excluding alcoholic beverages;
- E. purchases from vendors who do not accept purchase orders or vouchers, with prior approval from the Superintendent;
- F. safety and security reasons in connection with a student field trip, competition, and/or other activity or event, if monies are budgeted and deposited with the Treasurer/CFO in advance; and
- G. other purchases approved by the Superintendent on a case by-case basis.

The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards shall be as follows:

- A. Credit Card Issuance: To issue a District credit card to any employee, a formal written request shall be made to the Treasurer stating one or more of the reasons set forth in this policy as the purpose for the credit card usage.
- B. Credit Card Reissuance: To reissue a District credit card to any employee, a formal written request shall be made to the Treasurer stating whether the credit card has been lost, stolen, and/or possibly unauthorized used.
- C. Credit Card Cancellation: To cancel a District credit cards issued and/or reissued to any employee, the Treasurer/CFO shall make the proper notification to the credit card company.
- D. Reporting Lost or Stolen Credit Cards: Officers and employees are liable in person and upon official bond for any unauthorized use of credit cards and any officer or employee who suspects the loss, theft, or possibility of unauthorized use of a credit card must notify the Treasurer/CFO immediately, who shall notify the Board.

The Board prohibits the use of debit card accounts except for the receipt of grant monies. Any officer or employee of the District who uses a debit card account for any other purpose is guilty of the criminal offense of misuse of credit cards.

Use of the District credit card for any cash withdrawal transaction is strictly prohibited.

The Treasurer/CFO shall retain general possession and control of the credit card account or presentation instruments related to an account, such as credit cards and checks.

Inappropriate or illegal use of the credit card and/or failure to strictly comply with the limitations and requirements set forth in policies may result in a loss of credit card privileges, disciplinary action, up to and including termination, personal responsibility for any and all inappropriate charges, including finance charges and interest assessed in connection with the purchase, and/or possible referral to law enforcement authorities for prosecution. Violations will also be reported to the applicable licensure board(s).

The Board authorizes the following employees to use District credit cards:

- A. Superintendent;
- B. Executive Director of Career and Technical Education;
- C. Treasurer;
- D. Executive Administrative Assistant;
- E. Treasurer Staff;
- F. Administrative Staff;
- G. Instructional Staff; and
- H. Business/Development/Marketing Staff.

Each request for use of a District credit card shall contain:

- A. date needed;
- B. date to be returned;
- C. purpose; and/or
- D. Purchase Order Number.

Upon receipt of a District credit card, employees shall:

- A. Inform merchants that the purchase is for “official School District business” and is not subject to State or local sales tax. However, if the merchant fails to waive the tax, the employee shall pay it. For large purchases where the merchant refuses to waive the tax, the employee shall present a tax exemption form.

- B. Maintain credit cards in a secure fashion and prevent unauthorized charges to the account.
- C. Use reasonable care when making purchases online, refrain from providing the credit card number to unknown online merchants, and do not auto-save credit card number for any online account.
- D. Maintain sufficient documentation of all purchases, including, but not limited to, charge receipts, original cash register slip or other detailed receipt, and invoices.
- E. Provide documentation of all purchases to the Treasurer/CFO in a timely manner to ensure prompt payment.
- F. Refrain from allowing anyone else to use the credit card or account number.
- G. Refrain from splitting the costs of an invoice or purchase in order to circumvent the credit card process and established, pre-approved single purchase limits, monthly spending limits, and/or funds availability.

The officer or employee is liable in person and upon any official bond to reimburse the District the amount for which the officer or employee does not provide itemized receipts in accordance with the credit card policy described herein.

After use, District credit cards are to be returned to the Treasurer/CFO along with appropriate receipt copies of all charges within two (2) business days upon completion of any approved use.

Employees, when possible, shall include an original cash register slip or other detailed receipt (i.e., a receipt from a restaurant itemizing all purchases made), in addition to the receipt copy of all charges. In addition, employees shall include, shipping documents and receipts received with the merchandise.

Employees shall specify on the back of the receipt the following information:

- A. a brief description of the school-related purpose of the purchase; and
- B. the names and affiliation of each attendee if a purchase is made on behalf of a group of individuals.

Failure to return District credit cards and/or receipts within the above-referenced time period may result in the suspension of credit card privileges and/or charges being deemed unrelated or unsubstantiated.

Employees shall be responsible for any and all unrelated or unsubstantiated purchases and shall be required to make full reimbursement to the District within thirty (30) business days.

If an employee reimburses the District for an unsupported purchase, it shall be documented in the monthly credit card reconciliation.

The Treasurer/CFO will keep a record/activity log of all credit card uses and review and approve all purchases to verify that the expenses are incurred in connection with Board-approved or school-related activities, are for the benefit of the District, and serve a valid and proper public purpose prior to disbursing public funds for payment of such expenses.

Upon receipt of the appropriate documentation, credit card expenditures will be paid through the Treasurer's office.

The Treasurer/CFO will monitor the credit card account(s) and reconcile all credit card accounts on a monthly basis.

The Treasurer/CFO shall file a report with the Board annually, detailing all rewards received based on the use of District's credit card account.

## 6424 - **PROCUREMENT CARDS**

The Board of Education recognizes that procurement cards offer a convenient and efficient method of purchasing minor goods and services, and therefore authorizes the use of procurement cards. The Board authorizes the Treasurer/CFO to obtain procurement cards for use with Board-approved vendors. The name of the District shall appear on each card.

Procurement cards are cards issued to authorized employees to make purchases of designated items at authorized businesses, and are linked to either a credit card or bank account. They function like a credit card, except that there are more options for spending controls.

The Treasurer/CFO shall establish per purchase and per month dollar limits with each voucher for every procurement card, the total value of which shall not exceed \$50,000 per year. The Treasurer/CFO may also establish limits on the number of purchases that may be made per day, week, or month with the card. Purchases must be limited to items in the following Merchant Category Codes:

- A. office supplies
- B. printing and stationery
- C. catering and other food purchases
- D. computers and software
- E. other purchases approved on a case-by-case basis

The bank manages the procurement card and will provide invoices at least monthly. The Treasurer/CFO will approve these invoices prior to payment being made. Employees shall submit itemized receipts after purchases are made.

The Board authorized the following employees to use procurement cards:

- A. Treasurer
- B. Superintendent
- C. Maintenance Director
- D. Principals

Employees who use a procurement card are subject to all procedures and restrictions that apply to the use of credit cards summarized in Policy 6423, as well as administrative guidelines developed by the Treasurer/CFO.

All approved cardholders must agree to abide by procurement card procedures and regulations set forth in this policy as well as Policy 6423 and relevant administrative guidelines. All transactions must be made by the individual to whom the card is issued. Employees are responsible for the security and physical custody of the card. Lost or stolen cards shall be reported immediately to the Treasurer/CFO.

Employees may use procurement cards only for school-related purposes in accordance with State law and Board policy. Procurement cards shall not be used or circumvent the general purchasing procedures required by Ohio law and Board policy. The procurement card may never be used to purchase alcohol or personal items or services, nor is the personal gain of credit card rewards such as bonus points, frequent flyer miles, or any other affinity program reward program permitted under any circumstances.

Cardholders will immediately surrender their cards upon request of the Treasurer for administrative reasons and shall surrender their cards upon separation from employment. This policy and related administrative guideline cannot cover every issue, exception, or contingency that may arise during the cardholder's use of the procurement card.

The Treasurer shall conduct independent regular reviews of each cardholder's activity to verify that the purchasing card is being used in accordance with this policy and administrative guidelines. Prices for commonly priced items should be periodically verified to prevent schemes of purposeful price inflation.

## 6440 - COOPERATIVE PURCHASING

The Board recognizes the advantages of centralized purchasing in that volume buying tends to maximize value for each dollar spent. The Board, therefore, encourages the administration to seek advantages in savings that may accrue to this District through joint agreements for the purchase of supplies, equipment, or services with the governing body(ies) of other governmental units.

The Board authorizes the Superintendent and/or Treasurer/CFO to negotiate such joint purchase agreements for services, supplies, and equipment which may be determined to be required from time to time by the Board and which the Board may otherwise lawfully purchase for itself, with governmental contracting units as may be appropriate in accordance with applicable laws and regulations, the policies of this Board, and the dictates of sound purchasing procedures.

Cooperative or joint purchases require an agreement approved by the Board and the participating contracting body(ies) which shall specify the categories of equipment and supplies to be purchased; the manner of advertising for bids and of awarding contracts; the method of payment by each participating party and such other matters as may be deemed necessary to carry out the purposes of the agreement. Such agreements are subject to all legal bidding requirements.

## **6450 - LOCAL PURCHASING**

The Board recognizes its position as a major purchaser in this community, and while it is the intention of the Board to purchase materials and supplies of quality at the lowest possible cost through widespread competition, if all other considerations are equal, the Board prefers to purchase within the District from established local merchants.



## 6460 - **VENDOR RELATIONS**

The Board shall not enter a contract knowingly with any supplier of goods or services to this District under which any Board member or officer, employee, or agent of this District has any pecuniary or beneficial interest, direct or indirect, unless the person has not solicited the contract or participated in the negotiations leading up to the contract. This prohibition shall not prevent any person from receiving royalties upon the sale of any educational material of which s/he is the author and which has been properly approved for use in the schools of this District.

Board members and school personnel shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Furthermore, Board members and school personnel shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, Board members or school personnel who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the District, or a vendor with whom the District is doing business, whereby an individual Board member or member of the school staff receives compensation in any form for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a Board member or member of the school staff receives such compensation, albeit unsolicited, from a vendor, the Board member or school staff member shall notify the Treasurer/CFO, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Treasurer/CFO at his/her earliest opportunity.

Nothing herein shall prevent an District employee, who is not in a position to negotiate or authorize a contract with a vendor, from accepting a discount on goods purchased for personal use from a vendor with whom the Board does business (i.e., that has a contract with the Board) provided the vendor (a) extends the same discount to all of its customers and does not limit it to officials and employees of the District, (b) offers a uniform discount to all eligible school officials and employees, without limiting the offer to employees with official duties or responsibilities affecting the vendor's financial interest, and (c) does not offer the discount to school officials and employees in exchange for the performance of their public duties. Board members and/or school personnel who negotiate or authorize a vendor's contract are prohibited from accepting any discount offered by the vendor for his/her personal use. Such individuals also shall not suggest that the vendor offer an employee discount as part of the public contract.

All sales persons, regardless of product, shall clear with the Superintendent's office before contacting any teachers, students, or other personnel of the District. Purchasing personnel shall not show any favoritism to any vendor. Each order shall be placed in accordance with policies of the Board on the basis of quality, price, and delivery with past service a factor if all other considerations are equal.

In accordance with applicable laws and regulations, Board Policy 4121, and Board Policy 8142, a criminal background check is required of any non-teaching employee, including individuals employed by a private company/vendor under contract with the Board to provide essential school services who shall work within the District in a position which does not require a license issued by the State Board, is not for the operation of a vehicle for student transportation, but does involve routine interaction with a child or regular responsibility for the care, custody, or control of a child.

## **6470 - PAYMENT OF CLAIMS**

The Board directs the prompt payment of legitimate claims by suppliers of goods and services to the District.

Each bill or obligation of this Board shall be fully itemized and verified before a voucher can be drawn for its payment.

When an invoice is received, the Treasurer/CFO or designee shall verify that a voucher is properly submitted and that the amount of the invoice is correct.

The originator of the purchase order shall verify that acceptable goods were received or satisfactory services were rendered and the date of receipt.

All payments shall be submitted for Board review in the form of a listing that includes the vendor's name; the number and amount of the check; and the description of the item.

## **6510 - PAYROLL AUTHORIZATION**

The most substantial payment of public funds for the operation of the District is that which is made to the employees of the Board for services rendered. To verify that each person so compensated is validly employed by this District and that the compensation remitted fairly represents the services rendered, this policy is promulgated.

Employment of all District personnel whether by the year, term, month, week, day, or hour in contract, temporary, or substitute form shall be approved by the Board except where authority to appoint certain personnel of the District has been delegated to the Superintendent.

Each motion of the Board to employ or reemploy a staff member shall include the name of the individual, the position title, and the effective date of employment.

## 6520 - PAYROLL DEDUCTIONS

To the extent permitted by law, the Board authorizes deductions to be made from an employee's paycheck upon proper authorization on the appropriate form for the following purposes:

- A. Federal and State income tax
- B. Social Security or retirement contribution
- C. municipal income tax
- D. School District income tax
- E. School Employees Retirement System
- F. State Teachers Retirement System
- G. Section 125 deductions (cafeteria plans)
- H. savings in a chartered credit union
- I. contributions to charitable and not-for-profit corporations and community fund organizations
- J. 457 Deferred Compensation Plans
- K. Payment of dues to labor or other organizations
- L. Payment of group insurance premiums for a plan in which at least ten percent (10%) of the District employees participate
- M. Payment for benefit of part-time employees who elect to participate in benefits provided to full-time staff

In any case where the employee designates the agent, broker, or company through whom the Board shall arrange for the placement or purchase of the tax-sheltered annuity, the agent, broker or company shall execute a reasonable service agreement, an information sharing agreement, and/or other similar agreements as determined at the discretion of the Board. The service agreement shall protect the District from any liability attendant to procuring the annuity (i.e., a "hold harmless") in accordance with provisions of the Internal Revenue Code and any other applicable laws and regulations.

In cases when an employee is absent from duty and there is no sick leave applicable, or when the absence is unauthorized, the salary deduction for each day of absence shall be based on the employee's daily rate and any Board paid benefits.

## **6550 - TRAVEL PAYMENT & REIMBURSEMENT**

Travel expenses incurred for official business travel on behalf of the Board shall be limited to those expenses necessarily incurred by the employee in the performance of a public purpose authorized, in advance, upon prior approval of the Superintendent or designee.

Maximum reimbursement rates for meals and lodging shall be approved by the Board annually. The Board establishes mileage rates at the Federal IRS prescribed mileage rate. Reimbursement of such expenditures shall only occur after submission of detailed receipts evidencing the actual and legal payment of the same to the Office of the Treasurer/CFO.

Employees are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized

costs and additional expenses incurred for personal preference or convenience shall not be reimbursed and may be subject to corrective action up to and including termination.

Unauthorized expenses include but are not limited to alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

Travel payment and reimbursement provided from Federal funds shall be authorized in advance and shall be reasonable and consistent with the District's travel policy. For travel paid for with Federal funds, the travel authorization shall include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the District's travel policy.

To the extent that the District's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services, or by the President or designee, shall apply to travel under Federal awards.

## **6600 - DEPOSIT OF PUBLIC FUNDS: CASH COLLECTION POINTS**

Monies received at cash collection points throughout the District shall be deposited in accordance with this policy. Cash collection points are any areas within a school where money flows into the District. Currently identified cash collection points are admission fees to athletic events, lunchroom sales, classroom fees, student activities/fundraisers, and miscellaneous money coming through the Treasurer/CFO's Office such as grants, interest, donations, sale of fixed assets, and taxes.

Persons who receive monies at cash collection points shall identify any discrepancies in cash receipts or ticket sales. Each seller shall provide a written explanation of each discrepancy to their immediate supervisor, who shall report all findings to the Treasurer/CFO. All discrepancies, even those rectified, shall be reported to the Treasurer/CFO. Such reported information shall be used in performance evaluation and adjudicated in accordance with District procedures or as provided by law.

Acceptance of check or credit card overpayment to provide cash back is prohibited.

Persons who receive monies at cash collection points in the District are required to deposit all monies received with the Treasurer/CFO on the next day of receipt. Persons who receive money at cash collection points are responsible for its safekeeping until the money is deposited with the Treasurer/CFO. Ordinarily, the money shall be secured in a locked desk, file cabinet, safe, or other secure room on school property, and it shall never be taken home. The Treasurer/CFO is directed to develop, distribute, and implement procedures addressing the provision of receipts (where applicable) to the payee(s), and proper segregation of duties for the receipting, depositing, recording, and reporting of cash. These procedures should be particularized to each cash collection point and should include flowcharts as appropriate. The procedures should further address the need for completion of timely bank reconciliations so that "unreconciled differences" can be identified and resolved.

All moneys collected shall be receipted, accounted for, and deposited with the Treasurer/CFO or properly designated depository every twenty-four (24) hours. In the event that the person in charge of an activity is unable to deposit the money within twenty-four (24) hours, the money shall be accounted for and deposited in the building safe of each District building. If a safe is not available, then the money shall be deposited in the Treasurer/CFO Office's safe. If the amount does not exceed \$1,000.00, the money can be held no longer than three (3) business days after receipt before being deposited. If the amount is more than \$1,000.00, or the money cannot be adequately safeguarded, it shall be deposited on the next business day following the date of receipt.

No more than \$50.00 shall be left overnight in a District building if that building does not have a safe.



## 6605 – CROWDFUNDING

This policy applies to the use of any form of crowdfunding utilizing an online service or website-based platform for the financial benefit or gain of the District – be it a specific classroom, grade level, department, school, or curricular or extracurricular activity.

“Crowdfunding is defined as the solicitation of resources from individuals and/or organizations to support identified activities or projects that enhance the educational program or a specific cause approved by the District. The solicitation is typically from a large number of individuals/organizations utilizing internet-based technologies.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extracurricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Superintendent.

All approved crowdfunding activities shall protect the privacy of students, children, and young adults in accordance with District policies and administrative guidelines and applicable State and Federal law, including FERPA and IDEIA.

Materials, supplies, equipment, and other proceeds of the crowdfunding activity shall become property of the District or school. Cash or equivalent payment to District personnel is prohibited. All fiscal transactions shall comply with appropriate District policies.

All crowdfunding activities are subject to AG 6605.

## 6610 - STUDENT ACTIVITY FUND

It is the purpose of this policy to establish financial controls for the administration of the normal, legitimate, co-curricular activities of the student body organization.

For purposes of this policy, a “student activity fund” may include, but not be limited to co-curricular and approved extra-curricular activities such as clubs, publications, etc.

Each activity covered by this policy must be recognized by the Board of Education before moneys can be collected or disbursed in the name of said activity. Any and all proposed expenditures from a student activity fund must be approved by the Board or its designee prior to disbursement and must serve a valid and proper public purpose.

The Superintendent is directed to obtain annually, a list of student activities with a brief description of their objectives, activities, and limitations of each fund.

The Board will review the list upon submission to determine if the objective of each fund serves a continuing District need. The Board authorizes the maintenance of approved student activity funds.

The Board may facilitate the co-curricular program by providing up to one-half of one percent (1/2 of 1%) of its annual operating budget to help defray the cost of the activities.

All other activities shall be on a self-sustaining basis.

The Board authorizes the Superintendent to act on its behalf to review and approve each expenditure from a student activity fund prior to disbursement. In approving an expenditure, the Superintendent shall ensure that it is related to achieving one or more of the stated purposes for which the student activity has been organized and will serve a valid and proper public purpose.

A charitable donation may be made to an organization or individual in accordance with the Treasurer's guidelines for activity fund expenditures.

An expenditure shall not be approved if it accrues to the personal benefit of a member of the staff or a member of the student group. Monies are not to be disbursed to a school class or group for any activity or event that will occur after the students have graduated.

There shall be established in the fund(s) an account for the use of needy students to be disbursed at the discretion of the Superintendent.

Fund raising for all student activities will be in accordance with Board Policy 5830 and Policy 9700.

All monies accumulated in the account of a specific class or activity will, upon the discontinuance of the activity, be disposed of in accordance with the recommendation approved by the Superintendent.

The Superintendent shall implement administrative guidelines which will ensure that all student activity funds are managed, recorded, and deposited in accordance with law and sound fiscal practice.

## 6620 – PETTY CASH FUNDS

The Board of Education recognizes the convenience afforded the day-to-day operation of the schools by the establishment of one (1) or more petty cash funds. Therefore, the Board shall adopt annually a resolution establishing one (1) or more petty cash funds. This resolution shall:

- A. specify the maximum amount to be placed in each individual petty cash fund;
- B. specify the maximum amount of any single expenditure from that petty cash fund;
- C. require the Treasurer to designate the District official(s) who will be designated custodian(s) of each individual fund and therefore, authorized to expend money from that fund.

The Board shall require the imposition of such controls as will prevent abuse of such funds. Accordingly, the Treasurer shall develop guidelines specifying the fund controls for any petty cash fund.

Each custodian of a petty cash fund shall ensure that the funds in his/her care shall be disbursed only for minor expenditures not readily deferred. No petty cash fund may be used to circumvent the purchasing procedures required by law and the policies of the Board. A request for disbursement from a petty cash fund must be made in writing, be signed by the person making the request, and include such supporting documentation as may be appropriate. Disbursements from a petty cash fund will be made in cash. The petty cash box must be secured daily.

The custodian of each petty cash fund shall prepare a schedule of disbursements when the funds available have declined to less than twenty-five percent (25%) of the full amount authorized and shall show the disbursements by line account numbers. The custodian shall submit the schedule to the Treasurer with a voucher requesting replenishment in like amount.

All petty cash funds will be closed out for an audit at the end of the school year and unused funds will be returned to the depository. The Treasurer will be responsible for conducting said audit of each petty cash fund and shall report the results of the audit to the Board.

#### **6625 – PETTY CASH ACCOUNTS**

The Board of Education recognizes the convenience afforded the day-to-day operation of the schools by the establishment of one (1) or more petty cash accounts. Therefore, the Board shall adopt annually a resolution establishing one (1) or more petty cash accounts. This resolution shall:

- A. specify the maximum amount to be placed in each individual petty cash account;
- B. specify the maximum amount of any single expenditure from that petty cash account;
- C. require the Treasurer to designate the District official(s) who will be designated custodian(s) of each individual account and therefore authorized to draw money from that account;
- D. authorize the Treasurer to open accounts at a local financial institution for each petty cash account.

The Board shall require the imposition of such controls as will prevent abuse of such accounts. Accordingly, the Treasurer shall develop guidelines specifying the account controls for any petty cash account.

Each custodian of a petty cash account shall ensure that the funds in his/her care shall be disbursed only for minor expenditures not readily deferred. No petty cash account may be used to circumvent the purchasing procedures required by law and the policies of the Board. A request for disbursement from a petty cash account must be made in writing, be signed by the person making the request, and include such supporting documentation as may be appropriate. Disbursements from a petty cash account may be made by check signed by the designated custodian of the petty cash account and drawn on a checking account for that petty cash account or by debit card for the checking account for that petty cash account that is issued in the name of the custodian of that petty cash account.

The custodian of each petty cash account shall prepare a schedule of disbursements when funds available have declined to less than twenty-five percent (25%) of the full amount authorized and shall show the disbursements by line account numbers. The custodian shall submit the schedule to the Treasurer with a voucher requesting replenishment in like amount.

All petty cash accounts will be closed out for an audit at the end of each school year and unused funds will be returned to the depository. The Treasurer will be responsible for conducting said audit of each petty cash account and shall report the results of the audit to the Board.



**6670 - TRUST AND AGENCY FUND**

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The Board directs the establishment of a Trust and Agency Fund for the financial administration of scholarship and other trusts operated for the benefit of students and duly approved by the Board.

The Treasurer/CFO shall be responsible for the administration of the Trust and Agency Fund. The Fund shall be audited annually and shall be administered under appropriate accounting controls. The books of account shall record income and expenses separately for each approved area.

## 6680 - **RECOGNITION**

The purpose of this policy is to permit the Board to honor its staff, former Board members, and other nonemployee persons with plaques, pins, token retirement gifts and awards, and other amenities.

The Board wishes to also honor staff, students, citizens, and advisory groups for their contributions with appropriate recognitions and authorizes administrators to purchase meals, refreshments, and/or other amenities to further the interests of the District and to be reimbursed for such purchases if they are initially made with the administrators' personal funds.

The Board hereby affirms that the expenses incurred as listed above do serve a valid and proper public purpose. However, under no circumstances shall public funds be expended for the purchase of alcoholic beverages. The Board believes that the "public purpose" served is the promotion of education, rapport with the business community, community relations, and the encouragement of nonemployees to serve as volunteers, as well as furthering other legitimate interests.

The funds shall be made available from Board funds.

## 6700 - FAIR LABOR STANDARDS ACT (FLSA)

It is the Board's policy to comply with the provisions of the Fair Labor Standards Act (FLSA) and its implementing regulations. To that end, the Board shall pay at least the minimum wage required by the FLSA to all covered, non-exempt employees. Further, the Board recognizes the safe and efficient operation of the District may occasionally require covered, non-exempt employees to work more than forty (40) hours during a given work week. Work week is defined as the seven (7) day period of time beginning on Sunday at 12:00 a.m. and continuing to the following Saturday at 11:59 p.m. Covered, non-exempt employees who work (i.e., perform work on behalf of or for the benefit of the Board) more than forty (40) hours in a given work week shall receive premium pay (i.e., one and one-half (1 1/2) times the employee's regular hourly rate of pay) for all hours worked in excess of forty (40).

The Superintendent or designee shall determine the necessity and availability of overtime work. Overtime may be authorized only by a supervisor and shall be used primarily to address circumstances of an emergency or temporary nature. Non-exempt employees who work overtime without prior approval from the Superintendent or a supervisor may be subject to disciplinary action up to and including termination.

Exempt employees are individuals who are exempt from the FLSA minimum wage and overtime provisions. These employees include persons employed in bona fide executive, administrative, and professional positions, and certain computer employees. To qualify for the exemption, employees generally shall meet certain tests regarding their job duties and be paid on salary basis at not less than \$684 per week. The salary requirement does not apply to teachers. Exempt computer employees may be paid at least \$684 on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. Additionally, the predetermined amount cannot be reduced because of variation in the quality or quantity of the employee's work. Subject to the exceptions listed below, an exempt employee shall receive the full salary for any work week in which the employee performs any work, regardless of the number of days or hours worked.

Notwithstanding the fact that exempt District employees continue to meet the salary basis requirements and are not disqualified from exemption even if the employee's pay is reduced or the employee is placed on a leave without pay for absences for personal reasons or because of illness or injury of less than one (1) work-day because accrued leave is not used for specific reasons, the Board reserves the right to make deductions from the pay of otherwise exempt employees under the following circumstances:

- A. the employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability;

- B. the employee is absent from work for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness;
- C. to offset amounts employees, receive as jury or witness fees, or for military pay;
- D. for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule infractions; and/or
- E. for penalties imposed in good faith for infractions of safety rules of major significance.

The Board shall also not be required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family & Medical Leave Act.

The Board recognizes that with limited legally permissible exceptions, no deductions should be taken from the salaries of exempt employees. If an exempt employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to the Superintendent, Treasurer/CFO, or his/her immediate supervisor. Reports of improper deductions shall be promptly investigated. If it is determined that an improper deduction has occurred, the employee shall be promptly reimbursed for any improper deduction made, and the Board shall make a good faith commitment to avoid any recurrence of the error.

The Board directs the Superintendent to distribute this policy to all employees upon initial hire and on an annual basis.

## 6800 - SYSTEM OF ACCOUNTING

As specified by the Auditor of State, the Board of Education uses the Uniform School Accounting System as the chart of accounts by which it keeps an accounting of all District funds. The District's financial records shall show sources of revenue, amounts received, amounts expended, and the disposition of public property. The Treasurer shall complete an accounting of all capital assets to protect the financial investment of the District against catastrophic loss. Further, the Treasurer shall establish procedures and regulations necessary to properly account for capital assets and comply with generally accepted accounting principles (GAAP) and ensure that the District's capital assets are properly insured.

The District's system of accounting shall comply with all requirements of the Governmental Accounting Standards Board, Statement No. 54 (GASB 54). In accordance with GASB 54, the District will report its fund balances in the following categories:

- A.     Nonspendable fund balance - amounts that cannot be spent because they are either (a) not in a spendable form (which includes items that are not expected to be converted to cash – e.g., inventories or prepaid amounts) or (b) legally or contractually required to be maintained intact (e.g., the corpus of an endowment fund).
- B.     Restricted fund balance - amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation.
- C.     Committed fund balance - amounts constrained to specific purposes by the Board; to be reported as committed, amounts cannot be used for any other purpose unless the Board takes action to remove or change the constraint.
- D.     Assigned fund balance - amounts the Board intends to use for a specific purpose but are neither restricted nor committed; intent can be expressed by the Board or by an official or committee to which the Board delegates the authority.
- E.     Unassigned fund balance - amounts that are available for any purpose; these amounts are reported only in the general fund.

The Board authorizes its auditors and directs its administrative staff to take all steps necessary to comply with the requirements of GASB 54. All revenue and funds will be designated to one of the above categories.

The Treasurer shall maintain a proper accounting of all District funds. S/He shall ensure that expenditures are budgeted under and charged against those accounts that most accurately describe the purpose for which such monies are to be or have been spent. Wherever appropriate and practicable, salaries of individual employees, expenditures for single pieces of equipment, and the like shall be prorated under the several accounts that most accurately describe the

purposes for which such monies are to be or have been spent.

The Treasurer shall receive all vouchers for payments and disbursements made to and by the Board and preserve them for the statutorily required period.

The Treasurer shall implement procedures and practices that will determine: (1) Capitalization policies for District assets (i.e., which assets will be capitalized and depreciated over their estimated useful life versus which assets will be expensed in year of purchase); Methods for calculating annual and accumulated depreciation expense for assets including estimates for asset lives, residual asset values, and depreciation methodology; and (3) Procedures for recording gain or loss on sale of capital assets and proceeds from the sale of capital assets in compliance with GAAP Reporting of estimated cash values or replacement values to District insurance providers.

The Treasurer shall report to the Board and Superintendent on a monthly basis (or more often if required) the revenues and expenditures in the fund reporting categories established above. The Treasurer's statement shall show revenues and receipts from whatever source derived, the various appropriations made by the Board, the expenditures and disbursements therefrom, the purposes thereof, the balances remaining in each appropriation, and the District's assets and liabilities. At the end of the fiscal year such statement shall be a complete exhibit of the District's financial affairs and may be published and distributed with approval of the Board.

The Treasurer is responsible for filing in a timely manner, on behalf of the Board, an annual report with the Auditor of State, on prescribed forms, that states the following:

- A. amount of collections and receipts, and accounts due from each source
- B. amount of expenditures for each purpose
- C. amount of the District's debt, the purpose for which each item of such debt was created, and the provision made for the payment thereof, and
- D. other information as the Auditor prescribes on the form

Simultaneous with filing the annual report with the Auditor, the Treasurer shall publish a notice in a newspaper published in the District, or, if there is none, in a newspaper of general circulation in the District. The notice shall state the financial report has been completed and is available for public inspection at the Treasurer's office.

In addition to the preceding annual report and notice, the Treasurer also shall file all required financial reports as specified by the Superintendent of Public Instruction.

The Board's annual financial statements shall also include information such as: (1) beginning and ending balances of capital assets; (2) beginning and ending balances of accumulated depreciation, and (3) total depreciation expense for the fiscal year.

Such reporting shall include description of significant capital asset activity during the fiscal year including: acquisitions through purchase or donation, sales or dispositions including the proceeds and gains or losses on the sale, changes in methods of calculating depreciation expense or accumulated depreciation, such as, estimates of useful life, residual values, depreciation methodology (e.g., straight line or other method).

Before implementing procedures or changing procedures, the Treasurer will review the proposed procedure with the auditor appointed by the Board to conduct the Board's financial audit. The procedures established shall comply with all statutorily required standards and generally accepted accounting procedures.

## 6830 - AUDIT

The Board requires, after the close of the fiscal year (June 30th), that an audit of all accounts of the District be made annually by an independent, certified public accountant or the State Auditor's Office. The audit examination shall be conducted in accordance with generally-accepted auditing standards and shall include all funds over which the Board has direct or supervisory control.

The District shall also prepare and publish a statement of the financial condition of the District at the close of each fiscal year.

Findings for recovery should be reported to the Superintendent, Treasurer/CFO, and Board. It is the Board's preference that an employee shall not be named in a finding for recovery unless such employee directly performed the action causing the finding and benefited personally from such action.

In the event an audit indicates a finding for recovery involving a shortage of funds, finding for recovery should be made against the employee who directly handled the cash, checks, money orders, or other form of payment.

In the event an audit indicates a finding for recovery related to the improper spending of District funds or the conversion of District funds or assets for personal use, the finding for recovery should be made directly against the employee who improperly spent the District funds or converted the District funds or assets for personal use. This provision includes, but is not limited to, employees that fail to be properly licensed and accept compensation in violation of applicable laws and regulations, employees that accept compensation from falsified pay documents, and employees that accept compensation known to be in error and do not timely report for correction.

Any finding for recovery should be reported to and jointly made against the District's bonding company.



## 6835 – AUDIT COMMITTEE

The Board of Education establishes an Audit Committee to serve as a professional link between the Board and the independent auditors. The audit committee is charged with assisting the Board to understand unfamiliar audit terminology and concepts, and to verify that audit recommendations are addressed in a timely and appropriate manner. Specifically, the audit committee is directed to perform the following functions:

- A. review the annual unaudited financial report submitted to the Auditor of State
- B. periodically review the process used to prepare interim financial information submitted to the Board
- C. review audit results
- D. assure that the audit recommendations are appropriately addressed
- E. assure auditors' independence from the Board and Administration
- F. serve as liaison between the Board and the independent auditors

The audit committee will consist of five (5) members. While up to two (2) school officials may serve on the audit committee, a majority of the members will be persons independent of the Board and Administration. Members of the audit committee must be professionals knowledgeable in District operations and in governmental accounting/auditing (e.g., attorneys, banker). The Board will appoint audit committee members by Board resolutions at its annual meeting and the members will serve a one (1) year term.

The audit committee is expected to meet quarterly to monitor the District's financial reporting and control activities, and with its independent auditors before and after each audit. The audit committee is further directed to meet at least twice during the audit process:

- A. before the auditors begin the audit, to review audit plans and communicate any special area of concern; and
- B. near the end of the audit, to review the draft audit report.

To assist the audit committee in carrying out its functions, auditors are requested to communicate the following information to the members of the audit committee:

- A. the auditors' professional responsibility under generally accepted auditing standards
- B. selections of accounting policies

- C. sensitive accounting estimates
- D. significant audit adjustments
- E. disagreements with management
- F. difficulties encountered in performing the audit

At least annually, the audit committee is responsible for presenting a formal report, which details its activities, to the Board and the community.

# PROPERTY

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## 7217 - WEAPONS

The Board prohibits visitors from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle, except as permitted by law.

The term “weapon” includes any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including air and gas-powered guns, (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and incendiary devices, explosives, and other objects defined as dangerous ordinances under State law.

The Superintendent shall immediately refer a visitor who violates this policy to law enforcement officials and may take any necessary steps to exclude the visitor from Board property and Board-sponsored events, regardless of whether such visitor possesses a valid concealed weapon license.

Exceptions to this policy include:

- A. weapons under the control of State or Federal agents authorized to carry deadly weapons who are acting within the scope of their duties or law enforcement agents;

- B. weapons carried by security personnel or other designated staff employed by the Governing Board who are qualified under State law to carry a weapon in a school safety zone while on active duty;
- C. handguns in the possession of a person who has a valid concealed handgun license or who is an active duty member of the armed forces with a valid military identification card and documentation of successful completion of firearms training if the handgun remains in a vehicle with the individual or is left in a locked vehicle when the person exits the vehicle;
- D. objects indistinguishable from a firearm used during school safety trainings;
- E. items indistinguishable from a firearm approved by a Superintendent or designee as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved (working firearms and ammunition shall never be approved);
- F. theatrical props used in appropriate settings; and
- G. starter pistols used in appropriate sporting events.

The Board directs the Superintendent to post notices prohibiting the carrying and possession of concealed weapons in a school safety zone, including schools and school buildings, on school premises and school buses, and at school activities. The notices shall contain a statement substantially in the following form:

Unless otherwise authorized by law, pursuant to Ohio Revised Code 2923.122, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into a school safety zone.

The Superintendent shall conspicuously post such notices at each entrance of a school and/or school building and in areas inside the building where visitors are required to report. Notices shall also be posted at each entrance leading into a school activity (particularly those activities held outside of the school building) and parcel of land. Further, notices shall be posted in each school bus and other Board-owned vehicle, including a school van.

## **7230 - GIFTS, GRANTS, AND BEQUESTS**

The Board is duly appreciative of public interest in and good shall toward the schools manifested through gifts, grants, and bequests. The Board reserves the right, however, to specify the manner in which gifts are made; to define the type of gift, grant, or bequest which it considers appropriate; and to reject those which it deems inappropriate or unsuitable. If accepted, the Board shall attempt to carry out the wishes of the donor.

All gifts, grants, or bequests shall be submitted to the Board, and if accepted, acknowledged by the Board. All accepted gifts, grants, or bequests shall be acknowledged by the Board.

Gifts, grants, and bequests shall become the property of the Board and shall be subject to use by the District as determined by the policies applying to all properties, equipment, materials, and funds owned by the Board.

Any equipment proposed to be purchased by a parent organization for use in the school or at a District-related event shall be submitted to the Board, prior to purchase, so it can determine if the District would incur any liability by its use.

The Board reserves the right to not accept such liability and thus deny the use of the equipment by students or District employees.

## 7240 - SITE ACQUISITION

It is the policy of the Board that real property acquisition price be based on a true value with regard for fair remuneration to the seller but not on enhancement of the value of the site to the seller. The presence of a school to service a potential development in itself enhances the profit potential to a developer. It is the Board's sole purpose to provide a service to the residents in a development at the least possible cost to the taxpayers.

The Superintendent shall be responsible for site acquisition negotiations. Negotiations for site acquisition shall take into consideration the following:

- A. Purchase price shall be based on the last transaction price, taxes on the property after platting, and a reasonable interest earning on the investment based on the current cost of money.
- B. Roadways and utility costs to be shared shall be calculated on a front footage basis of the proposed site and shall be included only where actual installation has occurred.
- C. Development costs as engineering, earthmoving, litigation, etc. in determining the fair value of the site to be purchased.

## **7250 - NAMING OF AND LOGOS FOR PROGRAMS, SERVICES, AND FACILITIES**

In the naming of School District programs, services, schools, and facilities and the development of logos and other representations of same, it is the desire of the Board that the brand and trademarks of our School District be primary considerations. These brand names and trademarks include, but are not limited to:

- A. The Mathews Local School District
- B. Mathews Local
- C. Mathews
- D. Mustangs
- E. <http://www.mathewslocal.org>



F. The colors red, black, and white

G. The following illustrative example of the high school crest:



H. District logos with a mustang following illustrative example:



## **7300 - DISPOSITION OF REAL PROPERTY/PERSONAL PROPERTY**

The Board believes that the efficient administration of the District may require the disposition of real property and/or personal property that is no longer necessary to meet the educational or operational needs of the District.

“Real Property” means land, including land improvements, structures, and appurtenances thereto, but excludes moveable machinery and equipment.

“Personal Property” means tangible property other than real property. It may be tangible, having physical existence, or intangible and may include automotive vehicles, equipment, and materials.

All property considered with a de minimis value for disposition or sale shall be subjected to a current, outside, professional appraisal prior to the solicitation of offers.

### **Disposition of Personal Property under \$10,000**

Personal property, the value of which does not exceed \$10,000, shall be disposed of by the Superintendent in such a manner as shall be in the public interest and benefit the District (see Board Policy 7300 - Disposition of Real Property/Personal Property and Board Policy 7310 – Disposition of Surplus Property). If the Board decides to trade an item of personal property as a part or an entire consideration on the purchase price of an item of similar personal property, the Board may trade the personal property upon such terms as are agreed upon by the parties.

### **Disposition of Personal Property under \$10,000**

Personal property, the value of which does not exceed \$10,000, shall be disposed of by the Board in such a manner as shall be in the public interest and benefit the District (see Board Policy 7310 and Donation of Real or Personal Property). If the Board decides to trade an item of personal property as a part or an entire consideration on the purchase price of an item of similar personal property, the Board may trade the personal property upon such terms as are agreed upon by the parties.

### **Disposition of Real Property under \$10,000**

Real property, the value of which does not exceed \$10,000, shall be disposed of by the Board in such manner as shall be in the public interest and benefit to the District and may be accomplished by private sale. If the Board identifies a parcel of real property that it determines is needed for school purposes, the Board may, upon majority vote of the members of the Board, acquire such parcel by exchanging its real property for the parcel or using the real property as part of an entire consideration for the purchase price of the identified real property. Any exchange or acquisition shall be made by conveyance executed by the President and the Treasurer/CFO of the Board.

## **Disposition of Personal and Real Property over \$10,000**

Property, (personal and real), the value of which exceeds \$10,000, shall be sold at public auction to the highest bidder in accordance with law. The Board may offer real property for sale as an entire tract or in parcels.

**A. Unless the property is being:**

1. sold to an exempt entity, as defined in R.C. 3313.41(C);
2. sold to a community school or the Board of trustees of a college preparatory Boarding school, as set forth in R.C. 3313.41(G); or
3. exchanged for an identified parcel of real property that the Board determines it needs for school purposes or the property is being used as part or an entire consideration for the purchase price of the identified real property, pursuant to R.C. 3313.41(F); or
4. traded as a part or an entire consideration on the purchase price for a similar item of personal property upon such terms as agreed to by the parties to the trade pursuant to R.C. 3313.41(E).

The District shall attempt to sell the property by public auction after giving at least thirty (30) day notice of the auction by publication in a newspaper of general circulation.

**B. If, after the property has been offered once by public auction, no acceptable bids have been received, the District may sell the property at private sale. The following procedures shall apply:**

1. Regardless of how the property was offered at public auction, at a private sale, the Board shall, as it considers best, sell real property as an entire tract or in parcels. Personal property shall be sold in either a single lot or several lots.
2. All written offers on real property under consideration for disposition shall be presented as an item on the agenda of a public Board meeting. A preliminary review of offers to purchase or lease shall include the following: source of offer, date of offer, expiration date of offer, and intended use of property.
3. All property considered for lease or sale shall be reviewed by the Board prior to solicitation of offers. The solicitation of offers by the Board shall include an expiration date.

4. The authorized agents of the Board are to review all purchase or lease offers pertaining to sale or lease of property shall be selected by legal counsel and the Superintendent. The Board shall give final approval of all contracts.
  5. In consideration of the best interest of the District and of the residents and taxpayers, the Board reserves the right to reject any and all offers at its sole discretion, regardless of price and terms.
  6. Potential purchasers or lessees shall demonstrate financial capability to meet the terms and conditions of their purchase or lease offer.
- C. If the Board decides to dispose of real property, prior to disposing of the property in the manner set forth above, the Board shall first offer the property to the governing authorities of high-performing community schools and any newly established community schools that are implementing a community school model that has a track record of high quality academic performance, as determined by the Department of Education. If no governing authority from either type of community school expresses an interest in the property within sixty (60) days after the offer is made, the Board shall offer the property for sale to the governing authorities of the start-up community schools and the Board of trustees of any college preparatory Boarding school located within the territory of the District.
1. The Board shall offer the property to any community school governing authority and college preparatory Boarding school Board of trustees at a price that is not higher than the appraised fair market value of the property as determined in an appraisal of the property that is not more than one (1) year old.
  2. In the event that more than one (1) community school governing authority or college preparatory Boarding school Board of trustees accepts the offer made by the Board, the property shall be sold to the community school governing authority or Board of trustees that accepted the offer first in time.
  3. The Board may dispose of the property by public auction only if no start-up community school governing authority or college preparatory Boarding school Board of trustees accepts the Board's offer within sixty (60) days after the subsequent offer.

**D. Disposition of Unused School Facilities**

1. "Unused School Facilities" means any real property that has been used by the ESC for school operations, including but not limited to academic instruction or administration, since July 1, 1998, but has not been used in

that capacity for one (1) year or one in which less than sixty percent (60%) of the building was used for direct academic instruction during the preceding school year.

1. The Board shall first offer any Unused School Facilities it owns for lease or sale to the governing authority of any high-performing community school as defined by applicable laws and regulations. If no governing authority accepts the offer of lease or sale within sixty (60) days, then the Board shall next offer Unused School Facilities to the governing authority of any community school or the Board of trustees of any college preparatory Boarding school that is located within the territory of the District.

At the same time the Board makes the offer to lease or sale, the Board may, but is not required to, offer the property for lease or sale to the governing authority of any community school with plans, as stated in applicable contracts, either to relocate to or add facilities in the District.

2. If more than one (1) qualified Board accepts the Board's offer within sixty (60) days, the Board shall conduct a public auction utilizing the process described above. Only the parties that notify the Board within sixty (60) days may offer a bid at the auction. The Board is not required to accept a bid that is lower than the appraised fair market value of the property as determined by an appraisal that is no more than one (1) year old.
3. Any subsequent lease or sale of the property shall proceed in accordance with law.
4. If no governing authority or Board of trustees accepts the offer to lease or buy the property within sixty (60) days after the subsequent offer is made, the Board may offer the property for sale or lease to any other permissible entity.

- E. Further, the Board may dispose of property upon the majority vote of the members of the Board and a concurring vote of the legislative authority of a municipal corporation, declaring that an exchange of real property held by the District for school purposes for real estate held by the municipal corporation for municipal purposes shall be mutually beneficial to both the District and the municipal corporation. The exchange may be made by conveyances that are executed by the President and Treasurer/CFO of the Board and the Mayor and Clerk of the municipal corporation, respectively.
- F. The Board President and Treasurer/CFO shall execute and deliver deeds or other necessary instruments of conveyance to complete any sale or trade under this policy.

## **Donation of Real or Personal Property**

- A. If the District has property that the Board, by resolution, determines is not needed for school purposes, is obsolete, or is not fit for the use for which it was acquired, the Board may donate the property if the estimated fair market value of such property is \$2,500 or less in the opinion of the Board. The property may only be donated to an eligible 501(c)(3) nonprofit organization located in the State of Ohio and exempt from Federal income taxation under 26 U.S.C. 501(a) and 501(c)(3).
- B. Prior to donating the property, the Board shall adopt a resolution that contains the following:
  - 1. a statement expressing the Board's intent to make unneeded, obsolete or unfit-for-use, District property available to nonprofit organizations;
  - 2. procedures the Board considers to be necessary to implement the donation program;
  - 3. an indication of whether the District shall conduct such program or by a representative under contract with the Board;
  - 4. contact information for such representative if the person is known when the resolution is adopted;
  - 5. a requirement that any nonprofit organization desiring to obtain donated property submit a written notice to the Board or its representative that includes the following:
    - a. evidence that the organization is a nonprofit organization that is located in the State of Ohio and exempt from Federal income taxation;
    - b. a description of its primary purposes;
    - c. a description of the type or types of property the organization needs; and
    - d. the name, address, and telephone number of a person designated by the organization to receive donated property as its agent.
- C. Upon the adoption of the resolution, the Board shall publish at least twice in a newspaper of general circulation, notice of its intent to donate unneeded, obsolete, or unfit-for-use property to eligible nonprofit organizations. The notice shall also include a summary of the information provided in the resolution. A similar notice

shall also be continually posted in the Board's office and on the District's Internet website, if one exists. The second and subsequent notices shall be posted not less than ten (10) and not more than twenty (20) days after the previous notice.

D. The Board or its representative shall maintain a list of:

1. All eligible 501(c)(3) nonprofit organizations that submit a written notice described above; and
2. A list of all real or personal property that qualifies for the program. The list of qualifying property shall be continually posted at the same locations at which the resolution creating the program shall be posted.
3. An item of property on the list shall be donated to the 501(c)(3) organization that first declares to the Board or its representative its desire to obtain the item unless the Board previously established in a separate and distinct resolution, a list of eligible 501(c)(3) organizations that are to be given priority for an item's donation.
4. The resolution giving priority to certain nonprofit organizations shall specify the reasons for giving the organizations this priority. Such priority may be given based on a direct relationship between the purposes of the organization and specific purposes of the programs provided or administered by the Board.

E. Members of the Board shall consult with the Ohio Ethics Commission and comply with R.C. Chapters 102 and 2921 when donating property to a 501(c)(3) organization of which a Board member, his/her family member(s) or a business associate(s) of a Board member is a trustee, officer, Board member, or employee.

### **Proceeds from the Sale of Real Property**

When the Board disposes of real property pursuant to R.C. 3313.41, the proceeds received from the sale shall be used to retire any debt that was incurred by the District with respect to that real property. Any proceeds in excess of the funds necessary to retire that debt may be paid into the District's capital and maintenance fund and used only to pay for the costs of non-operating capital expenses related to technology infrastructure and equipment to be used for instruction and assessment.

## 7310 - **DISPOSITION OF SURPLUS PROPERTY**

The Board requires the Superintendent to review the property of the District periodically and to dispose of that material and equipment which is no longer usable in accordance with the terms of this policy (see Board Policy 7300).

### A. **Instructional Material**

The District shall review instructional materials (i.e., textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria shall be used to review instructional materials for redistribution and possible disposal:

1. concepts or content that do not support the current goals of the curriculum;
2. information that may not be current; or
3. worn beyond salvage.

### B. **Equipment**

The District shall inspect the equipment used in the educational program periodically, to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria shall be used to determine possible disposal:

1. repair parts for the equipment no longer readily available;
2. repair records indicate equipment has no usable life remaining;
3. obsolete and/or no longer contributing to the educational program;
4. some potential for sale at a school auction; or
5. creates a safety or environmental hazard.

### C. **Disposition**

The Superintendent is authorized to dispose of obsolete instructional and other property by selling it to the highest bidder, by donation to appropriate parties, or by proper waste removal.



Disposal of surplus property purchased with Federal funds shall be disposed of in accordance with Federal guidelines.

Except as provided in §200.312 Federally-owned and exempt property, paragraph (b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share \$500 or ten percent (10%) of the proceeds, whichever is less, for its selling and handling expenses.

The District may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the District shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

## 7410 – MAINTENANCE

The Board recognizes that the fixed assets of this District represent a significant investment of this community and their maintenance is of prime concern to the Board.

The Board directs the conduct of a continuous program of inspection, maintenance, and rehabilitation for the preservation of all District buildings and equipment. Wherever possible and feasible, maintenance shall be preventive.

The Superintendent shall develop, for implementation by the custodial (and maintenance) staff, a maintenance program which shall include:

- A. a regular summer program of facilities repair and conditioning;
- B. the maintenance of a critical spare parts inventory;
- C. an equipment replacement program;
- D. a long-range program of building modernization; and
- E. repair or replacement of equipment or facilities for energy conservation, safety, or other environmental factors.

The Superintendent shall develop and promulgate to the custodial (and maintenance) staff such rules as may be necessary for the ongoing maintenance and good order of the physical plant and for the expeditious repair of those conditions which threaten the safety of the occupants or the integrity of the plant.

Said rules shall include the establishment of sound priorities among the requests for repairs received from each principal.

## 7420 – **HYGENIC MAINTENANCE**

The Board of Education recognizes that the health and physical well-being of the students of this District depends in large measure upon the cleanliness and sanitary management of the schools.

The Board directs that a program of hygienic management be instituted in the schools and explained annually to all staff members.

The Superintendent shall cooperate with the Board of Health in the conduct of the inspection of each school building and grounds for conditions dangerous to public health and safety not less than semiannually. The Superintendent shall provide access to school premises for the inspection(s) which shall be conducted during regular school hours. The Superintendent shall provide records or information the Board of Health considers necessary.

The Board shall review its policies and administrative guidelines periodically to provide for the safety of students, employees, and other persons using school facilities from any known health or safety hazards in a school building or on school grounds. The Board shall comply with Federal laws and regulations regarding health and safety applicable to school buildings.

### **Integrated Pest Management**

The hygienic management plan shall include an Integrated Pest Management program (IPM) for the control of structural and landscape pests that minimizes the use of pesticides while addressing pest control.

The IPM program will include:

- A. procedures for prevention, identification, control, and monitoring of pests and conditions that attract pests;
- B. education and training;
- C. approved least-toxic chemical use and pre-notification of chemical use (see Policy 8431).

### **Wastes and Fluids**

The Superintendent shall prepare, in consultation with the Health Department, procedures for the handling and disposal of body wastes and fluids. Such procedures shall include the protection of staff members who clean or handle blood or blood-soaked items, vomitus, saliva, urine, or feces; the disinfection of surfaces and items in contact with such matter; the disposal of such matter in sealed containers; and the frequent and thorough cleansing of hands and any other body parts that contact such matter (see Policy 8453 and Policy 8453.01).

The Superintendent shall develop and supervise a program for the cleanliness and sanitary management of the school buildings, in school grounds, and school equipment pursuant to law.

The cleanliness of each school building shall be the responsibility of the building principals.

## 7430 – **RISK REDUCTION PROGRAM**

The Board of Education believes that the employees and students of this District, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with law, the Board will provide reasonable and adequate protection to the lives, safety, and health of its employees and students, in compliance with Federal and State laws and regulations.

The Superintendent shall be responsible for the maintenance of standards in the facilities to prevent accidents and to minimize their consequences. S/He shall designate an employee who shall conduct periodic audits of health and safety conditions within the facilities of the District and take appropriate action on any violations thereof to the Superintendent.

The Superintendent shall ascertain that the employees and students of this District are aware of their rights to an environment free of recognized hazards, that they are properly trained in safety methods, that protective devices and equipment are available to meet safety standards, and that proper rules and records are maintained to meet the requirements of the law and the regulations of the Public Employees Risk Reduction Advisory Commission.

In the event an inspection is made by a representative of the State, the Superintendent shall report the results thereof to the Board at the meeting following the receipt of the State report.

## **7434 - USE OF TOBACCO ON SCHOOL PREMISES**

The Board is committed to providing students, staff, and visitors with a tobacco and smoke-free environment. The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a non-smoking and tobacco-free environment is consistent with the responsibilities of teachers and staff to be positive role models for our students.

For purposes of this policy, “use of tobacco” means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes and/or the smoking of electronic, “vapor,” or other substitute forms of cigarettes, clove cigarettes and any other lighted smoking devices for burning tobacco or any other substance.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone smoking and/or the use of tobacco, the Board prohibits the use of tobacco or tobacco substitute products within any enclosed facility owned or leased or contracted for by the Board, and in the areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. This prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to school grounds, any school-related event, and in designated areas as defined in statute and by Ohio’s Smoke-Free Workplace Program.

The Superintendent shall require the posting of signs as required by R.C. 3794.06 and as specified by the Ohio Department of Health.

## 7440 - FACILITY SECURITY

Buildings constitute the greatest financial investment of the District. It is in the best interest of the Board to protect the District's investment adequately. The buildings and equipment owned by the Board shall be protected from theft and vandalism in order to maintain the optimum conditions for carrying out the educational programs.

The Superintendent shall develop and supervise a program for the security of the school buildings, school grounds, and school equipment pursuant to statute and rules of the State. Such a program may include video and/or audio surveillance equipment in appropriate public areas in and around the schools and other District facilities.

Every effort shall be made to apprehend those who knowingly cause serious physical harm to District property and to require such persons to rectify the damage or pay a fee to cover repairs. A reward may be offered for apprehending such persons.

Appropriate authorities may be contacted in the case of serious offenses.

The Superintendent is authorized to install metal detectors and other security devices which would assist in the detection of guns and dangerous weapons; in school buildings; and/or on District property.

The Superintendent shall report to the Board each major case of vandalism and the extent of the damage.

## 7440.01 - VIDEO SURVEILLANCE AND ELECTRONIC MONITORING

The Board authorizes the use of video surveillance and electronic monitoring equipment at and around various school sites throughout the District and on school buses regardless of whether the Board owns such equipment. The video surveillance/electronic monitoring equipment shall be used to protect Board property and assets from theft and vandalism, through deterrence and video documentation. The system is not designed nor intended to protect individuals from being victims of violent or property crimes, nor to detect other potentially illegal and undesirable activities that may occur, although information may be used as evidence in such cases.

The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Video surveillance/electronic monitoring systems serve to complement other means being employed in the District to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a video surveillance/electronic monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the building principal to monitor and supervise the school building. Rather, the video surveillance/electronic monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by staff. The building principal is responsible for verifying that due diligence is observed in maintaining general campus security.

The Superintendent is responsible for determining where to install and operate fixed-location video surveillance/electronic monitoring equipment in the District. The determination of where and when to use video surveillance/electronic monitoring equipment shall be made in a nondiscriminatory manner. Video surveillance/electronic monitoring equipment may be placed in common areas in school buildings (e.g., school hallways, entryways, the front office where students, employees and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries), the school parking lots and other outside areas, and in school buses. Except in extraordinary circumstances and with the written authorization of the Superintendent or Board President, video surveillance/electronic monitoring equipment shall not be used in areas where persons have a reasonable expectation of privacy (e.g., restrooms, locker rooms, changing areas) unless there is express consent given by the office occupant. Staff and administrators are authorized to carry and use portable video cameras when responding to incidents. The Board authorizes security personnel to use body-worn video cameras while on duty, but prohibits them from being operated while the individual is routinely patrolling restrooms and locker rooms, unless the staff member is responding to a specific incident.

Any person who takes action to block, move, or alter the location and/or viewing angle of a video camera shall be subject to disciplinary action.

Legible and visible signs shall be placed at the main entrance to buildings and in the areas where video surveillance/electronic monitoring equipment is in use to notify people that their actions/behavior are being monitored/recorded. Additionally, the Superintendent is directed to annually notify parents and students via school newsletters and the Student Handbook, and staff



via the Staff Handbook, of the use of video surveillance/electronic monitoring systems in their schools.

Any information obtained from video surveillance/electronic monitoring systems may only be used to support the orderly operation of the District's schools and facilities, and for law enforcement purposes, and not for any other purposes. As such, recordings obtained through the use of video surveillance/electronic monitoring equipment may be used as evidence in any disciplinary proceedings, administrative proceeding, or criminal proceeding, subject to Board policy and regulations. Further, such recordings may become a part of a student's education record or staff member's personnel file.

The Board shall not use video surveillance/electronic monitoring equipment to obtain information for the purpose of routine staff appraisal/evaluation or monitoring. However, prerecorded lessons or observations of on-line or virtual learning sessions may be included as part of an employee's evaluation.

Further, if an employee is assigned to work remotely (i.e., telework), the administration is authorized to conduct observations that consist of the supervisor reviewing video-recordings of the employee working and/or watching the employee perform his/her job responsibilities through means of a live-stream that includes both video and audio, provided the employee is afforded advanced notice of the observation.

Additionally, nothing herein shall prevent the administration from using information gathered through electronic means (i.e., viewing a video-recording or live-stream of an employee working) for employment purposes, including but not limited to completing components of an evaluation, so long as the information is gathered in a manner consistent with law.

Recordings of students shall be treated as confidential. Consequently, because the Board is bound by Ohio's Student Records Statute and the Family Educational Rights and Privacy Act ("FERPA"), copies of video recordings containing personal identifiable information about students shall not be released except to school officials with legitimate educational interests. Parents or guardians of minor students, and students who are eighteen (18) years of age or older, who are charged with disciplinary violations may view relevant portions of any video recording related to the charge, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any other students whose images appear on the recording).

Likewise, school personnel may view relevant portions of any video relating to any disciplinary charge against them, upon written request to the building principal/program manager, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any students whose images appear on the recordings). Otherwise, such confidential recordings shall only be released through subpoena or court order.

The Board shall maintain video surveillance/electronic monitoring recordings for a limited period. Any request to view a recording under this policy shall be made within seven (7) days of

the event/incident. Unless a formal complaint is being investigated, recordings shall be destroyed after seven (7) days. If, however, action is taken by the Board/administration, as a result of a formal complaint or incident, recordings shall be kept for a minimum of one (1) year from the date of the action taken. Recordings may also be kept beyond the normal retention period if they are going to be utilized for training purposes.

This policy does not address or cover instances where school officials record a specific event (e.g., a play, music performance, athletic contest, graduation, or Board meeting), or an isolated instance where a classroom is videotaped for educational or research purposes. Authorized videotaping for educational, instructional and/or research purposes is permitted and is not addressed by this policy.

The Superintendent is directed to develop procedures to address the use of video surveillance/electronic monitoring equipment in school buildings, school buses and on property owned and/or operated by the Board.

Video surveillance is to be implemented in accordance with this policy. The Board shall not accept or tolerate the improper use of video surveillance/electronic monitoring equipment and shall take appropriate action in any cases of wrongful use of this policy.

## 7450 - **PROPERTY INVENTORY**

As steward of this District's property, the Board recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records. The Board shall maintain a continuous inventory of all Board-owned equipment and supplies.

For purposes of this policy, "equipment" shall mean a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is nonexpendable, costs at least \$5,000 as a single unit and does not lose its identity when incorporated into a more complex unit.

It shall be the duty of the Treasurer/CFO or designee to ensure that inventories are recorded systematically and accurately and property records of equipment are updated and adjusted annually by reference to purchase orders and withdrawal reports.

Major items of equipment shall be subject to annual spot check inventory to determine loss, misallocation, or depreciation; any major loss shall be reported to the Board.

The Treasurer/CFO shall maintain a system of property records which shall show, as appropriate to the item recorded, the:

- A. description and identification;
- B. manufacturer;
- C. year of purchase;
- D. initial cost;

- E. location;
- F. condition and depreciation; and
- G. evaluation in conformity with insurance requirements.

Equipment acquired under a Federal award shall vest upon acquisition to the District, subject to the following conditions:

- A. The equipment shall be used for the authorized purposes of the award project during the period of performance or until the equipment is no longer needed for the purposes of the project.
- B. The equipment shall not be encumbered without the approval of the Federal awarding agency or the pass-through entity.
- C. The equipment may only be used and disposed of in accordance with the provisions of the Federal awarding agency or the pass-through entity and Board Policy 7300 and Board Policy 7310.
- D. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of funding for the equipment (including the FAIN), title entity, acquisition date, cost of the equipment, percentage of Federal participation in the project costs for the award under which the equipment was acquired, the location, use, and condition of the equipment, and ultimate disposition data, including date of disposal and sale price of the equipment.
- E. A physical inventory of the property shall be taken and results reconciled with property records at least once every two (2) years.
- F. A control system shall be developed to provide adequate safeguards to prevent loss, damage, or theft of the property. Any such loss, damage, or theft shall be investigated.
- G. Adequate maintenance procedures shall be implemented to keep the property in good condition.
- H. Proper sales procedures shall be established to ensure the highest possible return, in the event the District is authorized or required to sell the equipment/property.
- I. When original or replacement equipment acquired under a Federal award is no longer needed for the original project/program or for activities currently or previously supported by a Federal awarding agency, and except as otherwise

provided by Federal statutes, regulations, or Federal awarding agency disposition instructions, the District shall request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment shall be made in accordance with the provisions of C.F.R. 200.313.

## 7455 - ACCOUNTING SYSTEM FOR CAPITAL ASSETS

The Board shall maintain a capital-asset, accounting system. The capital-asset system shall maintain sufficient information to permit the following:

- A. the preparation of year-end financial statements in accordance with generally-accepted, accounting principles
- B. adequate insurance coverage
- C. control and accountability

Capital assets are defined as those tangible assets of the District with a useful life in excess of five (5) years and an initial cost equal to or exceeding \$5,000. Some items may be identified as “controlled” assets that, although they do not meet all capital asset criteria, are to be recorded on the capital-asset system to maintain control.

Capital assets shall be classified as follows:

- A. land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, exchange, or through a lease accounted for as financed purchase under Government Accounting Standards Board (GASB) standards or a finance lease under Financial Accounting Standards Board (FASB) standards; and
- B. additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance)

Leased capital assets and assets which are jointly-owned shall be identified and recorded on the capital-asset system.

Capital assets shall be recorded at actual, or if not determinable, estimated purchase price or fair market value at the time of acquisition. The method(s) to be used to estimate such price or market value shall be established by the Treasurer/CFO.

The Superintendent shall ensure the proper purchase, transfer, and disposal of capital assets.

Depreciation shall be recorded for funded capital assets using the method(s) agreed upon by the Superintendent and the Treasurer/CFO.

The following information shall be maintained for all capital assets:

- A. description

- B. asset classification (land, building, equipment, etc.)
- C. location
- D. purchase price
- E. vendor
- F. date purchased
- G. voucher number
- H. estimated useful life
- I. estimated salvage value
- J. replacement cost
- K. accumulated depreciation
- L. method of acquisition (purchase, trade-in, lease, donated etc.)
- M. appropriation
- N. manner of asset disposal

## **7460 – CONSERVATION OF NATURAL AND MATERIAL RESOURCES**

The increasing costs of natural energy resources coupled with the growing need to inhibit pollution, mandate the District implements strategies which will conserve all forms of energy used.

The Board of Education directs the Superintendent to develop and implement both immediate and long range plans to meet these concerns. It expects that the administrative guidelines and procedures established will be properly observed by all members of the staff and strongly supported both in the educational program and in staff interactions with students.



## 7510 - USE OF DISTRICT FACILITIES

The Board believes that school premises should be made available for community purposes, provided that such use does not infringe on the original and necessary purpose of the property or interfere with the educational program and services of the District and is harmonious with the purposes of this District.

For purposes of this policy, the terms “school premises” or “premises” refers to all indoor and outdoor structures, facilities, and land owned, rented, or leased by the Board. The term “non-school hours” refers to times prior to and after regular classroom instruction on a day that school is in session, and any day that school is not in session, including weekends, holidays, and vacation breaks.

The Board shall permit the use of school premises when such permission has been requested in writing by a responsible organization or a group of at least seven (7) citizens and has been approved by the Superintendent.

School premises shall be available for the below-listed uses. When there are competing interests, approval shall be given according to the following priorities:

- A. uses directly related to the District and the operations of the District (including giving instructions in any branch of education, learning, or the arts); then
- B. uses and groups indirectly related to the District; then
- C. other governmental agencies; and then
- D. community organizations or groups of individuals primarily comprised of District residents/members of the community, including students (during non-school hours) and employees (when not working in the scope of their employment) formed or gathered for the following purposes, provided such meetings and/or entertainment is nonexclusive and open to the general public:
  - 1. charitable,
  - 2. civic,
  - 3. social,
  - 4. religious,
  - 5. recreational (e.g., indoor or outdoor games or physical activities, either organized or unorganized, that are undertaken for exercise, relaxation, diversion, sport, or pleasure), and/or

6. educational.

School premises shall also be made available to any certified candidate for public office and any recognized political party or organization for the purpose of conducting public discussions of public questions and issues. School premises shall be free of charge and available only during non-school hours. Users shall abide by all District policies and rules regarding the use of school premises and be liable for any damage incurred. Under no circumstances shall school premises be used to raise funds for political purposes.

No liability shall attach to this District, or any of its employees and officers, specifically as a consequence of permitting access to school premises.

**7530 - LENDING OF BOARD-OWNED EQUIPMENT**

No item of Board-owned equipment shall be loaned for non-District use off District property. If equipment is required for the use of those granted permission to use District facilities, it may be loaned in accordance with Board policy on the use of school facilities.

District equipment may be removed from District property by students or staff members and/or Board members only when such equipment is necessary to accomplish tasks arising from their school or job responsibilities. The consent of the Superintendent is required for such removal.

## 7530.01V1 – CELL PHONE ALLOWANCE

### **Eligibility for Cell Phone Allowance**

Mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.), telephone paging devices (e.g., beepers and pagers)) (collectively, “cell phones”) enable communication whenever a situation arises necessitating immediate contact, regardless of the person's location at the time. The Superintendent and the administrators who meet one or more of the following criteria are required as a condition of employment to personally own a cell phone and obtain an appropriate service plan so that the cell phone is available for use for business-related communications:

- A. their jobs require them to spend a considerable amount of time outside of their assigned office or work area during regular work hours and have regular access to telephone and/or Internet/data connections while outside their office or assigned work area;
- B. their jobs require them to be accessible outside of scheduled or regular work hours or to be contacted and respond in the event of an emergency;
- C. their jobs consistently require timely and business critical two (2) way communication for which there is no reasonable alternative technology;
- D. safety requirements indicate having a cell phone is an integral part of meeting the requirements of the employee's job description;
- E. more than fifty percent (50%) of the employee's work is conducted outside the employee's assigned office or work area;
- F. the employee is required to be contacted on a regular basis outside regular work hours;
- G. the employee is required to be on-call 24/7.

Administrators who are required to have a personally-owned cell phone as a condition of their employment shall receive a monthly cell phone allowance (“allowance”), up to an amount approved annually by the Board to reimburse them for the costs associated with maintaining and using the personally-owned cell phone for business purposes. Additionally, other staff members who believe that they meet the above-identified criteria may apply for an allowance.

### **Amount of the Allowance**

The allowance shall consist of the following: a monthly allowance of up to a specific dollar amount for cellular telephone service;

The allowance shall not reimburse the employee's dollar-for-dollar costs for the cellular telephone service, and shall not exceed the expenses the employee actually incurs in maintaining his/her personally-owned cell phone.

The allowance shall not serve as a substitute for a portion of the staff member's regular wages, and does not constitute an increase to base pay and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades or benefits based on a percentage of salary, etc. The Board will pay only the Board-approved allowance even if actual monthly costs exceed the allowance. If the amount of the allowance needs to be changed because of documented business purposes, the employee should notify the Superintendent by submitting a new Cell Phone Allowance Request Form (Form 7530.01 F1).

No allowance will be paid when the employee is on an unpaid leave status, or is on an extended paid leave during which timely, essential business communications are not likely to be necessary.

To be eligible to receive the allowance, the employee must maintain the type of cellular telephone coverage and wireless Internet/data plan that is reasonably related to his/her job responsibilities. Beginning no later than August annually, each covered administrator and staff member making application for the allowance, must submit to the Superintendent a Cell Phone Allowance Request Form (Form 7530.01 F1), including a copy of his/her most recent monthly invoices for his/her cellular telephone service plan to substantiate the amount of the allowance and a document identifying his/her cell phone number (including any pin number associated with a BlackBerry device) so that the employee may be contacted as the need arises. If the employee receives either a one-time equipment allowance or a part of his/her monthly allowance is attributable to the cost of acquiring the cell phone, the employee must also include documentation of the cost of the cell phone with the Form. The employee must maintain an active cellular telephone service contract while the allowance is being provided.

The Superintendent should use knowledge of each employee's duties (e.g., the projected number of minutes of monthly business-related calls, and whether the employee requires wireless Internet/data service) and budget considerations to determine the amount of monthly allowance to recommend to the Board for each employee. In determining the amount of the allowance to recommend to the Board, the Superintendent may take into consideration the cost of the basic equipment, whether wireless Internet/data service is needed, and the cost of the employee's monthly cellular telephone service plan.

In order to continue to receive the allowance, administrators are required to answer all business-related calls on his/her cell phone and promptly respond to any messages. In order to continue to receive the allowance, non-exempt employees are required to answer during their regular work hours all business-related calls on his/her personally-owned cell phone and promptly respond to any messages. Non-exempt employees are not permitted to work remotely via their personally-owned cell phone outside regular work hours without prior authorization from their supervisor. In other words, unless they are directed to provide an immediate response, all e-mails/texts/calls should be responded to only during regular work hours. Non-exempt employees must maintain a

written record of all time spent preparing and/or responding to e-mails/texts and placing and/or answering calls outside regular work hours.

### **Allowance Is Not Considered Taxable Income**

Provided the employee maintains and uses his/her personally-owned cell phone for business purposes as described herein, the allowance should not be considered additional income to the employee (i.e., the allowance will be treated as a non-payroll reimbursement of a business expense – similar to mileage reimbursements – and no payroll taxes will be withheld from the employee's paycheck for the amount of the allowance and the amount of the allowance will not be reported as wages on the employee's year-end W-2 statement). Additionally, staff members who receive an allowance are not required to submit a log documenting their business-related use of the cell phone; non-exempt employees, however, must comply with the timekeeping requirements set forth above. For determination of individual taxability, employees should check with their tax advisor.

### **Employee's Responsibilities**

The employee is responsible for choosing his/her cell phone, the voice and/or wireless data plan, and the service provider. Since the cell phone is the employee's personal property, the cell phone may be used for personal calls (see below concerning the making of personal calls during work time) and be combined or enhanced with other personal plans (i.e., the employee may also, at his/her own expense, add extra services or equipment features, as desired). The employee is responsible for paying all monthly service charges in full and on time. The Board does not accept any liability for claims, charges, or disputes between the service provider and the staff member. Because the employee is personally responsible for the cell phone, any replacement for loss or damage will be at the expense of the employee. Such replacement or repair must be completed promptly and the Superintendent must be notified if the employee will not be available by his/her cell phone for a period of time.

Employees should contact the vendor/carrier through which they purchased their cell phone and their cellular telephone service (including wireless Internet/data service, if applicable) for support.

Employees may contact the District's IT Department/Support Staff for consultation on the type of equipment to purchase if they are obtaining wireless Internet/data service in order to enable e-mail and calendar support through the District's servers (e.g., through Microsoft Exchange, Novell GroupWise, etc.) and to obtain assistance in setting up their device to connect to the District's servers. The District's IT Department/Support Staff will assist employees who have wireless Internet/data service with e-mail and calendar functionality.

### **Changing or Ending a Cellular Telephone Service Contract Early**

If prior to the end of a cellular telephone and/or wireless Internet/data service contract, a personal decision by the employee results in the need to end or change the contract, the employee will

bear the costs of any fees associated with the change or cancellation.

If prior to the end of a cellular telephone and/or wireless Internet/data service contract, the employee's misconduct, or misuse of the cell phone, results in the need to end or change the contract, the employee will bear the costs of any fees associated with the change or cancellation.

If prior to the end of a cellular telephone and/or wireless Internet/data service contract, the Board determines to reduce or cancel (unrelated to employee misconduct) the employee's monthly allowance, the Board will bear the cost of any fees associated with the change or cancellation. For example, if the employee is reassigned and/or his/her duties are changed, and the cell phone is no longer needed for business purposes, if the employee does not want to retain the current contract, changes or cancellation fees will be reimbursed by the Board.

When selecting the duration of his/her cellular telephone and/or wireless Internet/data service contract, the employee should take into consideration the length of his/her Board-approved employment contract and not select a duration of the service contract that exceeds the employment contract. If the employee is non-renewed or voluntarily resigns while the service contract is still in effect, the Board will not be responsible for any fees associated with the employee's decision to subsequently change or cancel the contract.

Once the allowance is given to the employee to purchase a device, the cell phone remains the employee's personal property. However, upon termination, nonrenewal or resignation, the Board will immediately discontinue the monthly allowance.

### **Safe and Appropriate Use of Cell Phones**

Employee safety is a priority of the Board, and responsible use of cell phones, requires safe use. See Policy 7530.02 - Staff Use of Personal Communication Devices.

Employees may not use a cell phone in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

### **Duty to Maintain Confidentiality of Student Personally Identifiable Information – Public and Student Record Requirements**

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their cell phones. See Policy 7530.02 - Staff Use of Personal Communication Devices.

### **Potential Disciplinary Action/Termination of the Cell Phone Allowance**

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a cell phone in any manner contrary to local, State or Federal laws will constitute misuse, and will result in immediate termination of the allowance.

## **Reimbursement for Business-Related Calls on a Personally-Owned Cell Phone**

If a Board employee's job duties do not include frequent need for a cell phone, the employee is not eligible for a cell phone allowance or a Board-provided cell phone. Such employees, however, may request reimbursement for the actual extra expenses of business-related calls that are made/received on their personally-owned cell phones. Reimbursement for per-minute "air time" charges is limited to the total overage charge shown on the invoice; expenses for minutes included in the employee's personal plan will not be reimbursed. The employee should make personal payment to the provider, and then submit a request for reimbursement, which details the date/time of the call, to whom the call was placed or from whom the call was received, and a brief description of the purpose of the call. A copy of the employee's cellular telephone service bill must be attached to the request for reimbursement (the employee may redact any personal calls from the bill prior to submitting it). Business-related calls made on school property should be made from traditional land-line phones, when readily accessible, and therefore will not be reimbursed if made on a personally-owned cell phone.

## **Employee Use of Board-Owned Cell Phones**

The Board will provide Board-owned cell phones to certain employees who require specific equipment or similar technology to perform District functions (e.g., school safety, physical plant maintenance, etc.) and expect never to use these devices for personal use. The Superintendent must approve such exceptions. Employees who qualify for this exception must submit to the Treasurer's Office monthly documentation in the form of a copy of their respective cell phone usage logs, verifying business use. The log must note the date/time of the phone call, to whom the call was placed or from whom the call was received, a brief statement of the purpose of the call, and if the cell phone has wireless Internet/data service, a statement that all use of the wireless Internet/data service was business-related. The employee's immediate supervisor will be required to approve all charges, attesting that all calls were business-related, by initialing the copy of the usage logs. If an employee fails to keep current with this documentation requirement, s/he will be required to return the Board-owned cell phone.

The employee will be required to reimburse the District for a prorated portion of that month's bill, which is related to the employee's personal use of the device.

The Board reserves the right to switch an employee to the cell phone allowance program if excessive calls are made or if required documentation is not submitted in a timely manner.



## 7530.01 - **BOARD-OWNED PERSONAL COMMUNICATION DEVICES**

The Board shall provide personal communication devices (“PCDs”) to employees who by the nature of their job have a routine and continuing business need for the use of such devices for official Board business. For purposes of this policy, “personal communication device” includes computers, tablets (e.g., iPads and similar devices), electronic readers (“e-readers”; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones [e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.], and/or other web-enabled devices of any type. PCDs are provided as tools to conduct Board business and to enhance business efficiencies. Board-owned cell phones are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct Board business (i.e., because some cellular telephone services plans are billed on a time- used basis, Board-owned cell phones should not be used if a less costly alternative method of communication is safe, convenient, and readily available).

The Superintendent shall designate those staff members/programs who shall be issued a Board-owned cell phone and provided with a cellular telephone and/or wireless Internet/data service plan.

The Superintendent or designee is responsible for verifying:

- A. the need for each Board-owned cell phone and related service plan is clearly justified for Board business purposes;
- B. alternative solutions for work production and communication are considered;
- C. employees provided with cellular and/or wireless Internet/data service plans are notified of the purpose and limitations of usage;
- D. cellular telephone and wireless Internet/data service plan invoices outlining the details of usage are received and reviewed for conformance with this policy;
- E. employees reimburse the Board for non-business use; and
- F. a Board-owned cell phone is returned and the corresponding cellular telephone and/or wireless Internet/data service plan is terminated when it is no longer justified by business requirements, the employee leaves the Board’s employment, and/or when the employee has demonstrated a disregard for the limitation of this policy.

Board-owned cell phones and/or their related service plans are to be used only to place calls, access the Internet, or receive/send e- mails, instant messages, or text messages for Board business purposes.

Furthermore, Board-owned cell phones are not to be used to place calls or send/receive e-mails, instant messages, or text messages of a personal nature, or access the Internet for personal business.

Cellular and wireless Internet/data service plans are expected to be set at the minimum level that fulfills the business need for the position in question. The service plan that is selected for an employee should be the one that provides a combination of services including number of minutes, coverage, and local call zone most nearly matching the employee's recurring business needs as well as whether or not the service plan includes text messaging, instant message and/or e-mail capability, and ability to access the Internet. If the service plan is based on minutes used for calls made or includes a charge regarding e-mail or instant messages, the smallest plan available to accommodate the particular business need shall be utilized.

The Board shall approve the Superintendent's recommendation regarding the type and level of cellular telephone and wireless Internet/data service appropriate for each staff member listed above. In all cases, the Superintendent shall take the steps necessary to secure the most economical and responsible service available.

Thereafter, an annual review of the service plans available shall be made to determine if the District's plans are the most economical and responsible available. Additionally, at least once annually, the Superintendent shall review the employee's actual usage (i.e., type and level of service) with the employee and, if warranted, authorize the acquisition of a different cell phone and/or selection of a different service plan that more nearly matches the employee's recurring business needs. Any such change in provider and/or necessary adjustments to individual staff member's device and/or service plan shall be presented to the Board for consideration and approval.

Possessing a Board-owned cell phone and/or other PCD is a privilege and all employees are expected to use them appropriately and responsibly. Employees are responsible for managing the cost effectiveness of their cell phone and/or PCD use by utilizing assigned landline and/or designated computers as available and appropriate. Employees should know that using a cell phone to place calls outside the immediate area might result in roaming charges, in addition to long distance and regular charges, and that the Board is charged for both outgoing and incoming calls.

In order to continue to be eligible to receive a Board-owned cell phone, staff members are required to answer all calls on his/her Board-owned cell phone and promptly respond to any messages.

### **Safe and Appropriate Use of Board-Owned PCDs, Including Cell Phones**

Employee safety is a priority of the Board, and responsible use of Board-owned PCDs, including cell phones, requires safe use. See Board Policy 7530.02 - Staff Use of Personal Communication Devices.

Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

### **Duty to Maintain Confidentiality of Student Personally Identifiable Information; Public and Student Record Requirements**

Employees are subject to all applicable policies pertaining to protection of the security, integrity and availability of the data stored on their Board-owned PCDs. See Board Policy 7530.02 - Staff Use of Personal Communication Devices.

When the Board intends to dispose of, or otherwise stop using, a Board-owned PCD on which an employee has maintained public records, student records and/or ESI that is subject to a Litigation Hold, the District's IT department/staff shall verify such records are properly transferred to an alternative storage device, before disposing of, or otherwise ceasing to use, the PCD. The IT department/staff is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the Board-owned PCD. The IT department/staff is responsible for maintaining documentation concerning the actions it takes to comply with this requirement.

### **Employee's Responsibilities**

Employees are responsible for the safekeeping, care and custody of the Board-owned PCDs assigned to them. Further, employees are responsible for the cost of misuse, intentional damage, or reckless loss of the Board-owned PCDs provided to them.

Reasonable precautions should be taken to prevent theft, loss or damage to, or misuse or unauthorized use/access to, Board-owned PCDs. Upon resignation or termination of employment, or at any time upon request, an employee may be asked to produce the Board-owned PCD issued to him/her for return or inspection. Employees unable to present the device in good working condition within the time period requested (e.g., twenty-four (24) hours) might be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges shall be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

If the employee's service plan is all-inclusive and charges are not assessed for individual calls, text messages, instant messages, or e-mails, then the employee shall be charged a pro-rated share of the monthly charge. Any amount owed shall be deducted from the employee's paycheck in the following pay cycle.

Any employee who regularly places or receives personal calls, or uses his/her Board-owned cell phone to send/receive personal e-mails, text messages, or instant messages, shall be subject to disciplinary action. Use of a Board-owned PCD by an employee to access a personal e-mail account or connect to the Internet for personal business is strictly prohibited.

PCDs may not be transferred to any other employee without prior notification and approval of the Superintendent. Employees provided with a PCD understand that the PCD is owned by the Board. Any alteration or switching of PCDs shall be approved in advance by the Superintendent.

Cell phone numbers provided by the Board, via contract with a cellular telephone service provider/vendor, are considered business numbers of the District which shall remain and belong to the Board for its use, unless otherwise changed by the service provider/vendor or as mandated by the Federal Communications Commission. Employees are not allowed to transfer/port a previous personal cell phone number to a Board-owned cell phone.

The Board reserves the right to audit all Board-owned cell phones, which shall include, but not be limited to, a review of the detailed monthly statement. The detailed monthly service statements for all Board- owned cell phones, as well as invoices and payment documents related to these accounts, are public records and, as such, may be subject to disclosure and review.

### **Use of Board-owned Cell Phones for Personal Calls**

The Board recognizes that in rare circumstances it may be necessary for an employee to use a Board-owned cell phone for personal business. The Board generally prohibits such conduct as emphasized by this policy, but realizes there may be limited situations when such use is justified. Employees are advised not to take advantage of this provision and that repeated use of a Board-owned cell phone for personal business shall result in disciplinary action.

### **Potential Disciplinary Action/Cancellation of Board-Owned PCD**

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of the Board-owned PCD in any manner contrary to local, State or Federal laws shall constitute misuse, and shall result in the Board canceling the employee's privilege to use the PCD and requiring the employee to immediately return the device.

## **7530.02 – STAFF USE OF PERSONAL COMMUNICATION DEVICES**

Use of personal communication devices (“PCDs”) (as defined in Bylaw 0100) has become pervasive in the workplace. For purposes of this policy, “personal communication device” includes computers, tablets (e.g., iPad-like devices), electronic readers (“e-readers”; e.g., Kindle-like devices), cell phones smartphones (e.g., iPhones, Android devices, Windows Mobile devices, etc.), telephone paging devices (e.g., beepers or pagers), and/or other web-enabled devices of any type. Whether the PCD is Board-owned and assigned to a specific employee, or personally-owned by the employee (regardless of whether the Board pays the employee an allowance for his/her use of the device, the Board reimburses the employee on a per use basis for their business-related use of his/her PCD, or the employee receives no remuneration for his/her use of a personally-owned PCD), the employee is responsible for using the device in a safe and appropriate manner.

### **Safe and Appropriate Use of Personal Communication Devices, Including Cell Phones/Smartphones**

Employees whose job responsibilities include regular or occasional driving and who use a PCD for business use are expected to refrain from using their device while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Reading or sending a text message, instant message or e-mail, or browsing the Internet using a PCD while driving is strictly prohibited. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options (e.g., headsets or voice activation) if available, refrain from the discussion of complicated or emotional topics, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting or using a cell phone or other PCD while driving).

Employees are responsible for operating Board-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees are prohibited from using PCDs while operating such vehicles or equipment. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving.

Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

### **Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements**

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their PCDs.

Cellular and wireless communications, including calls, text messages, instant messages, and e-mails sent from PCDs, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, cellular/wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her PCD may constitute public records if the content of the message concerns District business, or an education record if the content includes personally identifiable information about a student. Cellular/wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. Cellular/wireless communications that are student records should be maintained pursuant to Policy 8330 – Students Records. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Staff are required to comply with Center requests to produce copies of cellular/wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for verifying all public records, student records and ESI subject to a Litigation Hold that are maintained on the employee's PCD are transferred to the District's custody (e.g., server, alternative storage device). The District's IT department/staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the District's custody, the employee is required to delete the records/ESI from his/her PCD. The employee will be required to sign a document confirming that all such records/information has been transferred to the District's custody and deleted from his/her PCD before the Board will issue any final compensation that is owed to the employee.

Similarly, if an employee intends to dispose of, or otherwise stop using, a personally-owned PCD on which s/he has maintained public records, student records and/or ESI that is subject to a Litigation Hold, the employee must transfer the records/ESI to the District's custody before disposing of, or otherwise ceasing to use, the personally-owned PCD. The employee is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the personally-owned PCD. Failure to comply with these requirements may result in disciplinary action.

At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for informing the Superintendent or his/her designee of all public records, student records and ESI subject to a Litigation Hold that is maintained on the employee's Board-owned PCD. The District's IT department/staff will then transfer the records/ESI to an alternative storage device.

If a PCD is lost, stolen, hacked or otherwise subjected to unauthorized access, the employee must immediately notify the Superintendent so a determination can be made as to whether any public records, students records and/or ESI subject to a Litigation Hold has been compromised and/or lost. The Superintendent shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD was encrypted.

The Board prohibits employees from maintaining the following types of records and/or information on their PCDs cell phones:

- A. social security numbers
- B. driver's license numbers
- C. credit and debit card information
- D. financial account numbers
- E. student personally identifiable information
- F. information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)
- G. personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)

Employees are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a PCD in their possession, that is confidential, privileged or otherwise protected by State and/or Federal law.

### **Privacy Issues**

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, employees are prohibited from using PCDs to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, classrooms, gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent

and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

### **Personal Use of PCDs While at Work**

Board employees may carry PCDs cell phones with them while at work including while operating Board equipment, but are subject to the following restrictions:

- A. Excessive use of a PCD Cell phone for personal business during work hours is considered outside the employee's scope of employment and may result in disciplinary action.
- B. Employees are personally and solely responsible for the care and security of their personally-owned PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, personally- owned PCDs brought onto its property, or the unauthorized use of such devices.

### **Potential Disciplinary Action**

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a PCD in any manner contrary to local, State or Federal laws may also result in disciplinary action up to and including termination.



## 7540 - COMPUTER TECHNOLOGY AND NETWORKS

The Board is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of operations within the school system.

However, the use of the District's network and technology resources by students is a privilege, not a right. As a prerequisite, students and their parents shall sign and submit a *Student Network and Internet Acceptable Use and Safety* form. (See also, Board Policy 7540.03)

The Superintendent shall develop and implement a written District Technology Plan (DTP). Procedures for the proper acquisition of technology shall be set forth in the DTP. The DTP shall also provide guidance to staff and students about making safe, appropriate, and ethical use of the District's network(s), as well as inform both staff and students about disciplinary actions that shall be taken if Board technology and/or networks are abused in any way or used in an inappropriate, illegal, or unethical manner.

Further safeguards shall be established so that the Board's investment in both hardware and software achieves the benefits of technology and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, using social media, which is defined in Bylaw 0100, to interact with others online; interacting with other individuals in chat rooms or on blogs; and, recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of District policy, and learning appropriate responses if they are victims of cyberbullying.

Staff use of District-approved social media platforms/sites shall be consistent with Policy 7544.

Students must comply with all Board policies when using District Technology Resources to access and/or use District-approved social media.

## 7540.01 - TECHNOLOGY RESOURCES ACCEPTABLE USE – STAFF

District Technology Resources include, but are not limited to, computers, file servers, laptops, software, e-mail, video equipment, AV equipment, public address systems, presentation equipment, telephones, voice mail systems, digital cameras, scanners, the local area network, the wide area network, and all equipment related thereto (collectively, “Technology Resources” or individually, “Technology Resource”). These resources are school property purchased with public funds or grant monies and are intended solely for use in furtherance of the mission of the District, to enhance the delivery of education, and to conduct necessary school business. Technology Resources may only be used for appropriate curricular and co-curricular purposes.

This policy sets forth the proper and acceptable uses of Technology Resources, electronic mail and communications and the Internet for District employees. The use of any Technology Resource shall constitute acknowledgment and acceptance by the user of this policy and all other applicable Board policies and regulations.

Technology Resources and assigned network access, Internet access and e-mail access passwords are tools provided to District employees to assist in the performance of their job responsibilities and should be treated accordingly. Any District employee who violates this policy, or allows others to do so, may have his/her user access privileges revoked and shall be subject to disciplinary action, up to and including termination of employment. Any employee who is licensed by the State Board may be subject to disciplinary action by the State Board for any use of technology that constitutes unprofessional conduct under the Licensure Code of Professional Conduct for Ohio Educators (adopted March 11, 2008). Each employee shall sign a form to acknowledge he/she has read, understands, and shall comply with this Technology Resources Acceptable Use Policy. These forms shall be kept on file by the District as binding legal documents.

The Board reserves the right to modify this policy at any time. The Board may pursue criminal prosecution or civil action for any unauthorized use of Technology Resources or any violation of this policy when appropriate.

### A. Technology Resources and Acceptable Use Policy Outline

1. General Standards of Conduct for Use of Technology Resources,
2. General Standards of Conduct for Electronic Mail and Communications,
3. General Standards of Conduct for Internet Use,
4. District Web Sites, and
5. Disclaimers.

Form: Employee Receipt and Acknowledgment

**B. General Standards of Conduct for Use of Technology Resources:**

1. Only software licensed to the Board and/or authorized in writing by the Coordinator of Information and Technology, or designee, shall be installed on Technology Resources. Installation of such software shall be performed only by authorized personnel to ensure that the software is (a) compatible with existing computer systems; (b) properly installed, maintained, used and upgraded; (c) free from any computer virus; and (d) properly licensed. Installation of any other software, including but not limited to, shareware, freeware, public domain, or demonstration copies of software, is prohibited. Unscheduled audits of Technology Resources shall be periodically performed and any unlicensed or unapproved software shall be removed without notice.
2. Only hardware licensed to the Board and/or authorized in writing by the Coordinator of Information and Technology, or designee, shall be installed on Technology Resources. Installation of such hardware shall be performed only by authorized personnel to ensure that the hardware is (a) compatible with existing computer systems; (b) properly installed, maintained, used, and upgraded; (c) free from any computer virus; and (d) properly licensed. Installation of any other hardware, including but not limited to, CPUs, motherboards, hard- drives, zip drives, video cards, memory, CD-ROMs, DVD-ROMs, SCSI cards, modems/routers, is prohibited. Memory based recording devices/media used for the transportation of information or enhancement devices (e.g., speakers, cameras) are permitted. The Board reserves the right to inspect or restrict such use should these devices/media contain material that may damage Technology Resources (e.g., viruses, malware, spam ware, spyware). Unscheduled audits of Technology Resources shall be periodically performed and any unlicensed or unapproved hardware shall be removed without notice.
3. Technology Resource users shall not delete any software on the District's computers, copy any software owned by the District, or remove any hardware from the District's property without prior written permission from the Coordinator of Information and Technology.
4. Technology Resource users may not deploy or install wireless access points without prior written permission from the Coordinator of Information and Technology.
5. Network and system passwords ensure the security of critical and sensitive electronic data and are the first defense against unauthorized access. Only passwords issued by the Coordinator of Information and Technology, or designee, shall be used. Technology Resource users are prohibited from

divulging their passwords to other individuals. Habitual loss or unauthorized disclosure of any password shall be subject to disciplinary action.

6. Disruption of electronic services and interference with Technology Resources or electronic information (including but not limited to, uploading, or downloading damaging data or illegal software; tampering with hardware or software; vandalizing or destroying data; introducing or using computer viruses, worms or Trojan horses; or attempting to gain access to restricted information or networks) are prohibited.

Disruption of electronic services and interference with Technology Resources or electronic information (including but not limited to, uploading, or downloading damaging data or illegal software; tampering with hardware or software; vandalizing or destroying data; introducing or using computer viruses, worms, or Trojan horses; or attempting to gain access to restricted information or networks) are prohibited.

7. Authorized users are prohibited from allowing any unauthorized person to use or operate any Technology Resource. Volunteers, aides, or other persons in the school for a specific school purpose may be authorized by the Coordinator of Information and Technology, or designee, to use Technology Resources only under the direction and direct supervision of a District employee. Technology Resource users shall shut down and secure in an appropriate fashion Technology Resources which are not in use.
8. Any use of Technology Resources to facilitate illegal activity is prohibited. Technology Resources shall not be used to encourage or promote any activity prohibited by law or Board policy, rules, procedures, or regulations. Any misconduct or criminal activity discovered shall be referred to appropriate authorities.
9. Use of the District's Technology Resources to access or transmit obscene, pornographic, or violent materials or to transmit materials likely to be threatening, offensive or objectionable is prohibited. Such prohibited materials include, but are not limited to, "hacking" materials; racist material or hate literature; terrorism instructions/directions or other dangerous information; profane or vulgar materials; threatening or inflammatory language; false or defamatory materials; disparagement of others based on race, color, religion, national origin, veteran status, ancestry, disability, age, sex, or sexual orientation; and any materials that advocate violating other's rights. In the context of educational purposes, the District may allow research or investigation of some objectionable materials to allow students to be better prepared to recognize social harms and improve their ability to deal effectively therewith.

10. Use of Technology Resources for political, commercial, or for-profit purposes, including fund-raising unless specifically authorized by the District administration, is prohibited.
11. Unauthorized access, use, modification, alteration, vandalism or destruction of Technology Resources or electronic information is prohibited. Any inappropriate use of Technology Resources that may hinder future use is prohibited. Technology Resource users are expected to respect the District's property and to follow any instructions from the Coordinator of Information and Technology, or designee, regarding maintenance and care of equipment. Technology Resource users shall promptly notify the Coordinator of Information and Technology of any need for service to Technology Resources.
12. Technology Resources may not be used in violation of Copyright laws. Any copyrighted material placed on any system connected to the District network without the author's permission shall be removed.
13. Technology Resources may not be used in violation of privacy laws and the unauthorized disclosure, use or dissemination of personally identifiable information concerning students is prohibited. All Technology Resource users are required to protect themselves and others by not issuing or releasing any personal or confidential information via Technology Resources.
14. The Coordinator of Information and Technology may establish and enforce quotas for usage of available space on the District network. Technology Resource users are expected to remain within allocated disk space and delete e-mail or other materials which take up excessive storage space.
15. Technology Resource users shall immediately notify the Coordinator of Information and Technology if they identify any security problem.
16. The District administration reserves the right to limit the times of access and to establish priorities among competing acceptable uses of Technology Resources.
17. All remote access and use of Technology Resources shall also be subject to all applicable requirements of this policy.

**C. General Standards of Conduct for Electronic Mail and Communications:**

1. The General Standards of Conduct for Use of Technology Resources set forth above shall be equally applicable to electronic mail and messenger system use by District employees.
2. In order to prevent the introduction of viruses or other harmful data or software into the District's computers and network, extreme caution should be exercised before opening any attachments to any incoming e-mail. If an e-mail attachment is not expected, is from an unknown source, or is an executable file (ending with .EXE or .COM), the attachment should not be opened and should be deleted immediately.
3. Sending or forwarding unsolicited e-mail, chain letters or "spam" is prohibited. Global transmissions to large contact groups are also discouraged due to the strain placed on network resources.
4. E-mail and electronic communications are written records which can be duplicated and altered at shall. E-mail and messenger systems are not confidential or private, and all District employees should exercise common sense and restraint in their use of not only e-mail and other forms of electronic communication. All users shall be aware that use of Technology Resources for both business and personal reasons may constitute public records under applicable laws and regulations.
5. The use of e-mail or electronic communications to convey student information is prohibited, whether during or after school hours and whether on or off the District's premises, unless secured and approved by the Information and Technology Department. Instructional staff and the District administration may authorize the release of directory information about students, as defined by Ohio law, for internal administrative purposes or approved educational projects and activities.
6. School employees shall not use free Internet e-mail providers (e.g., Hotmail, Juno) to obtain an e-mail address or to send or receive e-mail from Technology Resources.

**D. General Standards of Conduct for Internet Use:**

1. The General Standards of Conduct for Use of Technology Resources set forth above shall be equally applicable to all Internet use.
2. Internet access over the District network may be provided only to District employees, students, individuals enrolled in Adult Education classes, and volunteers, aides, or other persons in the school for a specific school

purpose when authorized by the Coordinator of Information and Technology, or designee. Student Internet access may be limited to specified times, as provided by the instructors and the District administration.

3. Internet access over the District network is available only to support learning, to enhance instruction and to assist in the administration of the District. Internet access is to be used in a responsible, ethical and legal manner. All District employees are responsible for their actions and communications on the Internet.
4. The District has implemented technology protection measures to block or filter materials which are obscene or harmful to minors. The District shall restrict, to the extent practicable and technically possible, access to offensive information and materials. Because Internet access provides connections to computer systems located all over the world, the District cannot, however, control the content of all information and materials available on the District network.
5. The District administration shall determine whether any use of the network is inappropriate or unauthorized, or whether any Internet information and materials are objectionable.
6. Instructional Staff should preview recommended sites and materials selected for inclusion in coursework. Sites should be appropriate in light of the age of the students and relevant to course objectives. Student Internet use shall be carefully monitored by District staff or authorized individuals. District staff and authorized individuals are expected to enforce all rules pertaining to student computer and Internet use and, if any instructional staff member becomes aware of student violations, he/she is expected to stop the activity and inform appropriate District administrators.
7. All Technology Resource users shall promptly report to the Coordinator of Information and Technology or another appropriate District administrator any inappropriate information or material they encounter when using the Internet or which they believe may be available based on Internet usage by other individuals.
8. Files downloaded from the Internet shall be scanned with virus detection software before being viewed or opened. Internet users are prohibited from accessing or retrieving any relay chat or other real-time or “live” communications unless there has been prior clearance by the Superintendent or designee. However, live communication for District business reasons **within** the District network is permissible.

9. Internet peer-to-peer file sharing and torrent use are prohibited unless there has been prior clearance by the Superintendent or designee. However, file sharing for District business reasons **within** the District network is permissible.
10. The downloading and installation of programs from the Internet is prohibited without the prior written approval of the Coordinator of Information and Technology or designee. Unauthorized programs shall be removed without notice.
11. Information obtained via the Internet is not always reliable and should be verified for accuracy, quality, and completeness.
12. Distribution of student information, using any personal Internet service provider, whether during or after school hours and whether on or off the District's premises, is a violation of student privacy and is subject to disciplinary action.
13. For curricular reasons only, authorized users may access personal sites/pages if they reflect the professional image of the District and are consistent with the mission of the District.

**E. District Websites**

The District has established a Website, [www.mathewslocal.org](http://www.mathewslocal.org) and shall develop Web pages that present information about the District. The Superintendent, or designee, is responsible for maintaining the District Website and may establish Website Publishing procedures to manage the posting of information to the District Website, the posting of any school, class or student Web pages, and the creation of links to or from outside sources. All Websites and pages (including links) hosted on the District network shall reflect the professional image of the District and be consistent with the mission of the District. Unauthorized Web sites or pages may **not** be placed on the District network.

**F. Disclaimers**

The District does not guarantee the privacy of any information, including but not limited to e-mail messages or electronic communications or files sent or received via Technology Resources. Any person utilizing any Technology Resource understands and agrees that he/she is specifically waiving any expectations of privacy in communications, data and other information stored, displayed, accessed, communicated, or transmitted thereon. The District reserves and shall exercise the right to access, monitor, review, audit, log and intercept computer activity, Internet use, e-mail, electronic communications, and other Technology



Resource use by District employees at all times and without notice. The District may edit or remove any materials from Technology Resources which are determined to be objectionable. If any misconduct or criminal activity is discovered, the information or communications may be used to document such conduct and may be referred to the District administration and appropriate authorities. The use of a District provided password or code does not restrict the District's right to access, monitor, review, audit, log, and intercept electronic information or communications.

The District denies any responsibility for the accuracy, quality, or completeness of any information available over the Internet. Furthermore, the District assumes no responsibility for any costs, liabilities or damages incurred through use of Technology Resources.

Technology Resource users are responsible for archiving and backing-up all electronic information and communications which need to be retained. The District makes no guarantee that the functions or services provided by or through the District network shall be error free or without defect. The District is not responsible for any damages incurred due to loss of data or delays in or interruption of services.

The Coordinator of Information and Technology may investigate any unusual activity involving Technology Resources and may periodically report to the Superintendent or designee on the manner in which Technology Resources are being used.

## 7540.02 - DISTRICT WEB ACCESSIBILITY, CONTENT, APPS, AND SERVICES

### A. **Creating Content for Web Pages/Sites/Apps and Services**

The Board authorizes staff members and students to create web pages/sites, apps, and services that shall be hosted on the Board's servers and/or published on the Internet. The web pages/sites, apps, and services shall reflect the professional image of the District, its employees, and students. The content of all pages shall be consistent with the Board's Mission Statement and staff-created web pages/sites, apps, and services are subject to prior review and approval of the Superintendent or designee. The creation of web pages/sites, apps, and services by students shall be done under the supervision of a professional staff member.

### B. **Purpose of Content of District Web Pages/Sites, Apps, and Services**

The purpose of web pages/sites, apps, and services hosted on the Board's servers is to educate, inform, and communicate. The following criteria shall be used to guide the development of such web pages/sites, apps, and services:

#### 1. **Educate**

Content should be suitable for and usable by students and teachers to support the curriculum and the Board's Objectives as listed in the Board's Strategic Plan.

#### 2. **Inform**

Content may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

#### 3. **Communicate**

Content may communicate information about the plans, policies, and operations of the District to members of the public and other persons who may be affected by District matters.

The information contained on the Board's web site should reflect and support the Board's Mission Statement, Educational Philosophy, and the School Improvement Process.

When the content includes a photograph or personally identifiable information relating to a student, the Board shall abide by the provisions of Board Policy 8330 - Student Records.

Under no circumstances is a web site, app, and/or service to be used for commercial purposes, advertising, political lobbying or to provide financial gains for any individual. Included in this prohibition is the fact no web pages contained on the District's web site may: (1) include statements or other items that support or oppose a candidate for public office, the investigation, prosecution or recall of a public official, or passage of a tax levy or bond issue; (2) link to a web site of another organization if the other web site includes such a message; or (3) communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization.

Under no circumstances is a staff member-created web page/site, app, and/or service, including personal web pages/sites, apps, and services, to be used to post student progress reports, grades, or any other similar class-related material. The Board maintains its own web site (e.g., Progressbook) that employees are required to use for the purpose of conveying information to students and/or parents.

Staff members are prohibited from requiring students to go to the staff member's personal web pages/sites (including, but not limited to, their Facebook or MySpace pages) to check grades, obtain class assignments and/or class-related materials, and/or to turn in assignments.

If a staff member creates a web page/site, app, and/or service related to his/her class, it shall be hosted on the Board's approved servers.

Unless the web page/site, app, and/or service contains student personally identifiable information, Board web sites, apps, and services that are created by students and/or staff members that are posted on the Internet should not be password protected or otherwise contain restricted access features, whereby only employees, student(s), or other limited groups of people can access the site. Community members, parents, employees, staff, students, and other web site users shall generally be given full access to the web sites, apps, and services created pursuant to this policy.

Web pages, apps, and services should reflect an understanding that both internal and external audiences shall be viewing the information.

School web pages/sites, apps, and services shall be located on Board-affiliated servers.

The Board retains all proprietary rights related to the design of web pages/sites, apps, and services that are hosted on the Board's servers, absent written agreement to the contrary.

Students who want their class work to be displayed on the Board's web site shall have written parent permission and expressly license its display without cost to the Board.

Prior written parental permission is necessary for a student to be identified by name on the Board's web site.

### **C. Website Accessibility**

The District is committed to providing persons with disabilities an opportunity equal to that of persons without disabilities to participate in the District's programs, benefits, and services, including those delivered through electronic and information technology, except when doing so would impose an undue burden or create a fundamental alteration. The District is further committed to ensuring persons with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as persons without a disability, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online, as required by Section 504 and Title II of the ADA and their implementing regulations; and that they receive effective communication of the District's programs, services, and activities delivered online.

The District adopts this policy to fulfill this commitment and affirm its intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, 34 C.F.R. Part 104, Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. 12131, and 28 C.F.R. Part 35 in all respects.

#### **1. Technical Standards**

The District will adhere to the technical standards of compliance identified at [District's website]. The District measures the accessibility of online content and functionality according to the World Wide Web Consortium's Web Content Accessibility Initiative – Accessible Rich Internet Applications Suite (WAI-ARIA 1.1) for web content.

#### **2. Web Accessibility Coordinator**

The Board designates its Technology Director or designee as the District's web accessibility coordinator. The Technology Director or designee is responsible for coordinating and implementing this policy.

The Board commits to providing the Web Accessibility Coordinator with sufficient resources and authority to coordinate and implement this policy

and any corresponding policies subject to oversight by the Superintendent and the Board.

See Board Policy 2260.01 for the Section 504/ADA Compliance Coordinator's contact information.

3. Third Party Contract

Links included on the Board's websites, apps, and services that pertain to programs, benefits, and/or services must also meet the above criteria and comply with State and Federal law (e.g., copyright laws, CIPA, Section 504, ADA, and COPPA). While the District strives to provide access through its website to online content provided or developed by third parties (including vendors, video-sharing website, and other sources of online content) that is in an accessible format, that is not always feasible. The District's administrators and staff, however, are aware of this requirement with respect to the selection of online content provided to students. The District's web accessibility coordinator or designees will vet online content available on its website that is related to the District's programs, benefits, and/or services for compliance with this criteria for all new content placed on the District's website after adoption of this policy.

Nothing in the preceding paragraph, however, shall prevent the District from including links on the Board's website(s) to:

- a. Recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites); or
- b. Websites, apps, and/or services that are developed and hosted by outside vendors or organizations that are not part of the District's program, benefits, or services.

The Board recognizes that such third party websites may not contain age-appropriate advertisements that are consistent with the requirements of Policy 9700.01 and State and Federal law.

4. Regular Audits

The District, under the direction of the web accessibility coordinator or designees, will, at regular intervals, audit the District's online content and measure this content against the technical standards adopted above.

This audit will occur no less than once every two (2) years.

If problems are identified through the audit, such problems will be documented, evaluated, and, if necessary, remediated within a reasonable period of time.

5. **Reporting Concerns or Possible Violations**

If any student, prospective student, employee, guest, or visitor believes that the District has violated the technical standards in its online content, s/he may contact the web accessibility coordinator with any accessibility concerns. S/He may also file a formal complaint utilizing the procedures set out in Board Policy 2260 and Policy 2260.01 relating to Section 504 and Title II.

D. **Training**

The District will provide periodic training for its employees who are responsible for creating or distributing information with online content so that these employees are aware of this Policy and understand their roles and responsibilities with respect to web design, documents, and multimedia content.

Such training shall be facilitated by an individual with sufficient knowledge, skill, and experience to understand and employ the technical standards set forth in Board policies.

E. **One-Way Communication Using District Content, Apps, and Services**

The District is authorized to use web pages/sites, apps, and services to promote school activities and inform stakeholders and the general public about District news and operations.

Such communications constitute public records that will be archived.

When the Board or Superintendent designates communications distributed via District web pages/sites, apps, and services to be one-way communication, public comments are not solicited or desired, and the website, app, or service is to be considered a nonpublic forum.

If the District uses an app and web service that does not allow the District to block or deactivate public comments (e.g., Facebook, which does not allow comments to be turned-off, or Twitter, which does not permit users to disable private messages or mentions/replies), the District's use of those apps and web service will be subject to Policy 7544 – Use of Social Media, unless the District is able to automatically withhold all public comments.

If unsolicited public comments can be automatically withheld, the District will retain the comments in accordance with its adopted record retention schedule, but it will not review or consider those comments.

## **7540.03 - TECHNOLOGY RESOURCES ACCEPTABLE USE – OTHER AUTHORIZED USERS**

District Technology Resources include, but are not limited to, computers, file servers, laptops, software, e-mail, video equipment, AV equipment, public address systems, presentation equipment, telephones, voice mail systems, digital cameras, scanners, the local area network, the wide area network, and all equipment related thereto (collectively, “Technology Resources” or individually, “Technology Resource”). These resources are school property purchased with public funds or grant monies and are intended solely for use in furtherance of the mission of the District, to enhance the delivery of education, and to conduct necessary school business. Technology Resources may only be used for appropriate curricular and co-curricular purposes.

This policy sets forth the proper and acceptable uses of Technology Resources, electronic mail and communications and the Internet for all authorized users other than students and District employees. The use of any Technology Resource shall constitute acknowledgment and acceptance by the user of this policy and all other applicable Board policies and regulations.

Any authorized user who violates this policy, or allows others to do so, shall be immediately disconnected from all Technology Resources, may have his/her Technology Resource use privileges permanently revoked, and may be removed from the District’s facilities. Each authorized user shall sign a form to acknowledge he/she has read, understands, and shall comply with this Technology Resources Acceptable Use Policy. These forms shall be kept on file by the District as binding legal documents.

The Board reserves the right to modify this policy at any time. The Board may pursue criminal prosecution or civil action for any unauthorized use of Technology Resources or any violation of this policy when appropriate.

### **Technology Resources and Acceptable Use Policy Outline**

- A. General Standards of Conduct for Use of Technology Resources,
- B. General Standards of Conduct for Electronic Mail and Communications,
- C. General Standards of Conduct for Internet Use,
- D. District Web Sites, and
- E. Disclaimers.

Form: Authorized User Receipt and Acknowledgment

### **General Standards of Conduct for Use of Technology Resources**

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Technology Resources. Installation of such software shall be performed only by authorized personnel to ensure that the software is (a) compatible with existing computer systems; (b) properly installed, maintained, used, and upgraded; (c) free from any computer virus; and (d) properly licensed. Installation of any other software, including but not limited to, shareware, freeware, public domain, or demonstration copies of software, is prohibited. Unscheduled audits of Technology Resources shall be periodically performed and any unlicensed or unapproved software shall be removed without notice.

- B. Only hardware licensed to the Board and/or authorized in writing by the Coordinator of Information and Technology, or designee, shall be installed on Technology Resources. Installation of such hardware shall be performed only by authorized personnel to ensure that the hardware is (a) compatible with existing computer systems; (b) properly installed, maintained, used, and upgraded; (c) free from any computer virus; and (d) properly licensed. Installation of any other hardware, including but not limited to, CPUs, mother Boards, hard-drives, zip drives, video cards, memory, CD-ROMs, DVD-ROMs, SCSI cards, modems/routers, is prohibited. Memory based recording devices/media used for the transportation of information or enhancement devices (e.g., speakers, cameras) are permitted. The Board reserves the right to inspect or restrict such use should these devices/media contain material that may damage Technology Resources (e.g., viruses, malware, spam ware, spyware). Unscheduled audits of Technology Resources shall be periodically performed and any unlicensed or unapproved hardware shall be removed without notice.
- C. Technology Resource users shall not delete any software on the District's computers, copy any software owned by the District, or remove any hardware from the District's property without prior written permission from the Coordinator of Information and Technology.
- D. Technology Resource users may not deploy or install wireless access points without prior written permission from the Coordinator of Information and Technology.
- E. Network and system passwords ensure the security of critical and sensitive electronic data and are the first defense against unauthorized access. Only passwords issued by the Coordinator of Information and Technology, or designee, shall be used. Technology Resource users are prohibited from divulging their passwords to other individuals. Habitual loss or unauthorized disclosure of any password shall be subject to disciplinary action.
- F. Disruption of electronic services and interference with Technology Resources or electronic information (including but not limited to, uploading, or downloading damaging data or illegal software; tampering with hardware or software; vandalizing or destroying data; introducing or using computer viruses, worms, or

Trojan horses; or attempting to gain access to restricted information or networks) are prohibited.

- G. Authorized users are prohibited from allowing any unauthorized person to use or operate any Technology Resource. Volunteers, aides, or other persons in the school for a specific school purpose may be authorized by the Coordinator of Information and Technology, or designee, to use Technology Resources only under the direction and direct supervision of a District employee. Technology Resource users shall shut down and secure in an appropriate fashion Technology Resources which are not in use.
- H. Any use of Technology Resources to facilitate illegal activity is prohibited. Technology Resources shall not be used to encourage or promote any activity prohibited by law or Board policy, rules, procedures, or regulations. Any misconduct or criminal activity discovered shall be referred to appropriate authorities.
- I. Use of the District's Technology Resources to access or transmit obscene, pornographic, or violent materials or to transmit materials likely to be threatening, offensive or objectionable is prohibited. Such prohibited materials include, but are not limited to, "hacking" materials; racist material or hate literature; terrorism instructions/directions or other dangerous information; profane or vulgar materials; threatening or inflammatory language; false or defamatory materials; disparagement of others based on race, color, religion, national origin, veteran status, ancestry, disability, age, sex, or sexual orientation; and any materials that advocate violating other's rights. In the context of educational purposes, the District may allow research or investigation of some objectionable materials to allow students to be better prepared to recognize social harms and improve their ability to deal effectively therewith.
- J. Use of Technology Resources for political, commercial, or for-profit purposes, including fund-raising unless specifically authorized by the District administration, is prohibited.
- K. Unauthorized access, use, modification, alteration, vandalism or destruction of Technology Resources or electronic information is prohibited. Any inappropriate use of Technology Resources that may hinder future use is prohibited. Technology Resource users are expected to respect the District's property and to follow any instructions from the Coordinator of Information and Technology, or designee, regarding maintenance and care of equipment. Technology Resource users shall promptly notify the Coordinator of Information and Technology of any need for service to Technology Resources.

- L. Technology Resources may not be used in violation of Copyright laws. Any copyrighted material placed on any system connected to the District network without the author's permission shall be removed.
- M. Technology Resources may not be used in violation of privacy laws and the unauthorized disclosure, use or dissemination of personally identifiable information concerning students is prohibited. All Technology Resource users are required to protect themselves and others by not issuing or releasing any personal or confidential information via Technology Resources.
- N. The Coordinator of Information and Technology may establish and enforce quotas for usage of available space on the District network. Technology Resource users are expected to remain within allocated disk space and delete e-mail or other materials which take up excessive storage space.
- O. Technology Resource users shall immediately notify the Coordinator of Information and Technology if they identify any security problem.
- P. The District administration reserves the right to limit the times of access and to establish priorities among competing acceptable uses of Technology Resources.
- Q. All remote access and use of Technology Resources shall also be subject to all applicable requirements of this policy.

#### **General Standards of Conduct for Electronic Mail and Communications:**

There shall be no use of e-mail, chat room, bulletin Boards (such as myspace.com), instant messaging or other forms or systems of direct electronic communication by volunteers, aides or other persons in the school for a specific school purpose, either internal or external to the District network, without the prior written consent of the Coordinator of Information and Technology. If such consent is granted, the authorized user(s) shall be subject to the electronic mail and communications requirements that are applicable to District employees as set forth in this policy.

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- D. The District has implemented technology protection measures to block or filter materials which are obscene or harmful to minors. The District shall restrict, to the extent practicable and technically possible, access to offensive information and materials. Because Internet access provides connections to computer systems located all over the world, the District cannot, however, control the content of all information and materials available on the District network.
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- M. For curricular reasons only, authorized users may access personal sites/pages if they reflect the professional image of the District and are consistent with the mission of the District.

### **District Websites**

The District has established a Website, [www.mathewslocal.org](http://www.mathewslocal.org), and shall develop Web pages that present information about the District. The Superintendent or designee is responsible for maintaining the District Website and may establish Website Publishing rules to manage the posting of information to the District Website, the posting of any school, class or student Web pages, and the creation of links to or from outside sources. All Websites and pages (including links) hosted on the District network shall reflect the professional image of the District and be consistent with the mission of the District. Unauthorized Websites or pages may **not** be placed on the District network.

### **Disclaimers**

The District does not guarantee the privacy of any information, including but not limited to e-mail messages or electronic communications or files sent or received via Technology Resources. Any person utilizing any Technology Resource understands and agrees that he/she is specifically waiving any expectations of privacy in communications, data and other information stored, displayed, accessed, communicated, or transmitted thereon. The District reserves and shall exercise the right to access, monitor, review, audit, log and intercept computer activity, Internet use, e-mail, electronic communications, and other Technology Resource use by any users, at all times and without notice. The District may edit or remove any materials from Technology Resources which are determined to be objectionable. If any misconduct or criminal activity is discovered, the information or communications may be used to document such conduct and may be referred to the District administration and appropriate authorities. The use of a District provided password or code does not restrict the District's right to access, monitor, review, audit, log, and intercept electronic information or communications.

The District denies any responsibility for the accuracy, quality, or completeness of any information available over the Internet. Furthermore, the District assumes no responsibility for any costs, liabilities or damages incurred through use of Technology Resources.

Technology Resource users are responsible for archiving and backing-up all electronic information and communications which need to be retained. The District makes no guarantee that the functions or services provided by or through the District network shall be error free or

without defect. The District is not responsible for any damages incurred due to loss of data or delays in or interruption of services.

The Coordinator of Information and Technology may investigate any unusual activity involving Technology Resources and may periodically report to the Superintendent or designee on the manner in which Technology Resources are being used.

## 7540.04 - NETWORK RESOURCES AND INTERNET SAFETY

Advances in telecommunications and other related technologies have fundamentally altered the ways in which information is accessed, communicated, and transferred in society. Such changes are driving the need for educators to adapt their means and methods of instruction, and the way they approach student learning, to harness and utilize the vast, diverse, and unique resources available on the Internet. The Board is pleased to provide Internet service to its staff. The District's Internet system has a limited educational purpose. The District's Internet system has not been established as a public access service or a public forum. The Board has the right to place restrictions on its use to assure that use of the District's Internet system is in accord with its limited educational purpose. Staff use of the District's computers, network, and Internet services ("Network") shall be governed by this policy, Policy 7544, and any applicable employment contracts. The due process rights of all users shall be respected in the event there is a suspicion of inappropriate use of the Network. Users have no right or expectation to privacy when using the Network (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity while on the Network).

The Board encourages staff to utilize the Internet in order to promote educational excellence in our schools by providing them with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet shall be guided by the Board's policy on Instructional Materials.

The Internet is a global information and communication network that provides an incredible opportunity to bring previously unimaginable education and information resources to our students. The Internet connects computers and users in the District with computers and users worldwide. Through the Internet, students and staff can access up-to-date, highly relevant information that shall enhance their learning and the education process. Further, the Internet provides students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges and responsibilities.

The Board may not be able to technologically limit access, through the Board's Internet connection, to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to the reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, shall open classrooms and students to electronic information resources that have not been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures, which protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. The technology protection measures, may not be disabled at any time that students may be using the Network, if such disabling shall cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator shall be subject to disciplinary action, up to and including termination.

The Superintendent or designee may temporarily or permanently unblock access to sites containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The Superintendent or designee may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.

Staff members shall participate in professional development programs in accordance with the provisions of law and this policy. Training shall include:

- A. the safety and security of students while using e-mail, chat rooms, social media and other forms of direct electronic communications;
- B. the inherent danger of students disclosing personally identifiable information online;
- C. the consequences of unauthorized access (e.g., "hacking"), cyberbullying and other unlawful or inappropriate activities by students or staff online; and
- D. unauthorized disclosure, use, and dissemination of personal information regarding minors.

Furthermore, staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above, and staff members shall monitor students' online activities while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.



The disclosure of personally identifiable information about students online is prohibited.

Building principals/program managers are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy. The Board expects that staff members shall provide guidance and instruction to students in the appropriate use of the Internet. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. All Internet users are required to sign a written agreement to abide by the terms and conditions of this policy.

Staff will be assigned a school e-mail address that they are required to utilize for all school-related electronic communications, including those to students, parents, and other constituents, fellow staff members, and vendors or individuals seeking to do business with the District.

Staff members are responsible for good behavior on Board's computer/network and the Internet just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature.

Staff members shall not access social media for personal use on the District's network, and shall access social media for educational use only after submitting a plan for that educational use and securing the principal/program manager's approval of that plan in advance.

General school rules for behavior and communication apply. The Board does not sanction any use of the Internet that is not authorized by or conducted strictly in compliance with this policy and Policy 7544.

Staff members use of District technology resources to access or use social media is to be consistent with Policy 7544.

An employee's personal or private use of social media may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the District's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property including from the employee's personal communication device. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

Users who disregard this policy may have their use privileges suspended or revoked, and disciplinary action taken against them. Users granted access to the Internet through the Board's computers assume personal responsibility and liability, both civil and criminal, for uses of the Internet not authorized by this policy.

The Board designates the Superintendent and Coordinator of Information and Technology Services as the administrators responsible for initiating, implementing, and enforcing this policy as they apply to staff members' use of the Network.

## 7540.05 - **ELECTRONIC MAIL**

The Board is committed to the effective use of electronic mail (“e-mail”) by all District staff and Board members in the conduct of their official duties. This policy is not meant to limit or discourage the use of e-mail for conducting the official business of the District, but rather, this policy is intended to establish a framework for the proper use of e-mail as an official business tool.

When available, the District’s e-mail system shall be used by employees for any official District e-mail communications. Personal e-mail accounts on providers other than the District’s e-mail system may be blocked at any time due to concerns for network security, SPAM, or virus protection. Furthermore, District staff are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the District’s network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

District staff shall not send or forward mass e-mails, even if the e-mails concern District business, without prior approval of the Technology Director and Superintendent.

District staff may join list serves or other e-mail services (e.g., RSS feeds) that pertain to their responsibilities in the District, provided these list serves or other e-mail services do not exceed the staff member’s e-mail storage allotment. Staff members are required to keep their inbox and folders organized by regularly reviewing e-mail messages, appropriately saving e-mails that constitute a public record or student record and e-mails that are subject to a Litigation Hold, and purging all other e-mails that have been read. If the staff member is concerned that his/her e-mail storage allotment is not sufficient, s/he should contact the District’s technology coordinator (IT staff). Similarly, if a staff member is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with his/her building principal/program manager or the District’s Technology Director. The Technology Director is authorized to block e-mail from list serves or e-mail services if the e-mails received by the staff member(s) regularly exceed ten (10) megabytes.

### **Public Records**

The District complies with all applicable laws and regulations pertaining to electronic mail. Accordingly, e-mails written by or sent to District staff and Board members may be public records if their content concerns District business, or education records if their content includes personally identifiable information about a student. E-mails that are public records are subject to retention and disclosure, upon request, in accordance with Board Policy 8310 – Public Records. E-mails that are student records should be maintained pursuant to Board Policy 8330 – Student Records. Finally, e-mails may constitute electronically stored information (“ESI”) that may be subject to a Litigation Hold pursuant to Board Policy 8315 – Information Management.

Applicable laws and regulations exempt certain documents and information within documents from disclosure, no matter what their form. Therefore, certain e-mails may be exempt from

disclosure or it may be necessary to redact certain content in the e-mails before the e-mails are released pursuant to a public records request, the request of a parent or eligible student to review education records, or a duly served discovery request involving ESI.

E-mails written by or sent to District staff and Board members by means of their private e-mail account may be public records if the content of the e-mails concerns District business, or education records if their content includes personally identifiable information about a student. Consequently, staff shall comply with a District request to produce copies of e-mail in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold, even if such records reside on a computer owned by an individual staff member or are accessed through an e-mail account not controlled by the District.

### **Retention**

Pursuant to applicable laws and regulations, e-mails that are public records or education records, and e-mails that are subject to a Litigation Hold shall be retained.

The District maintains archives of all e-mails sent and/or received by users of the District's e-mail service. Staff members are required to forward copies of any e-mails received in their personal e-mail account(s) not affiliated with the District server to their District e-mail account so that these records are also archived for future retrieval, if necessary.

### **Unauthorized E-mail**

The Board does not authorize the use of its proprietary computers and computer network ("network") to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing shall be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

### **Authorized Use and Training**

Pursuant to Board Policy 7540.04, staff and Board members using the District's e-mail system shall acknowledge their review of, and intent to comply with, the District's policy on acceptable use and safety by signing and submitting the appropriate form.

## 7540.06 – **DISTRICT-ISSUED STUDENT E-MAIL ACCOUNT**

Students assigned a school e-mail account are required to utilize it for all school-related electronic communications, including those to staff members and individuals and/or organizations outside the District with whom they are communicating for school-related projects and assignments. Further, as directed and authorized by their teachers, they shall use their school-assigned e-mail account when signing-up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

This policy and any corresponding guidelines serve to establish a framework for student's proper use of e-mail as an educational tool.

Personal e-mail accounts on providers other than the District's e-mail system may be blocked at any time if concerns for network security, SPAM, or virus protection arise. Students are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the District's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

Students shall not send or forward mass e-mails, even if educationally-related, without prior approval of their classroom teacher or the Technology Director.

Students may join list serves or other e-mail services (e.g. RSS feeds) that pertain to academic work, provided the e-mails received from the list serves or other e-mail services do not become excessive. If a student is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with his/her classroom teacher, the Building Principal or the District's Technology Director and/pr IT staff. The Technology Director is authorized to block e-mail from list serves or e-mail services if the e-mails received by the student becomes excessive.

Students are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages and purging e-mails once they are read and no longer needed for school.

### **Unauthorized E-mail**

The Board does not authorize the use of its Technology Resources, including its computer network ("network"), to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending

unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

### **Authorized Use and Training**

Pursuant to Policy 7540.03, students using the District's e-mail system shall acknowledge their review of, and intent to comply with, the District's policy on acceptable use and safety by signing and submitting Form 7540.03 F1 annually.

Furthermore, students using the District's e-mail system shall satisfactorily complete training, pursuant to Policy 7540.03, regarding the proper use of e-mail annually.

## 7540.07 - TECHNOLOGY RESOURCES ACCEPTABLE USE – STUDENTS

District Technology Resources include, but are not limited to, computers, file servers, laptops, software, e-mail, video equipment, AV equipment, public address systems, presentation equipment, telephones, voice mail systems, digital cameras, scanners, the local area network, the wide area network, and all equipment related thereto (collectively, “Technology Resources” or individually, “Technology Resource”). These resources are school property purchased with public funds or grant monies and are intended solely for use in furtherance of the mission of the District, to enhance the delivery of education, and to conduct necessary school business. Technology Resources may only be used for appropriate curricular and co-curricular purposes.

This policy sets forth the proper and acceptable uses of Technology Resources, electronic mail and communications and the Internet for students. The use of any Technology Resource shall constitute acknowledgment and acceptance by the user of this policy and all other applicable Board policies and regulations.

Technology Resources and assigned network access, Internet access and e-mail access passwords are tools provided to students to enhance their education and should be treated accordingly. Any student who violates this policy, or allows others to do so, may have his/her user access privileges revoked and shall be subject to disciplinary action, up to and including expulsion. Each student shall sign a form to acknowledge he/she has read, understands, and shall comply with this Technology Resources Acceptable Use Policy. Parents of students under the age of eighteen (18) shall also acknowledge their understanding of the risks associated with Internet use and authorize the District to allow Internet access for their child(ren). These forms shall be kept on file by the District as binding legal documents.

The Board reserves the right to modify this policy at any time. The Board may pursue criminal prosecution or civil action for any unauthorized use of Technology Resources or any violation of this policy when appropriate.

### **Technology Resources and Acceptable Use Policy Outline**

- A. General Standards of Conduct for Use of Technology Resources,
- B. General Standards of Conduct for Electronic Mail and Communications,
- C. General Standards of Conduct for Internet Use,
- D. District Web Sites, and
- E. Disclaimers.

Form: Student/Parent Receipt, Acknowledgment and Authorization

### **General Standards of Conduct for Use of Technology Resources:**

- A. Only software licensed to the Board and/or authorized in writing by the Coordinator of Information and Technology, or designee, shall be installed on Technology Resources. Installation of such software shall be performed only by authorized personnel to ensure that the software is (a) compatible with existing computer systems; (b) properly installed, maintained, used, and upgraded; (c) free from any computer virus; and (d) properly licensed. Installation of any other software, including but not limited to, shareware, freeware, public domain, or demonstration copies of software, is prohibited. Unscheduled audits of Technology Resources shall be periodically performed and any unlicensed or unapproved software shall be removed without notice.
- B. Only hardware licensed to the Board and/or authorized in writing by the Coordinator of Information and Technology, or designee, shall be installed on Technology Resources. Installation of such hardware shall be performed only by authorized personnel to ensure that the hardware is (a) compatible with existing computer systems; (b) properly installed, maintained, used, and upgraded; (c) free from any computer virus; and (d) properly licensed. Installation of any other hardware, including but not limited to, CPUs, motherboards, hard-drives, zip drives, video cards, memory, CD-ROMs, DVD-ROMs, SCSI cards, modems/routers, is prohibited. Memory based recording devices/media used for the transportation of information or enhancement devices (e.g., speakers, cameras) are permitted. The Board reserves the right to inspect or restrict such use should these devices/media contain material that may damage Technology Resources (e.g., viruses, malware, spam ware, spyware). Unscheduled audits of Technology Resources shall be periodically performed and any unlicensed or unapproved hardware shall be removed without notice.
- C. Students shall not delete any software on the District's computers, copy any software owned by the District, or remove any hardware from the District's property without prior written permission from the Coordinator of Information and Technology.
- D. Students may not deploy or install wireless access points without prior written permission from the Coordinator of Information and Technology.
- E. Network and system passwords ensure the security of critical and sensitive electronic data and are the first defense against unauthorized access. Only passwords issued by the Coordinator of Information and Technology, or designee, shall be used. Students are prohibited from divulging their passwords to other individuals. Habitual loss or unauthorized disclosure of any password shall be subject to disciplinary action.



- F. Disruption of electronic services and interference with Technology Resources or electronic information (including but not limited to, uploading, or downloading damaging data or illegal software; tampering with hardware or software; vandalizing or destroying data; introducing or using computer viruses, worms, or Trojan horses; or attempting to gain access to restricted information or networks) are prohibited.
- G. Students are prohibited from allowing any unauthorized person to use or operate any Technology Resource. Students shall shut down and secure in an appropriate fashion Technology Resources which are not in use.
- H. Any use of Technology Resources to facilitate illegal activity is prohibited. Technology Resources shall not be used to encourage or promote any activity prohibited by law or Board policy, rules, procedures, or regulations. Any misconduct or criminal activity discovered shall be referred to appropriate authorities.
- I. Use of the District's Technology Resources to access or transmit obscene, pornographic, or violent materials or to transmit materials likely to be threatening, offensive or objectionable is prohibited. Such prohibited materials include, but are not limited to, "hacking" materials; racist material or hate literature; terrorism instructions/directions or other dangerous information; profane or vulgar materials; threatening or inflammatory language; false or defamatory materials; disparagement of others based on race, color, religion, national origin, veteran status, ancestry, disability, age, sex, or sexual orientation; and any materials that advocate violating other's rights. In the context of educational purposes, the District may allow research or investigation of some objectionable materials to allow students to be better prepared to recognize social harms and improve their ability to deal effectively therewith.
- J. Use of Technology Resources for political, commercial, or for-profit purposes, including fund-raising unless specifically authorized by the District administration, is prohibited.
- K. Unauthorized access, use, modification, alteration, vandalism or destruction of Technology Resources or electronic information is prohibited. Any inappropriate use of Technology Resources that may hinder future use is prohibited. Students are expected to respect the District's property and to follow any instructions from the Coordinator of Information and Technology, or designee, regarding maintenance and care of equipment. Students shall promptly notify the Coordinator of Information and Technology of any need for service to Technology Resources.

- L. Technology Resources may not be used in violation of Copyright laws. Any copyrighted material placed on any system connected to the District network without the author's permission shall be removed.
- M. Technology Resources may not be used in violation of privacy laws. Students are required to protect themselves and others by not issuing or releasing any personal or confidential information via Technology Resources.
- N. The Coordinator of Information and Technology may establish and enforce quotas for usage of available space on the District network. Students are expected to remain within allocated disk space and delete e-mail or other materials which take up excessive storage space.
- O. Students shall immediately notify the Coordinator of Information and Technology if they identify any security problem.
- P. The District administration reserves the right to limit the times of access and to establish priorities among competing acceptable uses of Technology Resources.
- Q. All remote access and use of Technology Resources shall also be subject to all applicable requirements of this policy.

#### **General Standards of Conduct for Electronic Mail and Communications:**

The use of direct electronic communications (i.e., e-mail, chat room, bulletin Board, Instant Messaging, and other forms) by students is available only with the prior written consent of the Coordinator of Information and Technology and under the guidance of a teacher.

#### **General Standards of Conduct for Internet Use:**

- A. The General Standards of Conduct for Use of Technology Resources set forth above shall be equally applicable to all Internet use.
- B. Internet access over the District network may be provided only to District employees, students, individuals enrolled in Adult Education classes, and volunteers, aides, or other persons in the school for a specific school purpose when authorized by the Coordinator of Information and Technology or designee. Student Internet access may be limited to specified times, as provided by the instructors and the District administration.
- C. Internet access over the District network is available only to support learning, to enhance instruction and to assist in the administration of the District. Internet access is to be used in a responsible, ethical, and legal manner. All students are responsible for their actions and communications on the Internet.

- D. The District has implemented technology protection measures to block or filter materials which are obscene or harmful to minors. The District shall restrict, to the extent practicable and technically possible, access to offensive information and materials. Because Internet access provides connections to computer systems located all over the world, the District cannot, however, control the content all information and materials available on the District network.
- E. The District administration shall determine whether any use of the network is inappropriate or unauthorized, or whether any Internet information and materials are objectionable.
- F. Instructional Staff should preview recommended sites and materials selected for inclusion in coursework. Sites should be appropriate in light of the age of the students and relevant to course objectives. Student Internet use shall be carefully monitored by District staff or authorized individuals. District staff and authorized individuals are expected to enforce all rules pertaining to student computer and Internet use and, if any instructional staff member becomes aware of student violations, he/she is expected to stop the activity and inform appropriate District administrators.
- G. All students shall promptly report to a teacher any inappropriate information or material they encounter when using the Internet or which they believe may be available based on Internet usage by other individuals.
- H. Files downloaded from the Internet shall be scanned with virus detection software before being viewed or opened. Students are prohibited from accessing or retrieving any relay chat or other real-time or “live” communications unless there has been prior clearance by the Superintendent or designee.
- I. Internet peer-to-peer file sharing and torrent use are prohibited unless there has been prior clearance by the Superintendent or designee.
- J. The downloading and installation of programs from the Internet is prohibited without the prior written approval of the Coordinator of Information and Technology or designee. Unauthorized programs shall be removed without notice.
- K. Information obtained via the Internet is not always reliable and should be verified for accuracy, quality, and completeness.

### **District Websites**

The District has established a Website, [www.mathewslocal.org](http://www.mathewslocal.org), and shall develop Web pages that present information about the District. The Superintendent or designee is responsible for maintaining the District Website and may establish Website Publishing rules to manage the posting of information to the District Website, the posting of any school, class or student Web

pages, and the creation of links to or from outside sources. All Websites and pages (including links) hosted on the District network shall reflect the professional image of the District and be consistent with the mission of the District. Unauthorized Websites or pages may **not** be placed on the District network.

## **Disclaimers**

The District does not guarantee the privacy of any information, including but not limited to e-mail messages or electronic communications or files sent or received via Technology Resources. Any student utilizing any Technology Resource understands and agrees that he/she is specifically waiving any expectations of privacy in communications, data and other information stored, displayed, accessed, communicated, or transmitted thereon. The District reserves and shall exercise the right to access, monitor, review, audit, log and intercept computer activity, Internet use, e-mail, electronic communications, and other Technology Resource use by students, at all times and without notice. The District may edit or remove any materials from Technology Resources which are determined to be objectionable. If any misconduct or criminal activity is discovered, the information or communications may be used to document such conduct and may be referred to the District administration and appropriate authorities. The use of a District provided password or code does not restrict the District's right to access, monitor, review, audit, log, and intercept electronic information or communications.

The District denies any responsibility for the accuracy, quality, or completeness of any information available over the Internet. Furthermore, the District assumes no responsibility for any costs, liabilities or damages incurred through use of Technology Resources.

Students are responsible for archiving and backing-up all electronic information and communications which need to be retained. The District makes no guarantee that the functions or services provided by or through the District network shall be error free or without defect. The District is not responsible for any damages incurred due to loss of data or delays in or interruption of services.

The Coordinator of Information and Technology may investigate any unusual activity involving Technology Resources and may periodically report to the Superintendent or designee on the manner in which Technology Resources are being used.

## 7541 - ELECTRONIC DATA PROCESSING DISASTER RECOVERY PLAN

The Board is committed to maintaining and protecting the District's Information System. The Board believes that a complete and accurate Information System which includes educational, student, fiscal and personnel information is vital to the Board's ability to deliver uninterrupted educational service to the community it represents. To that end, the Superintendent, in conjunction with the Treasurer/CFO, is directed to develop, test and maintain an *Electronic Data Processing Disaster Recovery Plan* for use in the event a disaster should disable the District's electronic data processing equipment.

The Plan may include:

- A. a reciprocal agreement with a neighboring District or data acquisition site, which outlines the scope of reciprocal services such as access to the computer facility of the alternative, computer time and personnel assistance, and costs;
- B. adequate equipment insurance;
- C. a list of the applications that are used by the District;
- D. procedures used to backup all programs and data on a daily, monthly, quarterly, and year-end basis;
- E. backup storage off-site;
- F. maintenance agreements for hardware and software (including, but not limited to the operating system); and
- G. as a last resort, the procedure to create payroll checks and budgetary checks, and perform other necessary accounting functions, manually.

## **7542 - ACCESS TO DISTRICT TECHNOLOGY RESOURCES AND/OR INFORMATION RESOURCES FROM PERSONAL COMMUNICATION DEVICES**

For purposes of this policy, “personal communication device” (PCD) includes computers, tablets (e.g., iPad-like devices), electronic readers (“e-readers”; e.g., Kindle-like devices), cell phones, smartphones (e.g., iPhones, Android devices, Windows Mobile devices, etc.), telephone paging devices (e.g., beepers or pagers), and/or other web-enabled devices of any type.

The Board provides both a guest network and business network. The business network is a secure network for the conduct of official District business. Access to the business network requires prior approval and authorization by the District. The guest network is a CIPA compliant non-secured network provided for use by students, parents, and other visitors while on District property. Only Board approved communication devices and authorized users may access the business network. Any non-Board-approved communication devices or non-authorized users shall be pre-approved by the Superintendent.

The Board permits employees, students, Board members, and guests, as well as contractors, vendors, and agents to use their PCDs to wirelessly access the District’s Technology and/or Information Resources while they are on-site at any District facility.

Access to the business/guest network shall require authentication.

If the user wants to access the District’s Technology and/or Information Resources through a hard-wired connection, the user’s PCD shall first be checked by the Superintendent to verify it meets the established standards for equipment used to access the network.

The standards shall be designed and enforced to minimize the Board’s exposure to damages, including, but not limited to, the loss of Confidential Data/Information, illegal access to Confidential Data/Information, damage to the District’s intellectual property, damage to the District’s public image/reputation, and damage to the District’s critical internal systems, from unauthorized use.

The use of PCDs shall be consistent with the established standards for appropriate use as defined in Policies 7540.03, 7540.04, 5136, and 7530.02. When an individual connects to and uses the District’s Technology and/or Information Resources, s/he shall agree to abide by all applicable policies, and laws (e.g., the user shall be presented with a “splash screen” that shall set forth the terms and conditions under which s/he shall be able to access the District’s Technology and/or Information Resource(s) the user shall need to accept the stated terms and conditions before being provided with access to the specified technology resource(s)).

In order to comply with the Children’s Internet Protection Act (“CIPA”), the Board has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors. The Board also utilizes software and/or hardware to monitor online activity to

restrict access to child pornography and other material that is obscene, objectionable, inappropriate, and/or harmful to minors.

Any user who violates the established standards and/or the Board's Acceptable Use policy, or who accesses the District's Technology and/or Information Resources without authorization may be prospectively denied access to the District's Technology and/or Information Resources. If the violation is committed by a contractor, vendor or agent of the District, the contract may be subject to cancellation. Further disciplinary action may be taken if the violation is committed by a student or employee.

The owner of a PCD bears all responsibility and assumes all risk of theft, loss, or damage to, or misuse or unauthorized use of the device while it is on Board property. This provision applies to everyone, regardless of their affiliation or connection to the District.

## **7543 - UTILIZATION OF THE DISTRICT'S WEBSITE AND REMOTE ACCESS TO THE DISTRICT'S NETWORK**

Access to the District's Website is encouraged.

Employees, parents, students, staff/employees, and community members should check the District's website regularly for changes to these resources and for the addition of other resources. Some resources may require a user name and password, or a login procedure due to the personally identifiable nature of the information provided through that resource (e.g., the gradebook program and e-mail system). If a user name and password, or login procedure, is necessary to access a resource, the user should contact the applicable department for access.

### **Access to the District Network through a Server**

Board members, District employees, and students, as well as contractors, vendors, and agents of the District, are not permitted to use their personally-owned or District-owned computers or workstations and/or web-enabled devices of any type to remotely (i.e., away from District property or facilities) access the District's server and connect to the District's Network.

Any exceptions to this policy shall be approved in advance, in writing, by the Superintendent.

Any user who violates this policy may be denied remote access and connection privileges.

Any employee who violates this policy may be disciplined, up to and including termination; any contractor, vendor, or agent who violates this policy may have his/her contract with the District terminated; and any student who violates this policy may be disciplined up to and including suspension or expulsion.



## 7544 – USE OF SOCIAL MEDIA

Technology is a powerful tool to enhance education, communication, and learning.

The Board authorizes the use of social media to promote community involvement and facilitate effective communication with students, parents/guardians, staff (including District-approved volunteers), and the general public. Social media is defined in Bylaw 0100.

The Superintendent is charged with designating the Board-approved social media platforms/sites, which shall be listed on the Board's website.

In designating Board-approved social media platforms/sites, the Superintendent shall specify which platforms/sites are appropriate for use at the Board-level, the building or department level, for extra-curricular activities, and at the individual level by employees for professional purposes.

It is critical that students be taught how to use social media platforms safely and responsibly. Social media (as defined in Bylaw 0100) are a powerful and pervasive technology that affords students and employees the opportunity to communicate for school and work purposes, and to collaborate in the delivery of a comprehensive education. Federal law mandates that the Board provide for the education of students regarding appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and regarding cyberbullying awareness and response. See Board Policy 7540.03 – Student Technology Acceptable Use and Safety.

The Board recognizes that employees may use social media for personal, as well as professional reasons. The Board neither encourages nor discourages employees' use of social media for personal purposes. The Board regulates employees' use of social media for purposes related to their Board assignment to the same extent as it regulates any other form of employee communication in that regard.

The District uses approved social media platforms/sites as interactive forms of communication.

Each Board-approved social media account/site must contain a statement that specifies its purpose(s) and limits those who access the social media account/site to use of the account/site only for that/those purpose(s), and in accordance with any specified procedures, and applicable terms of service. Users are personally responsible for the content of their posts.

## **Social Media for Instructional and School-Sponsored Activities**

Staff (including Board-approved volunteers) may, with prior approval/authorization from the Superintendent or designee to use social media platforms/sites for classroom instruction or school-sponsored activities. When a staff member uses a Board-approved social media platform/site for an educational purpose, it will be considered an educational activity and will not be considered a limited public forum. Students' use of Board-approved social media platforms/sites must be consistent with the Student Code of Conduct, Policy 7540.03, the instructor's directions/procedures, and the platform/site's applicable terms of service. Students are prohibited from posting or releasing personal information about students, employees, and volunteers through Board-approved social media without appropriate consent.

Staff members (including Board-approved volunteers) must obtain parental consent for students to participate in the use of social media platforms/sites related to a school-sponsored activity. If a parent refuses to provide such consent, the staff member must arrange for an alternative method of communicating with the participating student concerning the school-sponsored activity.

## **Expected Standards of Conduct on Board-Approved Social Media**

Employees and Board-approved volunteers who access Board-approved social media platforms are expected to conduct themselves in a respectful, courteous, and professional manner. Students, parents, and members of the general public who access Board-approved social media platforms are similarly expected to conduct themselves in a respectful, courteous, and civil manner.

Board-approved social media sites shall not contain content that is obscene; is vulgar and lewd such that it undermines the school's basic educational mission; is libelous or defamatory; constitutes hate speech; promotes illegal drug use; is aimed at inciting an individual to engage in unlawful acts or to cause a substantial disruption or material interference with Board operations; or interferes with the rights of others. The Board may exercise editorial control over the style and content of student speech on Board-approved social media, if reasonably related to legitimate pedagogical concerns. Staff or students who post prohibited content shall be subject to appropriate disciplinary action.

The Board is committed to protecting the privacy rights of students, parents/guardians, staff, volunteers, Board members, and other individuals on Board-approved social media sites. Board employees and volunteers are prohibited from posting or releasing confidential information about students, employees, volunteers, or Board operations through social media, without appropriate consent (i.e., express written consent from the parent of a student, the affected employee or volunteer, or the Superintendent concerning Board operations).

## **Retention of Public/Student Records**

Board communications that occur through the use of Board-approved social media platforms/sites – including staff members'/volunteers' use of social media with school-sponsored activities, and comments, replies, and messages received from the general public – may constitute public records or student records, and all such communications will be maintained (i.e., electronically archived) in accordance with the Board's adopted record retention schedule and all applicable State statutes.

Records that do not document the organization, functions, policies, decisions, procedures, operations, or other activities of the Board do not become public records just because they are kept or maintained by the Board under this policy.

Staff members and Board-approved volunteers cannot rely on social networking platforms (e.g., Facebook, Twitter, etc.) to sufficiently fulfill potential records retention requirements because these platforms, in general, do not guarantee retention and are unlikely to assist in the production of third-party comments and communications that have been edited, deleted, or are otherwise no longer available. Consequently, Board employees and volunteers who use such social media accounts for professional communications must operate them in accordance with the general archiving practices and technology instituted by the Board so records remain within the Board's control and are appropriately retained.

If a staff member uses Board-approved social media platforms/sites in the classroom for educational purposes (i.e., classroom instruction), the staff member must consult with the Principal/program manager concerning whether such use may result in the creation of public and/or education records that must be maintained (i.e., electronically archived) for a specific period of time.

## **Employees' Use of Board Technology Resources to Access Social Media for Personal Use**

Employees and Board-approved volunteers are prohibited from using Board technology resources (as defined in Bylaw 0100) to access social media for personal use.

## **Employees' Use of Personal Communication Devices at Work to Access Social Media for Personal Use**

Employees are prohibited from using personal communication devices to access social media for personal use during work hours.

Employees and Board-approved volunteers are prohibited from posting or engaging in communication that violates State or Federal law, Board policies, or administrative procedures. If an employee/volunteer's communication interferes with his/her ability to effectively perform his/her job, or violates State or Federal law, Board policies, or administrative procedures, the Board may impose disciplinary action and/or refer the matter to appropriate law enforcement authorities.

## **7560 - USE OF SCHOOL FACILITIES AND TECHNOLOGY RESOURCES FOR DISTANCE LEARNING**

District facilities and Technology Resources may be periodically leased for use by other educational bodies or private organizations for distance learning activities. Access to the District's facilities and Technology Resources is provided to enhance educational opportunities in the community and shall be subject to the requirements set forth in this policy and all other policies and regulations of the Board and to applicable Federal, State, and local laws. Use of the District's facilities and Technology Resources for distance learning activities shall also be subject to contractual agreement with the Board.

The Superintendent, or designee, shall have the authority to authorize, prioritize, regulate, modify, and restrict any and all distance learning activities utilizing the District's facilities or Technology Resources. Use of the District's facilities or Technology Resources for distance learning activities shall not interfere with the educational programs of the District. Access to the District's facilities and Technology Resources may be limited when necessary to assure protection of school property or the safety of students or other persons on the premises.

Information or materials to be presented in distance learning activities may be subject to review by the Superintendent of Schools or designee prior to presentation or broadcast to determine whether the information and materials are appropriate for the educational environment.

Individuals authorized to use the District's facilities or Technology Resources for distance learning activities are prohibited from allowing any unauthorized persons to use such facilities or Technology Resources.

No item of school property shall be removed from the District's facilities without the prior written approval of the Superintendent or designee.

Vandalism, damage or destruction of the District's facilities or any school property located in or around such facilities is prohibited.

No weapons or dangerous instrumentalities are permitted on school property.

The use or possession of tobacco, alcohol or illegal drugs in any form is prohibited on school property.

Proper training in the use of the District's Technology Resources may be required by the Coordinator of Information and Technology.

The District does not guarantee the privacy of any information sent or received via the District's Technology Resources and reserves the right to monitor and record all use of Technology Resources for distance learning activities at all times and without notice.

Users of the District's Technology Resources for distance learning activities shall comply with all requirements of the District's Technology Resources Acceptable Use Policy.

Any individual involved in distance learning activities who violates this policy, or allows others to do so, shall be subject to discipline, up to and including disconnection from the District's Technology Resources, removal from the District's facilities, revocation of the privilege of using the District's facilities and Technology Resources, and termination of participation in all distance learning activities.

The Board reserves the right to modify this policy at any time and from time to time without notice. The Board also may pursue criminal prosecution or civil action when appropriate.



## 7999 – **NO DRONE ZONE**

- A. For the purposes of this Policy, the term “drone” collectively refers to an unmanned aircraft system (“UAS”), an unmanned aerial vehicle (“UAV”), and any related system and/or vehicle.
1. A drone is any unmanned aircraft/aerial vehicle with the equipment necessary for the safe and efficient operation of that aircraft/aerial vehicle.
  2. A drone is operated without the possibility of direct human intervention from within or on the aircraft/aerial vehicle.
  3. A “model aircraft” is a drone for the purposes of this Policy. To the extent local, state, and/or federal laws are prohibited from defining a model aircraft as a drone,

a “model aircraft” is nonetheless still defined as a “drone” for the purpose of this Policy.

B. NO DRONE ZONE

1. For the purpose of this Policy, the term “school ground” collectively refers to any and all real property owned and/or operated by the Board.
2. The Board is concerned for the safety of all students, employees, parents, visitors, and community members on and around any school ground at all times.
3. The Board recognizes that the operation of a drone on any school ground and/or operating a drone on and/or over any school ground presents a public safety issue as school grounds are populated during many hours of any given day of the week (including weekends, vacations, and holidays) by students, employees, parents, visitors, and/or community members.
4. The Board declares each and every school ground as a “NO DRONE ZONE” and strictly prohibits anyone from (a) operating any drone on any school ground, (b) launching and/or landing any drone on any school ground, and/or (c) operating any drone over any school ground at all times.
  - a. This NO DRONE ZONE shall extend from any school ground:
    - i. Up to a three hundred (300) foot radius around the parameter of any school ground or, if greater than 300 feet, the maximum “school zone” distances authorized by any and all applicable local, state, and/or federal laws, rules, and regulations, as well as the policies of the Board.
    - ii. Up to four hundred (400) feet above ground level over any school ground or, if greater than 400 feet, the maximum drone altitude limits authorized by any and all applicable local, state, and/or federal laws, rules, and regulations including, but not limited to, Federal Aviation Administration (“FAA”) regulations.
  - b. This NO DRONE ZONE shall apply to any and all types and purposes of drone flight operations (e.g., governmental, commercial, non-recreational, recreational, etc.).
  - c. This NO DRONE ZONE shall remain in effect 24 hours a day, 7 days a week.



- d. This NO DRONE ZONE shall apply to any and all contests (including scrimmages and/or previews), practices, and/or activities under the auspices of the Ohio High School Athletic Association (“OHSAA”).
5. The Board understands that many buildings are in densely populated communities and that individuals may reside within either a three hundred (300) foot radius around the parameter of any school ground or maximum school zone distances. As a result, nothing in this Policy is intended as a restraint on the rights of those individuals – who are residing within either a three hundred (300) foot radius around the parameter of any school ground or maximum school zone distances – to operate any drone within the legal restraints set forth in any and all applicable local, state, and/or federal laws, rules, and regulations including, but not limited to, FAA regulations, provided that – **regardless of where any individual resides:**
- i. **School Ground Prohibition:** No drone, as defined by this Policy, shall ever be operated on any school ground at any time.
  - ii. **Launching and Landing Prohibitions:** No drone, as defined by this Policy, shall ever be launched from and/or landed on any school ground at any time.
  - iii. **Aerial Prohibition:** No drone, as defined by this Policy, shall ever be operated over any school ground at any time up to four hundred (400) feet above ground level over any school ground or, if greater than 400 feet, the maximum drone altitude limits authorized by any and all applicable local, state, and/or federal laws, rules, and regulations including, but not limited to, FAA regulations.
  - iv. **Covert Surveillance Prohibition:** No drone, as defined by this Policy, shall ever be operated as a form of covert surveillance of any kind (e.g., any surveillance conducted by means of hidden devices, without notice to the individuals being monitored).
  - v. **Video Surveillance/Electronic Monitoring System Prohibition:** No drone, as defined by this Policy, shall ever be operated as a form of video surveillance/electronic monitoring system of any kind (e.g., any video, physical, and/or other mechanical, electronic, and/or digital surveillance/electronic monitoring system and/or device that enables continuous and/or periodic video recording, observing and/or monitoring of individuals on any school ground). This includes any audio device, thermal imaging technology, and/or any other component associated with recording the image of any individual.
  - vi. **Recording Operation Prohibition:** No drone, as defined by this Policy, shall ever be operated as a form of portable and/or non-portable video

recording device of any kind (e.g., videotape, CD, DVD, disk, hard drive, or other device used to store information - whether in printed format, on film, by digital/electronic means or otherwise).

- vii. **Recording Distribution Prohibition:** No drone, as defined by this Policy, shall ever obtain, capture, broadcast, and/or distribute in any manner any video recordings of any kind (e.g., videotape, CD, DVD, disk, hard drive, or other device used to store information - whether in printed format, on film, by digital/electronic means or otherwise) of any event of any kind and/or any individual on any school ground.
- viii. **Breach of Confidentiality Prohibition:** No drone, as defined by this Policy, shall ever obtain, capture, broadcast, and/or distribute in any manner any confidential information of any kind.
- ix. **Breach of Privacy Prohibition:** No drone, as defined by this Policy, shall ever obtain, capture, broadcast, and/or distribute in any manner any private information of any kind.
- x. **Breach of Personally Identifiable Information Prohibition:** No drone, as defined by this Policy, shall ever obtain, capture, broadcast, and/or distribute in any manner any personally identifiable information of any kind.
- xi. **Breach of Directory Information Prohibition:** No drone, as defined by this Policy, shall ever obtain, capture, broadcast, and/or distribute in any manner any directory information of any kind.
- xii. **Breach of Law Prohibition:** No drone, as defined by this Policy, shall ever be used in violation of any local, state, and/or federal law, rule, and regulation.
- xiii. **Breach of Policy Prohibitions:** No drone, as defined by this Policy, shall ever be used in violation of any policy of the Board.

C. Exceptions to this Policy shall only be made for the following two reasons:

- 1. **Legitimate Law Enforcement Exception:** For legitimate law enforcement reasons and as mandated by any and all applicable local, state, and/or federal laws, rules, and regulations. Any legitimate law enforcement reason must be supported with the appropriate legal documentation (e.g., court order, warrant, etc.).

2. **Legitimate Educational, Administrative, and District Exception:** For legitimate educational, administrative, and District reasons as determined solely by the Superintendent. The decision of the Superintendent shall be final.
- D. **Strict Compliance:** The Board shall strictly enforce all aspects of this Policy by taking any and all appropriate action in accordance with any and all applicable local, state, and/or federal laws, rules, and regulations including, but not limited to, FAA regulations, as well as the policies of the Board.

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# **OPERATIONS**

## **8130 - ORGANIZATION OF INSTRUCTION**

The Board of Education is responsible for public education, grades K through 12, throughout its educational boundaries. The grouping and housing of instructional levels in school facilities throughout the district shall be according to plans developed by the Superintendent and his/her staff and approved by the Board. Township boundaries shall not be a factor in scheduling students to specific buildings.

The Mathews Local Schools shall be organized for purposes of instruction, as follows:

Mathews High School 9 - 12

Mathews Jr. High School 6 - 8

Baker Elementary School 3 - 5

Currie Elementary School K - 2

#### **8141 - MANDATORY REPORTING OF MISCONDUCT BY LICENSED EMPLOYEES**

The Board recognizes its responsibility to effectively address employee misconduct and, where determined appropriate, to provide a measured disciplinary response consistent with due process. In addition, with respect to licensed professional staff members, matters of misconduct, including guilty pleas and/or conviction of certain crimes (including intervention in lieu of conviction and/or pre-trial diversion programs) enumerated by law and/or conduct which is unbecoming to the teaching profession under certain specific circumstances, shall be reported by

the Superintendent (or Board President if the Superintendent or Treasurer/CFO are determined to have engaged in such misconduct) to the Ohio Department of Education.

## **Definitions**

“Licensed professional staff member” refers to Board employees who hold an educator’s license or certification with the Ohio Department of Education (ODE) (including the Treasurer/CFO and Business Manager), educational assistants (aides with a permit and paraprofessionals with a license from ODE), individuals holding a one (1) year conditional teaching permit in the area of intervention specialist or seeking an alternative educator license, and those individuals who do not hold a valid educator’s license but who are employed by the Board under a Pupil Activity Program Permit.

The definition of “conduct unbecoming the teaching profession” is set forth in the *Licensure Code of Professional Conduct for Ohio Educators* enacted by the Ohio State Board and includes:

- A. crimes or misconduct involving minors;
- B. crimes or misconduct involving school children;
- C. crimes or misconduct involving academic fraud;
- D. crimes or misconduct involving the school community;
- E. making, or causing to be made, any false or misleading statement or concealing a material fact in obtaining the issuance or renewal of any educator licensing documents;
- F. the violation of the terms and conditions of a consent agreement with the State Board;
- G. a plea of guilty to or a finding of guilt or conviction upon any offense enumerated under R.C. 3319.39, or a judicial finding for intervention in lieu of conviction and/or participation in a pre-trial diversion program relating to any of the offenses listed therein;
- H. a failure to adhere to the Licensure Code of Professional Conduct for Ohio Educators enacted by the Ohio State Board.

## **Reporting Professional Misconduct**

The Superintendent shall file a report to the Ohio Department of Education, on forms provided for that purpose, matters of misconduct on the part of licensed professional staff members, under any of the following circumstances:

- A. When the Board obtains knowledge that a licensed professional staff member has pled guilty, has been found guilty, or has been convicted, and/or subject to a judicial finding for intervention in lieu of conviction and/or participated in a pre-trial diversion program for a crime specified in R.C. 3319.31(B)(2) or R.C. 3319.39(B)(1), including but not limited to any felony, any misdemeanor sex offense, any offense of violence, any theft offense and any drug abuse offense that is not a minor misdemeanor.
- B. When the Board has initiated termination or non-renewal proceedings against a professional staff member who is reasonably believed to have committed an act that is unbecoming to the teaching profession.
- C. When the professional staff member has resigned under threat of termination or non-renewal for any of the reasons set forth in paragraphs A and B above.
- D. When the professional staff member has resigned during the course of an investigation of alleged misconduct which is reasonably believed to be unbecoming to the teaching profession.

### **Misconduct by Superintendent or Treasurer/CFO**

If the employee to whom any of the above conditions apply is either the Superintendent or Treasurer/CFO, the Board President shall make the report required under this policy and in accordance with R.C. 3319.313.

### **Failure to File Report/Filing of False Report**

The Board acknowledges that if the Superintendent (or Board President, where applicable) knowingly fails to file a required report of misconduct by a licensed educator or cause a false report of misconduct by a licensed employee of the Board to be filed, they shall be subject to criminal penalties under law. In addition, failure to file a required report shall subject the designated reporter to a potential denial, limitation, suspension, or revocation of the educator license of such designated reporter.

### **Investigation Reports Regarding Professional Misconduct**

Reports of any investigation regarding whether or not a professional staff member has committed an act or offense for which the Superintendent or Board President is required to make a report to the Ohio Department of Education, as set forth above, shall be kept in the personnel file of the professional staff member. Should the Ohio Department of Education determine that the results of that investigation do not warrant initiating an action suspending, revoking, or otherwise limiting that professional staff member's license or permit, the report(s) of any investigation shall be moved to a separate public file.

### **Suspension from Duties Involving Care, Custody or Control of a Child**



In accordance with Board Policy 3138 and Board Policy 4138, the Superintendent, Treasurer/CFO, or Board (depending upon the position of the employee being charged) shall immediately suspend a licensed employee from all duties that require the care, custody, or control of a child during any pending criminal action for which that person has been arrested, summoned and/or indicted for any crimes listed under R.C. 3319.31(C).

## 8142 - CRIMINAL HISTORY RECORD CHECK FOR CONTRACTED SCHOOL SERVICES

In accordance with applicable laws and regulations, the Board requires a criminal background check including information from the Bureau of Criminal Identification and Investigation (BCII) and the Federal Bureau of Investigation (FBI) of each person employed by a private company under contract with the Board to provide essential school services and who shall work within the District in a position which does not require a license issued by the State Board, is not for the operation of a vehicle for student transportation, but does involve routine interaction with a child or regular responsibility for the care, custody or control of a child.

“Essential school services” is defined to mean services provided by a private company that the Board or Superintendent has determined are necessary for the operation of the District and that would need to be provided by employees of the District if the services were not provided by the private company. No such individual, employed by a private company to provide essential school services under a contract with the Board, shall be permitted to work within the District unless one of the following applies to the individual:

- A. The private company provides proof of both of the following to the Superintendent:
  - 1. that the individual has been the subject of a criminal records check in accordance with R.C. 3319.39 within the last 365 days immediately prior to the date on which the person shall begin working in the District; and
  - 2. that the criminal records check indicates that the individual has not been convicted of or pleaded guilty to any offense described in R.C. 3319.39(B)(1); or
- B. During any period of time in which the individual shall have routine interaction with a child or regular responsibility for the care, custody, or control of a child, the Superintendent has arranged for a District employee to be present in the same room with a child or, if outdoors, within a thirty (30) yard radius of the child or to have visual contact with the child.

## 8210 - SCHOOL CALENDAR

The Board of Education recognizes that the preparation of a calendar for the instructional program of the schools is necessary for orderly educational planning and for the efficient operation of the District.

The Board shall determine annually the total number of hours when the schools will be in session for instructional purposes with students in attendance - including scheduled classes, supervised activities and approved education options. When recommending a school calendar to the Board for its consideration and approval, the Superintendent shall analyze and address the factors identified in AG 8210.

At least thirty (30) days prior to adopting a school calendar, the Board shall hold a public hearing on the school calendar, addressing topics that include, but are not limited to, the total number of hours in a school year, length of school day, and beginning and end dates of instruction. "School day" means the time during a calendar day that a school is open for instruction pursuant to the Board- adopted schedule.

When establishing the school calendar, the Board requires that an observance be scheduled each year on or about Veterans Day to convey the meaning and significance of that day to all students and staff. The observance shall be at least one (1) hour, or, in schools that schedule class periods of less than one (1) hour, at least one (1) standard class period. The Board will determine the specific activities that constitute the observance in each school in the District after consultation with the school administrators.

While the Superintendent may close schools due to disease, epidemic, hazardous weather conditions, law enforcement emergencies, damage to a school building, utility failure, or inoperability of school buses or other equipment needed for school operations (collectively, "a calamity"), the schools nevertheless must be in session with students in attendance for at least the minimum number of hours required by Ohio law.

The Superintendent is authorized to develop and implement a plan to require students to access and complete classroom lessons posted on the District's web portal or web-site in order to make up hours in that school year on which it is necessary to close school due to a calamity. The maximum number of hours that may be made up in this manner is the number of hours that are the equivalent to three (3) school days. The plan must include the written consent of the teachers' union, and address all of the requirements set forth in R.C. 3313.482. The plan may also include distribution of "blizzard bags," which are paper copies of the lessons posted online.

The school calendar and the number of hours of student instruction shall be consistent with the provisions of the collective bargaining agreements between the District and its employees.

## 8310 - **PUBLIC RECORDS**

The Board is responsible for maintaining the public records of this District and to make such records available for inspection and reproduction in compliance with the Ohio Public Records Act. Public records requests should be directed to the Treasurer/CFO as the Public Records Officer for the District. The Public Records Officer or designee shall respond to all public records requests on behalf of the District.

The District Records Commission is responsible for developing the District's Records Retention Schedule (Form RC-2), which shall be approved by the Ohio Historical Society and the State

Auditor. Subsequent revisions to the Form RC-2 shall also be approved using this same process. Only in conformance with the approved Records Retention Schedule (Form RC-2) or a properly approved one-time Records Disposal Request (Form RC-1) may the District's Records Commission review applications for the disposal of obsolete records utilizing the Certificate of Records Disposal (Form RC-3).

## 8315 - INFORMATION MANAGEMENT

The Board recognizes its responsibility, in certain circumstances, to maintain information created, maintained, or otherwise stored by the District outside the “Records Retention Schedule.” In such situations, a “Litigation Hold” procedure shall be utilized to identify and preserve information relevant to a specific matter. “Information” includes both paper documents and electronically stored information (“ESI”). When implementing the “Litigation Hold,” the District shall identify individuals in possession or custody of paper documents, ESI and electronic media containing ESI, and inform them of their obligation to preserve the documents and ESI outside the “Records Retention Schedule.” The District shall also identify third parties with custody or control over paper documents, ESI, or electronic media storing ESI, and request them to preserve that information. All information falling within a “Litigation Hold,” which is under the control of the District, shall be preserved in a readily accessible form and cannot be disposed of under the “Records Retention and Disposal” requirements. Failure to comply with a Litigation Hold notice may result in disciplinary action, up to and including possible termination.

Instances where the Board shall maintain information outside the “Records Retention Schedule” include:

- A. when the Board has specific information and/or written notice from an individual, parent or student of an intent to file an appeal of student discipline to State court;
- B. when the Board has specific information and/or written notice that litigation is imminent even though the litigation has not yet been filed in Federal or State court;
- C. when the Board is served with litigation, including, but not limited to, notice of a lawsuit in Federal or State court, or notice of a student disciplinary appeal to State court;
- D. when the Board receives specific information and/or written notification from an employee, labor union, or other person of an intent to file a claim against the Board, its members, employees or agents at an administrative agency such as the Equal Employment Opportunity Commission, Ohio Civil Rights Commission, State Employment Relations Board, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;
- E. when the Board receives specific information and/or written notification from an administrative agency such as the Equal Employment Opportunity Commission, Ohio Civil Rights Commission, State Employment Relations Board, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees, or agents;

- F. when the Board receives written notification from a third party requesting that the Board maintain information that may be at issue in litigation or potential litigation against that third party;
- G. when the Superintendent recommends the termination of an employee to the Board pursuant to R.C. 3319.16, and R.C. 3319.081, R.C. Chapter 124, or a labor contract;
- H. when the Board explores, contemplates, or initiates litigation.

## **Definitions**

“Documents” includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images and other data or data compilations stored in any medium from which information can be obtained or translated if necessary.

“ESI” includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images and other data or data compilations stored in any electronic media from which information can be obtained or translated if necessary. It includes, but is not limited to, e-mails, e-mail attachments, instant messages, word processing files, spreadsheets, pictures, application program and data files, databases, data files, metadata, system files, electronic calendar appointments, scheduling program files, TIFF files, PDF files, MPG files, JPG files, GIF files, network share files, internal websites, external websites, newsgroups, directories, security and access information, legacy data, audio recordings, voice mails, phone logs, faxes, internet histories, caches, cookies or logs of activity on computer systems that may have been used to process or store electronic data.

“Electronic media” includes, but is not limited to, hard drives (including portable hard disk drives “HDD’s”), floppy drives, disaster recovery media, and storage media (including DVD’s, CD’s, floppy discs, Zip discs/drives, Jazz discs/drives, USB memory drives, jump disc/drives, flash discs/drives, keychain discs/drives, thumb discs/drives, smart cards, micro-film, backup tapes, cassette tapes, cartridges, etc.), accessed, used and/or stored on/in/through the following locations: networks and servers; laptop and desktop work computers; home and personal computers; other computer systems; backup computers or servers; archives; personal digital assistants (“PDAs” – including Palm, Blackberry, cellular phone, tablet PC, etc.); pagers; firewalls; audit trails and logs, printers; copiers; scanners; digital cameras; photographic devices; and video cameras and devices. Electronic media shall also include any item containing or maintaining ESI that is obtained by the District for Board member or employee usage or that an employee uses for such purpose (even if privately owned by the Board member or employee) from the date this policy is adopted into the future.

## **Initiation and Removal of a “Litigation Hold”**

The Board or the Superintendent may initiate a “Litigation Hold” under this policy. If the Superintendent initiates a “Litigation Hold,” s/he or the Board’s legal counsel shall notify the

Board of the reason the Litigation Hold was instituted and its scope. When implementing a Litigation Hold, the Board or Superintendent may utilize an Electronically Stored Information Team (“ESI Team”). The Board’s legal counsel shall be involved in implementation of the “Litigation Hold Procedure.”

A “Litigation Hold” shall remain in place until removed by the Board. A “Litigation Hold” may be removed when the litigation or administrative agency matter has been resolved or can no longer be initiated. Any information maintained under this policy shall fall back under the “Records Retention Schedule” in Board Policy 8310 once the “Litigation Hold” is removed.



## 8320 - PERSONNEL FILES

It is necessary for the orderly operation of the school district to prepare a personal information system for the retention of appropriate papers bearing upon an employee's duties and responsibilities to the district and the district's responsibilities to the employee.

The Board of Education requires that sufficient records exist to insure an employee's qualifications for the job held, compliance with federal, state and local benefit programs, conformance with district rules and evidence of completed evaluations. Such records will be kept in compliance with the Ohio Revised Code.

The Board delegates the maintenance of an employee personal information system to the Superintendent and/or Treasurer.

A single central file shall be maintained, and subsidiary records shall be maintained for ease in data gathering only.

Employees asked to supply information for a personnel file shall be informed whether the requested information is legally required. If it is not, s/he may decline to supply the information.

Only that information which pertains to the professional role of the employee may be placed in an employee's official record file by duly authorized Board personnel.

A copy of each such entry shall be given to the employee upon request.

A copying cost will be charged for each copy given to the employee at his/her request at the rate determined by the Treasurer. The employee shall have access to his/her file upon request.

Personnel records are predominantly public records and to that extent must be made available for inspection and copying in accordance with State and Federal laws pertaining to same. In accordance with the Federal Privacy Act and case law, the Board shall refrain from disclosing an employee's social security number when releasing personnel records. Further, if an employee presents information to the District certifying that s/he is a participant in the Safe at Home/Address Confidentiality Program administered by the Secretary of State, the Board shall refrain from including the employee's actual/confidential residential address in any personnel records, personnel files, or staff directories (including electronic records and files) or disclosing the employee's actual/confidential residential address when releasing personnel records. The Board shall only list the address designated by the Secretary of State to serve as the employee's address in any personnel records, personnel files, or staff directories. Further, the Board shall use the employee's designated address for any and all communications and correspondence between the Board and the employee. The employee's actual/confidential residential address shall be maintained in a separate confidential file that is not accessible to the public or any employees without a legitimate purpose. Additionally, if applicable, the employee's school, institution of higher education, business, or other place of employment (as specified on an application to be a program participant or on a notice of change of name or address) shall be maintained in a

confidential manner. The intentional disclosure of an employee's actual/confidential residential address is prohibited. Any violations could result in disciplinary action or criminal prosecution.

Personnel records shall be monitored regularly to assure compliance with this policy and the law. Records deemed no longer accurate, relevant or necessary under this policy may be submitted to the District Records Commission for disposal in accordance with law.

## 8320.01 - **PERSONAL INFORMATION SYSTEMS**

The Board maintains a personal information (“PI”) system and shall do so in accordance with the provisions of R.C. Chapter 1347. The Board is committed to only collecting, maintaining, and using the personal information that is necessary and relevant to it carrying out the effective operation of the District. All personal information maintained in the PI system shall be used in a lawful manner for legitimate purposes consistent with the functions of the District.

Personal information is defined as “any information that describes anything about a person, or that indicates actions done by or to a person, or that indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by, a name, identifying number, symbol, or other identifier assigned to a person.”

The Superintendent is directly responsible for the operation of the PI system, including preparing and implementing rules that provide for the operation of the information system. All employees responsible for collecting, maintaining, and/or utilizing personal information maintained in the PI system shall be provided a copy of any rules that are promulgated and trained in how to comply with them and the provisions of the law.

The Board shall discipline any employee or student who engages in the unauthorized use or release of the personal information contained in the PI system. In addition, the Board shall discipline any employee who initiates or otherwise contributes to any disciplinary or other punitive action against any individual who brings to the attention of appropriate authorities, the press, or any member of the public, evidence of unauthorized use of information contained in the PI system. Disciplinary action shall be taken consistent with applicable laws and regulations and may include action up to and including termination.

Whenever a person is requested to supply personal information that shall be maintained in the PI system, the person shall be informed whether s/he is legally required to provide the personal information. If the person is not legally required to provide the personal information, s/he may refuse to supply the information and no adverse consequences shall be imposed as a result of the refusal.

The Board shall take reasonable precautions to protect personal information maintained in the information system from unauthorized modification, destruction, use, or disclosure. The Board shall eliminate personal information from the PI system when it is no longer necessary and relevant to the District carrying out its functions.

## 8330 - STUDENT RECORDS

In order to provide appropriate educational services and programming, the Board shall collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

The Board is responsible for the records of all students who attend or have attended schools in this District. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the District or specifically permitted by this Board shall be compiled by Board employees.

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to a student who is eighteen (18) years of age or older, or a student of any age who is enrolled in a postsecondary institution.

Both parents shall have equal access to student records unless stipulated otherwise by court order or law. In the case of eligible students, parents may be allowed access to the records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as "school officials" for the purpose of FERPA:

- A. persons companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant), and
- B. contractors, consultants, volunteers, or other parties to whom the Board has outsourced a service or function otherwise performed by the Board employees (e.g., a therapist, authorized information technology (IT) staff, and approved online educational service providers)

The above-identified outside parties shall (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a “school official” for purposes of FERPA provided s/he meets the above-referenced criteria applicable to other outside parties.

“Legitimate educational interest” is defined as a “direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the District” or if the record is necessary in order for the school official to perform an administrative, supervisory, or instructional task or to perform a service or benefit for the student or the student’s family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have legitimate educational interest.

The Board authorizes the administration to:

- A. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a private or public school or District in which a student of this District is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that:
  - 1. a reasonable attempt is made to notify the student’s parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the Board’s annual notification includes a notice that the Board shall forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student’s enrollment or transfer);
  - 2. the parent or eligible student, upon request, receives a copy of the record; and

3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record;
- B. provide “personally-identifiable” information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
  - C. report a crime committed by a child to appropriate authorities, and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student’s special education and disciplinary records to the authorities for their consideration;
  - D. release de-identified records and information in accordance with Federal regulations;
  - E. disclose personally identifiable information from education records, without consent, to organizations conducting studies “for, or on behalf of” the District for purposes of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception shall be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study and shall be destroyed when no longer needed for the study. In order to release information under this provision, the District shall enter into a written agreement with the recipient organization that specifies the purpose of the study. Further, the following personally identifiable information shall not be disclosed to any entity: a student or his/her family member’s social security number(s); religion; political party affiliation; voting history; or biometric information. Information regarding a student’s race or ethnicity shall be disclosed only if required by state or federal law.

This written agreement shall include: (1) specification of the purpose, scope, duration of the study, and the information to be disclosed; (2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; (3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and (4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information shall be destroyed.

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information; or race or ethnicity unless required by state or federal law) is allowed under this exception, it is recommended that de-identified information be used whenever possible. This reduces the risk of unauthorized disclosure.

- F. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as state and local educational authorities;

The disclosed records shall be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal requirements related to those education programs. A written agreement between the parties is required under this exception.

This written agreement shall include: (1) designation of the receiving entity as an authorized representative; (2) specification of the information to be disclosed; (3) specification that the purpose of the disclosure is to carry out an audit or evaluation of a government-supported educational program or to enforce or comply with the program's legal requirements; (4) a summary of the activity that includes a description of methodology and an explanation of why personally identifiable information is necessary to accomplish the activity; (5) a statement requiring the organization to destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information shall be destroyed; and (6) a statement of policies and procedures that shall protect personally identifiable information from further disclosure or unauthorized use.

Under the audit exception, the District shall use "reasonable methods" to verify that the authorized representative complies with FERPA regulations. Specifically, the District shall verify, to the greatest extent practical, that the personally identifiable information is used only for the audit, evaluation, or enforcement of a government-supported educational program. The District shall also ascertain the legitimacy of the audit or evaluation and shall only disclose the specific records that the authorized representative needs. Further, the District shall require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, the District shall verify that the information is destroyed when no longer needed for the audit, evaluation, or compliance activity.

- G. request each person or party requesting access to a student's record to abide by Federal regulations and applicable laws and regulations concerning the disclosure of information.

The Board shall comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, or otherwise restricted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records shall receive explanation and interpretation of the records.

The Board shall maintain a record of each request for access and each disclosure of personally identifiable information. Such disclosure records shall indicate the student, person viewing the record, their legitimate interest in the information, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent, or, if the student is an eligible student, without the written consent of the student, except to those persons or parties stipulated by the Board's policy and/or those specified in the law.

## **INSPECTION OF INFORMATION COLLECTION INSTRUMENT**

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student shall submit a written request to the building principal/principal at least ten (10) business days before the scheduled date of the activity. The instrument shall be provided to the parent or eligible student within five (5) business days of the principal/program manager receiving the request.

The Superintendent shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- A. college or other postsecondary education recruitment, or military recruitment;
- B. book clubs, magazine, and programs providing access to low-cost literary products;
- C. curriculum and instructional materials used by elementary and secondary schools;



- D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- E. the sale by students of products or services to raise funds for school- related or education-related activities; and/or
- F. student recognition programs.

The Superintendent is directed to take steps so that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's education records;
- B. request amendments if the parent believes the record is inaccurate, misleading, or violates the student's privacy rights;
- C. consent to disclosures of personally-identifiable information contained in the student's education records, except to those disclosures allowed by the law;
- D. challenge Board noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the United States Department of Education; and/or
- F. obtain a copy of the Board's policy on student records.

The Superintendent shall also develop procedural guidance for:

- A. the proper storage and retention of records including a list of the type and location of records; and
- B. informing Board employees of the applicable laws and regulations concerning student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this Board as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation, or enforcement/compliance activity shall comply with all FERPA regulations. Further, such an entity shall enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity shall demonstrate the existence of a sound data security plan or data stewardship program and shall also provide assurances that the personally identifiable information shall not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation, or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board.

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## **8351 - SECURITY BREACH OF CONFIDENTIAL DATABASES**

It is the policy of the Board that when unauthorized access or acquisition of data occurs, which would compromise the confidentiality or security of personal information maintained by the District on a database, the District shall take appropriate action to assess the risk and notify the affected individuals in accordance with law.

### **Scope**

This policy applies to any security breach involving employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties having a business relationship with the District and handling personal information on the District's behalf. It is expected that those offices, individuals or entities operating, maintaining, and using databases containing personal information shall effectively control access to the databases to protect against unauthorized access, acquisition, modification, use or disclosure of personal information.

### **Security Breach and Personal Information – Definitions**

A “security breach” means the unauthorized access to and acquisition of computerized data that compromises the security or confidentiality of personal information owned or licensed by the District and that:

- A. causes a material risk of identity theft or other fraud to the person or property of a resident of the State;
- B. reasonably is believed to have caused a material risk of identity theft or other fraud to the person or property of a resident of the State; or
- C. reasonably is believed shall cause a material risk of identity theft or other fraud to the person or property of a resident of the State.

Unauthorized access of information shall not be considered a security breach if:

- A. the employee or agent acted in good faith in accessing the data;
- B. the access was related to the activities of the District or the employee's or agent's job-related duties; and
- C. the employee or agent did not use the personal information for an unlawful purpose or subject the information to further unauthorized disclosure.

Also, the acquisition of personal information pursuant to a search warrant, subpoena, or other court order, or pursuant subpoena, order or duty of a regulatory State agency, shall not be considered a security breach.

For purposes of this policy, personal information means an individual's name, consisting of the individual's first name or first initial and last name, in combination with and linked to any of or more of the following (when the information is not encrypted, redacted, or altered by a method or technology in such a manner that the information is effectively obscured or unreadable):

- A. Social Security number;
- B. driver's license number or State identification card number; and/or
- C. account number or credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account.

### **Discovery of Security Breach and Notification**

If an employee suspects, discovers and/or determines that a security breach has occurred, the employee shall promptly notify his/her immediate supervisor and the Superintendent, in writing.

The Superintendent shall determine and implement the steps necessary to correct the unauthorized access and requirements for notifying those individuals whose personal information may have been compromised.



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## **8400 – SCHOOL SAFETY**

The Board of Education is committed to maintaining a safe and drug-free environment in all of the District's schools. The Board believes that school crime and violence are multifaceted problems that need to be addressed in a manner that utilizes all available resources in the community through a coordinated effort of District personnel, law enforcement agencies, and families. The Board further believes that school administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-related event or are on their way to and from school. The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s) or threat, and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence.

### **Emergency Management Plan (EMP)**

To that end, the Superintendent shall develop and adopt a comprehensive Emergency Management Plan (“EMP”) for each building under his/her control. In developing the EMP for each building, the Superintendent shall involve community law enforcement and safety officials (including, but not limited to, law enforcement, fire, emergency medical personnel, and any local divisions having county-wide emergency management), parents of students who are assigned to the building, and teachers and nonteaching employees assigned to the building. Each EMP shall contain the name, title (if applicable), contact information, and signature of each person involved in development of the EMP.

In developing the EMP, the Superintendent shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety. The Superintendent shall further propose operating changes to promote the prevention of potentially dangerous problems and circumstances. The Superintendent shall incorporate remediation strategies into the EMP for any building where documented safety problems have occurred.

Each EMP will consist of four (4) parts:

- A. A single document to address all hazards that may negatively impact the school; including but not limited to active shooter, hostage, bomb threat, act of terrorism, bullying, and any other natural or manmade events that the Superintendent knew or should have reasonably known about that compromise the health or safety of students, employees, administrators, or property. The document will include:
  - 1. a hazard identification and risk analysis (i.e., a process to identify hazards and assess the vulnerability associated with each);
  - 2. an all-hazards emergency operations plan organized around five (5) mission areas: prevention, protection, mitigation, response, and recovery;  
  
The plan shall be compliant with the National Incident Management System (NIMS).
  - 3. the access and functional needs of the students, teachers, and staff;
  - 4. education for students, staff, and administrators to avoid, deter, or stop an imminent crime or safety issue, threatened or actual;
  - 5. procedures for notifying law enforcement, fire, EMS, emergency management, mental health, and other outside experts who could assist in responding to and recovering from an emergency;

The plan shall be updated and revised at least every three (3) years from the previous date of compliance to reflect lessons learned and best practices to continually improve the plan. The emergency management



test and actual emergencies at the school buildings will be a source for lessons learned.

6. the use of temporary door locking devices as permitted by law.
- B. A floor plan unique to each floor of the building.
- C. A site plan that includes all building property and surrounding property.
- D. An emergency contact information sheet.

The Superintendent shall submit an electronic copy of each EMP s/he developed and adopted to the Ohio Department of Education (“ODE”) not less than once every three (3) years, whenever a major modification to the building requires changes to the procedures outlined in the EMP, and whenever the information on the emergency contact information sheet changes. No later than the date prescribed by ODE, the Superintendent shall also file a copy of the current, updated EMP with the following:

- A. each law enforcement agency that has jurisdiction over the school building; and
- B. upon request, the local fire department, emergency medical service organization, and county emergency management agency serving the area in which the building is located.

The Superintendent will also file copies of updated EMPs with ODE and the above agencies within ten (10) days after s/he adopts the revised EMPs.

The EMP is not a public record.

The Superintendent shall prepare and conduct at least one (1) annual emergency management test, in accordance with rules adopted by the Ohio Department of Education (ODE). By July 1st of every year, the Superintendent shall review the EMPs s/he previously developed and adopted, and certify in writing to the ODE that the EMPs are current and accurate.

The emergency management test must be a scheduled event; an actual emergency will not satisfy this requirement, even if an after-action report is produced. The emergency management test must be a tabletop, functional, or full-scale as defined in A.C. 3301-5-01, and each type shall be used once every three (3) years. It must include at least one (1) hazard from the hazard analysis in the EMP and at least one (1) functional content area. At least one (1) representative from law enforcement, fire, EMA, EMS, and/or behavioral health should be included.

Students may participate in the emergency management test at the discretion of the Principal. In deciding whether, and to what extent, to involve students in an emergency management test, the Principal should consider what benefit student inclusion in the emergency management test may

have on the student population's preparation for an emergency and to enhance the safety of students in the building. The Principal shall also consider age-appropriate participation, guidance, and training in preparation for students' participation in the test.

Parental consent is required prior to student participation in the emergency management test.

The Superintendent shall submit an after-action report to the ODE no later than thirty (30) days after the emergency management test documenting the following: 1) date/time/weather/length of exercise; 2) the type of discussion/operations based exercise; 3) the scenario utilized; 4) the hazard(s) utilized (including safety data sheets, as appropriate); 5) the functional content area(s) utilized; and 6) the identification of at least three (3) strengths and at least three (3) improvement areas of the EMP discovered as a result of the emergency management test.

The Superintendent shall grant access to each school building under his/her control to law enforcement personnel and any local fire department, emergency medical service organization, and/or county emergency management agency that has requested a copy of the EMP, to enable such personnel and entities to conduct training sessions for responding to threats and emergency events affecting the school building. Such access shall be provided outside of student instructional hours and the Superintendent or designee shall be present in the building during the training sessions.

Prior to the opening day of each school year, the Superintendent shall inform each enrolled student and the student's parent/legal guardian of the procedures to be used to notify parents in the event of an emergency or a serious threat to safety. Any student enrolled in the school after the annual notification and their parent/legal guardian shall be notified upon enrollment.

### **Threat Assessment**

The primary purpose of a threat assessment is to minimize the risk of targeted violence at school. The following threat assessment process is designed to be consistent with the process set forth in the joint U.S. Secret Service and U.S. Department of Education publication, *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates* for identifying, assessing, and managing students who may pose a threat. The goal of the threat assessment process is to take appropriate preventive or corrective measures to maintain a safe school environment, protect and support potential victims, and provide assistance, as appropriate, to the student being assessed.

The threat assessment process is centered upon an analysis of the facts and evidence of behavior in a given situation. The appraisal of risk in a threat assessment focuses on actions, communications, and specific circumstances that might suggest that an individual intends to cause physical harm and is engaged in planning or preparing for that event.

The Board authorizes the Superintendent to create building-level, trained threat assessment teams. Each Team shall be headed by the Principal and may include a school counselor, school psychologist, instructional personnel, and/or the School Resource Officer, where appropriate. At

the discretion of the Superintendent, a threat assessment team may serve more than one (1) school when logistics and staff assignments make it feasible.

The Team will meet when the Principal learns a student has made a threat of violence or engages in concerning communications or behaviors that suggest the likelihood of a threatening situation.

The Team is empowered to gather information, evaluate facts, and make a determination as to whether a given student poses a threat of violence to a target. If an inquiry indicates that there is a risk of violence in a specific situation, the Team may collaborate with others to develop and implement a written plan to manage or reduce the threat posed by the student in that situation.

The Board authorizes the Superintendent to create guidelines for the purpose of:

- A. identifying team participants by position and role;
- B. requiring team participants to undergo appropriate training;
- C. defining the nature and extent of behavior or communication that would trigger a threat assessment and/or action pursuant to a threat assessment;
- D. defining the types of information that may be gathered during the assessment;
- E. stating when and how parents/guardians of the student making the threat shall be notified and involved;
- F. designating the individuals (by position) who are responsible for gathering and investigating information;
- G. identifying the steps and procedures to be followed from initiation to conclusion of the threat assessment inquiry or investigation.

Board employees, volunteers, and other school community members, including students and parents, shall immediately report to the Superintendent or Principal any expression of intent to harm another person or other statements or behaviors that suggest a student may intend to commit an act of violence.

Nothing in this policy overrides or replaces an individual's responsibility to contact 911 in an emergency.

Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy.

Threat assessment team members shall maintain student confidentiality at all times as required by Board Policy 8330 - Student Records, and State and Federal law.

## **Safe and Drug-Free Schools**

As a part of the EMP, the Board shall verify that it has procedures in place for keeping schools safe and drug-free that include (see also, Form 8330 F15 entitled Checklist of Policies and Guidelines Addressing Safe and Drug-Free Schools):

- A. appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;
- B. security procedures at school and while students are on the way to and from school;
- C. prevention activities that are designed to maintain safe, disciplined and drug-free environments;
- D. a code of conduct or policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that:
  - 1. allows a teacher to communicate effectively to all students in the class;
  - 2. allows all students in the class the opportunity to learn;
  - 3. has consequences that are fair, and developmentally appropriate;
  - 4. considers the student and the circumstances of the situation; and
  - 5. is enforced accordingly.

## **Persistently Dangerous Schools**

The Board recognizes that State and Federal law requires that the District report annually incidents which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the State Department of Education will then use this data to determine whether or not a school is considered persistently dangerous as defined by State policy.

Pursuant to the Board's stated intent to provide a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceed the threshold number established in State policy, the Superintendent shall convene a meeting of the building administrator, representative(s) of the local law enforcement agencies and any other individuals

deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

The Superintendent shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, students attending the school shall have the choice option as provided in AG 5113.02.

In addition, the Superintendent shall convene a meeting of the building administrator, representative(s) of the local law enforcement agencies, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

### **Victims of Violent Crime**

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law, the parents of the eligible student shall have the choice options provided by AG 5113.02.

## 8403 - SCHOOL RESOURCE OFFICER

The purpose of the District's School Resource Officer Program is to promote safe, orderly and secure learning environments for students through the activities of law enforcement, fostering a positive school climate, and education. The duties of the School Resource Officer (SRO) are primarily to promote school safety during the school day, to conduct law enforcement activities, to deliver education and collaboration with students and staff, to serve as a positive role model, and to assist in crime prevention and safety consulting. All duties shall be consistent with Federal and State laws, regulations, and police department policies and procedures. The role of the SRO is not to enforce discipline or punish students for violations of the student code of conduct, nor will an SRO be assigned to perform any educational duties in lieu of a certified educator.

The District may engage the services of a School Resource Officer(s) by executing a memorandum of understanding with the law enforcement agency for services. SRO's shall be trained as provided by law, including a basic training program and at least forty (40) hours of school resource officer training within one (1) year of appointment approved by the Ohio peace officer training commission. School Resource Officers employed by the District prior to the enactment of R.C. 3313.951 are exempt from the training requirements.

The memorandum of understanding shall clarify the following areas: the purpose of the SRO program and roles, responsibilities, and expectations between the District, District staff, and the law enforcement agency. It shall include defined goals, background training requirements for the selected officer(s) including child and adolescent development, provide for professional development in relevant areas, protocol for how suspected criminal activity versus school discipline will be handled, coordinated crisis planning and updating school crisis plans, student privacy under State and Federal law, and any other items identified by the parties. The memorandum of understanding shall be available upon request.

The District and law enforcement agency shall agree on criteria for selection of officers, which include but are not limited to a college degree or related college coursework, a minimum of two (2) years of experience as an officer, and an interest in working with youth. The District and law enforcement agency will establish evaluation procedures to support and monitor the activities and performance of the SRO.

The SRO ultimately is accountable to the law enforcement agency but while at school, the SRO also is accountable to the building administration and Superintendent, and is expected to cooperate with school officials and school faculty and be familiar with and follow Board policies, guidelines and procedures, including but not limited to issues of student privacy, discipline, and operating standards for students with disabilities.

School Resource Officers may assist with implementation or amendment of the District's comprehensive emergency management plan and in doing so, must consult with first responders and local law enforcement officials. Other functions of the SRO outlined in the memorandum of understanding may include activities geared towards providing a safe learning environment,

providing resources to school staff members, maintaining positive relationships with staff and students, developing community linkages with behavioral health and other community agencies, and developing problem-solving strategies for issues affecting students.





#### **8420.01 - PANDEMICS AND OTHER MEDICAL EMERGENCIES**

A pandemic is an outbreak of an infectious disease. The Board permits the Superintendent to set up a Pandemic Response Team to develop a Pandemic Plan in coordination with local government and law enforcement officials pursuant to applicable laws.



## **8442 - REPORTING ACCIDENTS**

The Board directs that all reasonable efforts be made to provide a safe learning and working environment for the students and employees of this District.

To that end, and so that an employee's legitimate claims for worker's compensation may be expedited, the Board requires that accidents be reported and evaluated. Any accident that results in an injury, however slight, to a student, employee of the Board, or a visitor to the schools shall be reported promptly and in writing to the District business office. Injured persons shall be referred immediately to the appropriate personnel for such medical attention as may be appropriate.

The injured employee, visitor, or the staff member responsible for an injured student shall complete a form that includes the date, time, and place of the incident; the names of persons involved; the nature of the injury to the extent that it is known; and a description of all relevant circumstances.

Any employee of the Board who suffers a job-related injury shall report the injury and its circumstances via the electronic reporting process and to the District principal or job supervisor, as appropriate, immediately or within 24 hours following the occurrence of the injury. The failure of an employee to comply with this mandate may result in disciplinary action. Any employee of the Board who suffers a job-related injury may file a claim with the Bureau of Workers Compensation as provided in Board Policy 8442.01.

If a staff member sustains a workplace injury while s/he is under the influence of alcohol or a controlled substance not prescribed by his/her physician, s/he may be disqualified for compensation and benefits under the Workers Compensation Act. If the staff member tests positive or refuses to submit to a test for alcohol and/or other drugs after sustaining a workplace

injury, the employee may dispute or prove untrue the presumption or belief that alcohol and/or other drugs are the proximate cause of the injury (i.e., rebuttable presumption).

## 8442.01 - **WORKERS' COMPENSATION**

The Ohio Bureau of Workers' Compensation ("BWC") provides insurance coverage to employees for work-related injuries sustained in the course of and arising out of employment and diseases contracted in the course of employment. It also provides benefits to employees' dependents in those cases of death suffered in the course of and arising out of employment. To that end, if an employee sustains a workplace injury or contracts an occupational disease, s/he may be eligible to receive compensation and benefits under the Workers' Compensation Act for loss sustained on account of an injury or illness.

### A. Reporting a Work-Related Injury

1. A Board employee who sustains a work-related injury shall report the injury and its circumstances via the electronic reporting process and to the District principal or job supervisor, as appropriate, as soon as possible following the occurrence of the injury. A *First Report of Injury, Occupational Disease or Death* application ("*First Report of Injury*" or "FROI-1") shall be automatically completed when using the electronic process and an accident investigation shall be conducted within 24 hours if possible. The failure of an employee to comply with this requirement may result in disciplinary action (see Board Policy 8442).
2. In addition to reporting the injury and completing an incident/accident report, the employee may file an application for benefits with the BWC. The Superintendent's designee shall provide assistance to an employee in filing a workers' compensation claim.
3. Payment for related medical benefits is the responsibility of the Board's Managed Care Organization (MCO) and the BWC. If the employee is written a prescription for the injury, the employee must contact the Human Resources Department prior to filling the prescription to ensure the cost is covered. If an employee pays out of pocket for a prescription, the full cost of that prescription may not be reimbursed by BWC.

### B. Leave Status

1. If an employee sustains a work-related injury and is unable to perform the functions of his/her position, s/he may file a workers' compensation claim in order to receive compensation and benefits through the BWC. Competent medical proof of disability shall be completed by the attending physician using the proper form and affixing his/her original signature. The injury or illness shall be determined to be compensable by the BWC, or in the case of dispute, the Ohio Industrial Commission. In no event

shall compensation commence before all initial paperwork is completed and filed with the appropriate agency(ies).

2. An employee may apply for an unpaid leave of absence pending approval of his/her workers' compensation claim and file for Temporary Total with BWC
  3. An employee may claim sick time during a work related injury or illness. Please note the use of sick time disqualifies the employee from claiming Temporary Total pay from BWC. s/he may apply for the use of sick leave.
  4. An employee may use any available paid vacation if applicable, to receive compensation while out on a work-related injury or illness.
  5. An employee may be simultaneously placed on leave under the Family and Medical Leave Act during his/her leave of absence as a result of a work-related injury or illness in accordance with Board policy.
- C. The Board reserves the right to have the employee examined by a physician of its choice at the Board's cost to confirm the medical diagnosis and/or the period of disability. Failure to submit to examination shall result in termination of wage continuation benefits.

An employee who obtains compensation from the BWC by knowingly misrepresenting or concealing facts, making false statements, or accepting compensation to which s/he is not entitled, is subject to felony criminal prosecution for fraud (see R.C. 2913.48).

## **8450 - CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES**

The Board recognizes that control of the spread of communicable disease spread through casual contact is essential to the well-being of the school community and to the efficient District operation.

For purposes of this policy, “casual-contact communicable disease” shall include diphtheria, scarlet fever and other strep infections, whooping cough, mumps, measles, rubella, and others designated by the Ohio Department of Public Health.

In order to protect the health and safety of the students, District personnel, and the community at large, the Board shall follow all State statutes and Health Department regulations which pertain to immunization and other means for controlling communicable disease spread through normal interaction in the school setting.

On the recommendation of a Board-appointed physician or the school nurse, the teacher may remove from the classroom and the principal/program manager may exclude from the building or isolate in the school any student who appears to be ill or has been exposed to a communicable disease, except that the teacher or principal/program manager may act independently if neither the physician or school nurse is not present in the building when the decision needs to be made.

## **8450.01 – PROTECTIVE FACIAL COVERING DURING PANDEMIC/EPIDEMIC**

It is the policy of the Board to mandate that all school staff, students, volunteers, and guests must wear face coverings as required by law. This face covering policy is established because of the importance of face masks in slowing the spread of COVID-19 and after considering all the available science. Recognizing that available scientific information, local needs, and laws may change at any moment, the Board authorizes the Superintendent to unilaterally review and adjust the instant face covering policy in consultation with the appropriate officials. At no time, shall this policy require a standard that is less than required by law.

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## **8462 - STUDENT ABUSE AND NEGLECT**

The Board is concerned with the physical and mental well-being of the students of this District and shall cooperate in the identification and reporting of cases of child abuse or neglect in accordance with law.

Every Board official and employee who, in connection with his/her position, knows or suspects child abuse or neglect shall immediately report that knowledge or suspicion to a public children's services or local law enforcement agency. Such reporting is required in every case that reasonably indicates that a child under the age of eighteen (18) or a physically or mentally disabled child under the age of twenty-one (21) has been abused (physically or mentally) or neglected or faces the threat of being abused or neglected.

Each principal/program manager should be mindful of the possibility of physical or mental abuse being inflicted on a student by an employee. Any such instances, whether real or alleged, should be dealt with. Board officials and employees shall report suspected abuse to a public children's services or local law enforcement agency even when the suspected abuser is another official or employee.

The identity of the reporting person shall be confidential, subject only to disclosure by consent or court order. Information concerning alleged child abuse/neglect of a student is confidential information and is not to be shared with any unauthorized person. A staff member who violates this policy may be subject to disciplinary action and/or civil and/or criminal penalties.

In accordance with law, the Board shall provide appropriate instruction on personal safety and assault prevention to all students in grades K-6

In addition, the Superintendent shall provide a program of in-service education for all nurses, teachers, counselors, school psychologists, mental health providers, and administrators who work in the District's elementary, middle, and high schools and any other personnel that the Board determines appropriate. The in-service education program will include school safety, violence prevention including human trafficking content, youth suicide awareness, and prevention, prevention of child abuse, substance abuse, promotion of positive youth development, and a review of Policy 5517.01 - Bullying and Other Forms of Aggressive Behavior.

The Board shall adopt or adapt an evidence-based awareness and prevention curriculum approved by the Ohio Department of Education (ODE), or alternatively will utilize a suicide awareness and prevention curriculum that has been developed in consultation with public or private agencies/persons involved in youth suicide awareness and prevention and that has been approved by the ODE.

The in-service education provided to middle and high District employees shall include training in the prevention of dating violence.

All newly-employed mental health providers, nurses, teachers, counselors, school psychologists and administrators who work in the District's elementary, middle, and high schools shall complete at least four (4) hours of in-service training within two (2) years of the date of employment.

Additional training must occur every two (2) years thereafter for suicide awareness and prevention, and every five (5) years thereafter for school safety, violence prevention, prevention of child abuse, prevention of substance abuse, and promotion of positive youth development.

The District shall be registered with the SaferOH tip line operated by the Department of Public Safety or shall enter into an agreement with an anonymous reporting program selected by the Board that meets the requirements set forth in law (R.C. 3313.6610).

The District shall submit data to the Ohio Department of Education (ODE), in a manner prescribed by the Department, and to the Department of Public Safety at the end of the first full school year of the District's participation in the anonymous reporting program, and at the end of each school year thereafter, disaggregated by the school.

The data shall be considered records and are not public records under R.C. 149.433.

The Superintendent will promote and inform students about the selected program and its reporting methods.

A law enforcement officer or children's services agency investigating child abuse or neglect may interview a student on school grounds only in accordance with Board Policy 5540.



- B. consult with a dietitian licensed under R.C. Chapter 4759, a dietetic technician registered by the commission on dietetic registration, or a school nutrition specialist certified or credentialed by the school nutrition association;
- C. consult and incorporate to the maximum extent possible the dietary guidelines for Americans jointly developed by the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services; and
- D. consult and incorporate the USDA Smart Snacks in School nutrition guidelines.

No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.

In addition, as required by law, a food safety program that is based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service program staff and other authorized persons.

The Board shall provide a Federal food service program for students during summer intervention programs that are mandated under Federal law. If the Board determines that it is unable to provide a Federal food service program during the summer, for financial reasons, the Board will communicate that decision to its residents in a manner it determines to be appropriate.

During all times while the food service program is operating and students are being served food, at least one (1) employee shall be present in the area in which the food is being consumed who has received instruction in methods to prevent choking and demonstrated an ability to perform the Heimlich maneuver.

### **Substitutions**

If determined appropriate by a student's Section 504 team, substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a health care provider who has prescriptive authority in the State of Ohio has provided medical certification that the student has a disability that restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b. To qualify for such substitutions the medical certification must identify:

- A. the student's disability and the major life activity affected by the disability;
- B. an explanation of why the disability affects the student's diet; and
- C. the food(s) to be omitted from the student's diet and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

If determined appropriate by a team of qualified individuals including, but not limited to, the Principal, school nurse, parent, and/or Food Service Supervisor, substitutions to the standard meal requirements may be made, at no additional charge, for a student who is not a “person with a disability,” but has a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:

- A. the medical or dietary need that restricts the student’s diet; and
- B. the food(s) to be omitted from the student’s diet and the food(s) or choice of foods that may be substituted.

For students without disabilities who need a nutritionally equivalent milk substitute, only a signed request by a parent or guardian is required. While the request must specify the medical or other special dietary need that restricts the student’s diet (i.e., precludes the student’s consumption of cow’s milk), medical certification may not be required.

Meals sold by the school may be purchased by students and staff members and community residents in accordance with administrative guidelines established by the Superintendent. Meals may be made available, free of charge, to senior citizens who are serving as volunteers to the District.

The operation and supervision of the food-service program shall be the responsibility of the Food Service Supervisor. In accordance with federal law, the Food Service Supervisor shall take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year, which are conducted by the State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report will be available upon request.

A periodic review of the food-service accounts shall be made by the Treasurer/CFO. Any surplus funds from the National School Lunch Program or the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a-la-carte foods may accrue to the food-service program.

Bad debt incurred through the inability to collect meal payment from students is not an allowable cost chargeable to any Federal program. Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable are also unallowable.

Bad debt is uncollectable/delinquent debt that has been determined to be uncollectable by the end of the school year in which the debt was incurred. If the uncollectable/delinquent debt cannot be recovered by the School Meals Program in the year when the debt was incurred, then this is classified as bad debt. Once classified as bad debt, non-Federal funding sources must reimburse the NSFSA for the total amount of the bad debt. The funds may come from the District general fund, State or local funding, school or community organizations such as the PTA, or any other non-Federal source. Once the uncollectable/delinquent debt charges are converted to bad debt,

records relating to those charges must be maintained in accordance with the record retention requirements in 7 C.F.R. 210.9(b) (17) and 7 C.F.R. 210.15(b).

The Superintendent is authorized to develop and implement an administrative guideline regarding meal charge procedures. This guideline will provide consistent directions for students who are eligible for reduced price or paid meals but do not have funds in their account or in hand to cover the cost of their meal at the time of service and shall also address feeding students with unpaid meal balances without stigmatizing them.

This guideline shall be provided in writing to all households at the start of each school year and to households transferring to the school or School District during the school year.

With regard to the operation of the school food service program, the Superintendent shall require:

- A. the maintenance of sanitary, neat premises free from fire and health hazards;
- B. the preparation of food that complies with Federal food safety regulations;
- C. the planning and execution of menus in compliance with USDA requirements;
- D. the purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy; (see Policy 1130, Policy 1200, Policy 3113, Policy 3214, Policy 4113, Policy 4214, and Policy 6460)
- E. complying with food holds and recalls in accordance with USDA regulations;
- F. the administration, accounting, and disposition of food-service funds pursuant to Federal and State law and USDA regulations;
- G. the safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;
- H. the regular maintenance and replacement of equipment;
- I. all District employees whose salaries are paid for with USDA funds or non-Federal funds used to meet a match or cost-share requirement must comply with the District's time and effort record-keeping policy (see Policy 6116).

In accordance with the nutritional standards adopted by the Board, the placement of vending machines in any classroom where students are provided instruction unless the classroom is also used to serve meals to students is prohibited.

The District shall serve only nutritious food in accordance with the nutritional standards adopted by the Board in compliance with the current USDA Dietary Guidelines for Americans and the



USDA Smart Snacks in School nutrition guidelines. Foods and beverages in competition with the District's food-service program must comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Board Policy 8550.

The Superintendent will require that the food service program serve foods in the schools of the District that are wholesome and nutritious and reinforce the concepts taught in the classroom.

The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report regarding the District's compliance with the standards at one of its regular meetings annually.

## 8531 - **FREE AND REDUCED-PRICE MEALS**

The Board recognizes the importance of good nutrition to each student's educational performance.

The Board shall provide needy children with lunch at a reduced rate or no charge to the student.

Children, eligible for free or reduced-price meals, shall be determined by the criteria established by the Child Nutrition Program and National School Lunch Act. These criteria are issued annually by the Federal government through the State Department of Education.

The Board designates the Food Service Supervisor to determine in accordance with Board standards, the eligibility of students for free and reduced-price meals.

The schools shall annually notify all families of the availability, eligibility requirements, and application procedure for free and reduced-price meals by distributing an application to the family of each student enrolled in the school and shall seek out and apply for such Federal, State, and local funds as may be applied to the District's program of free and reduced-price meals.

The Board shall provide a Federal food service program for students during summer intervention programs that are mandated under Federal law. If the Board determines that it is unable to provide a Federal food service program during the summer, for financial reasons, the Board will communicate that decision to its residents in a manner it determines to be appropriate.

The Superintendent shall prepare and implement the necessary arrangements and guidelines to ensure proper operation of this program. The Superintendent shall ensure that the appropriate policy attachments for Free and Reduced-Price Meals or Free Milk are properly completed and submitted for approval to the School Food Service Division of the State Department of Education by the beginning of each school year.

**8600 - TRANSPORTATION**

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It is the policy of the Board of Education to provide transportation for those students whose distance from their school makes this service necessary within the limitations established by State law. Such laws and rules shall govern any question not covered by this policy.

School buses shall be purchased, housed, and maintained by the Board for the transportation of resident students between their home areas and the schools of the District to which they are assigned or to their nonpublic or community schools. The Superintendent may substitute smaller buses for reasons of economy or efficiency of operation.

Children living beyond the following walking limits shall be entitled to bus transportation:

- A.      Grades K through 6      2 mile
- B.      Grades 7 through 12      2 mile

Exceptions to the foregoing limits may be made in the case of a temporarily or permanently-disabled child who has been so certified by a physician and in the case of adverse safety conditions.

Transportation of eligible vocational or special education children between their home areas and schools outside the District shall be arranged through the use of Board-owned vehicles, through cooperation with other districts, through commercial carriers, and/or by other means in the most efficient and economical manner. The governing authority of a community school shall provide or arrange for transportation free of charge for any eligible special education student enrolled in the community school for whom the student's individualized education program specifies transportation.

Transportation to and from school shall be provided for each student residing in the District and attending a State-chartered nonpublic school that is located within the thirty (30) minute travel limitation established by State law on the same basis as established for resident students as set forth above. Transportation shall be provided each day in which the nonpublic school is open with students in attendance (excluding Saturdays and Sundays except by agreement between the entities). Chartered nonpublic school students who are transported by the Board may be assigned to ride on buses upon which resident students are also assigned.

Furthermore, transportation to and from school shall be provided for each native student (i.e., student entitled to attend school in the District under R.C. 3313.64 or R.C. 3313.65) attending an approved community school for each day in which the school is open and students are in attendance (excluding Saturdays and Sundays except by agreement between the entities). However, if that community school is located outside the District, transportation will only be provided consistent with the thirty (30) minute travel limitation established by State law. Native students attending an approved community school located within the District will be provided transportation on the same basis as established for resident students set forth above. Students

transported to an approved community school may be assigned to ride on buses upon which resident students are also assigned.

Transportation of eligible nonpublic or community school children between their home areas and schools shall be arranged through the use of District-owned vehicles, through cooperation with other districts, through commercial carriers, and/or by other means in the most efficient and economical manner. The Board will not provide or arrange for transportation of students enrolled in kindergarten through eighth grade using mass transit system vehicles unless the Board and the community/nonpublic school have entered into an agreement authorizing this mode of transportation which is approved by both entities in advance. Students enrolled in ninth grade or above may be transported on vehicles operated by a mass transit system provided that the route does not require more than one transfer.

Upon receipt from the community/nonpublic school of the official start and end times of school for the upcoming year, the District will develop and provide a transportation plan which includes transportation routes and schedules for eligible students. The plan will be provided within sixty (60) days after receiving the start and end time, or when possible by the first day of August in the event the Board is not notified of start and end times by the deadline of April 1st. For eligible students who enroll after July 1st but before the start of the school year, a transportation plan will be developed within fourteen (14) business days after receiving a request for transportation.

The Superintendent may determine that it is impracticable to transport a student to a community or nonpublic school after considering the factors enumerated under State law. The determination for payment-in-lieu will be made at least thirty (30) calendar days prior to the District's first day of student instruction, or no later than fourteen (14) calendar days if a student is enrolled less than thirty (30) days prior to the first day of instruction or after the start of the school year, and must be formalized through a resolution passed by the Board at its next scheduled meeting. If transportation is determined to be impracticable, the Board will issue a letter to the student's parent/guardian, the community or nonpublic school, and the State Board of Education detailing the reason(s) why the determination was made. Parent(s)/guardians shall be provided payment-in-lieu of transportation at the amount established by State law, unless otherwise directed by action of the State Board of Education. Parents/guardians may authorize the community or nonpublic school where their student is enrolled to act on their behalf at any time after requesting transportation.

The Board will not be required to provide transportation for any native student enrolled in a community school if the Board has entered into an agreement with the governing authority of the community school that designates the community school as responsible for providing or arranging the transportation of the District's native students to and from the community school and is certified by the State Board of Education as having met certain requirements established by State law. The governing authority of a community school must provide or arrange for transportation in a manner that is comparable to the transportation that the District provides or arranges for its native students of the same grade level and distance from school who are enrolled in the District. Also, the governing authority must provide or arrange for the transportation under such agreement free of charge for each of its enrolled students who are eligible to be transported

in accordance with R.C. 3327.01 or who would otherwise be transported by the District under the District's transportation policy. If the Board enters into an agreement with the governing authority regarding the transportation of the District's native students, the State Board of Education shall make payments to the community school in accordance with the terms of the agreement for each student actually transported.

Likewise, the Board will not be responsible for providing transportation for any native student enrolled in an approved community school if the governing authority of the community school submits a written notification to the Board, by a date prescribed by the State Board of Education, stating that the governing authority will accept responsibility for providing or arranging for the transportation of the District's native students to and from the community school. The governing authority's unilateral acceptance of the responsibility to provide transportation must cover the entire school year, and shall remain in effect for subsequent school years unless the governing authority submits written notification to the Board relinquishing the transportation responsibility. However, the governing authority cannot relinquish the transportation responsibility before the end of the school year, and shall submit such notice by a date prescribed by the State Board of Education in order to allow the District a reasonable period of time to prepare for the transportation of its native students enrolled in the community school. If the governing authority unilaterally accepts the transportation responsibility, the State Board of Education shall make payments to the community school for each student actually transported calculated in accordance with existing State law governing the calculation of transportation payments to the District from the State and any rules implemented by the State Board of Education and that otherwise would be paid to the District.

Bus routes shall be established so that an authorized bus stop is available within reasonable walking distance of the home of every transported resident student. The Board shall approve the bus routes annually. The Superintendent is authorized to make any necessary changes in the approved route and shall inform the Board at the next regular meeting. Students receiving transportation will be delivered to school no sooner than thirty minutes before the start of school and will be picked up no later than thirty (30) minutes after dismissal.

The Board authorizes the installation and use of video recording devices in the school buses to assist the drivers in providing for the safety and well-being of the students while on a bus.

Students meeting the Federal definition of "homeless" will be transported from their temporary place of residence to their school of assignment, at the request of the parent, guardian or unaccompanied minor, to the same extent as all other students of the District and consistent with this Policy. If the homeless student's temporary residence is located outside the boundaries of the District, the Liaison for Homeless Children will coordinate with the Director of Transportation to contact the district in which the student temporarily resides to arrange for joint transportation of the student and to seek inter-district agreement on a method for apportioning the cost of such joint transportation. In no event will a homeless student be denied enrollment based on issues related to student transportation.

The Superintendent shall be responsible for developing and implementing appropriate administrative guidelines for this policy.

It is the policy of the Board of Education that all bus drivers obtain and hold proper certification under standards for school bus drivers established within the Ohio Revised Code. It is also the purpose of this Board to protect its students from drivers whose certification is invalidated by the Ohio Point Law or point standards of this District.

A copy of each new school bus driver's complete driving record must be obtained from the Ohio Department of Education prior to allowing the school bus driver to operate a school bus or school van for the first time. In accordance with State transportation regulations, the Superintendent shall request the administrator in charge of transportation to conduct at least a semi-annual review of each school bus driver's (i.e., current bus drivers and those newly hired bus drivers who remain employed with the Board) driving record through the Ohio Department of Education to determine that such drivers have:

- A. no more than six (6) points within the last twenty-four (24) month period;
- B. not been convicted of driving while under the influence of alcohol and/or a controlled substance during the past ten (10) years (i.e., not been convicted of a violation of R.C. 4511.19) or a substantially equivalent municipal offense;
- C. not received two (2) (or more) of the following serious traffic violations as defined in R.C. 4506.01 (II) during the last twenty-four (24) month period:
  - 1. a single charge of any speed in excess of the posted speed limit by fifteen (15) miles per hour or more;
  - 2. violation of R.C. 4511.20 (i.e., operation in willful or wanton disregard of the safety of persons or property) or R.C. 4511.201 (i.e., operation off-street or highway in willful or wanton disregard of the safety of persons or property) or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;
  - 3. violation of a law of this State or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;
  - 4. violation of R.C. 4506.03 (i.e., commercial driver's license or temporary instruction requirements) or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated for the passengers or type of cargo being transported;



5. violation of R.C. 4506.03 (i.e., commercial driver's license or temporary instruction requirements) or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;
  6. violation of R.C. 4511.33 (i.e., driving in marked lanes) or R.C. 4511.34 (i.e., space between moving vehicles) or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;
  7. violation while operating a commercial motor vehicle of a law of the state, any municipal ordinance, any county or township resolution, or any substantially similar law of another state or political subdivision of another state which prohibits texting while driving or using a handheld mobile device (except when a person is texting or using a mobile device to contact law enforcement or other emergency services);
  8. violation of any other law of this State or ordinance or resolution relating to traffic control, other than a parking violation, that is determined to be a serious traffic violation by the United States Secretary of Transportation and the Director designates such by rule; and
- D. no railroad crossing violations during the twelve (12) months (as evidenced by a conviction, video, or report by a railroad official)
- E. not received any violations that render the bus driver uninsurable by the District's Fleet Insurance Carrier.

The records obtained from the annual records check will be maintained for a minimum of ten (10) years.

A driver having any of the above-referenced violations will be disqualified from operating a bus. The driver will also be notified that his/her school bus certification will be reviewed by the Superintendent and his/her employment as a school bus driver may be terminated.

A driver involved in a preventable school bus accident, or judged guilty of a minor traffic violation, shall be subject to the disciplinary action established in the Superintendent's administrative guidelines. Further, no driver who is convicted of a traffic violation or has his/her commercial driver's license (CDL) suspended will be permitted to operate a school bus or school van until the driver files a written notice of the conviction or suspension. Such written notice must be immediately filed with the Superintendent or administrator in charge of transportation, irrespective of whether the traffic violation occurred while operating a Board-owned vehicle or a

private vehicle or during school or non-school hours. Failure to file the required written notice of conviction or suspension will result in the revocation of the driver's certificate and/or disciplinary action, up to and including termination.

If a school bus driver has an interruption in driving a school bus or school van for a period of one (1) year or longer, s/he will not be permitted to resume operating a school bus or school van until a copy of the school bus driver's complete driving record has been obtained.

In addition to the required driving record check, the administrator in charge of transportation shall obtain a satisfactory BCII report prior to hiring an individual as a new school bus or school van driver, along with an FBI background check (i.e., an FBI background check will also be required prior to hiring new employees). An updated, satisfactory criminal background check report shall be obtained for each school bus driver every six (6) years with driver re-certification. Each six (6) year criminal records check request shall be made to the Superintendent of the Bureau of Criminal Identification and investigation and include both a BCII and FBI report unless both of the following conditions apply so that only records of the FBI are required:

- A. a BCII report was obtained at the time of hire; and
- B. the employee presents proof that he/she has been a resident of this state for the five (5)-year period immediately prior to the date the recertification is requested.

Satisfactory shall be defined by the same standards applied to other public school employees. Such records shall also be maintained for a minimum of six (6) years (see Policy 4121 for criminal history record check requirements). Any driver who has been convicted of or pleaded guilty to any disqualifying offense shall not be hired or shall be released from employment.

No bus driver will be permitted to drive a school bus or school van unless s/he meets all other requirements contained in the rules adopted by the Ohio Department of Education prescribing qualifications of drivers of school buses and other student transportation. In addition, no bus driver will be permitted to drive a school bus or school van unless:

- A. information pertaining to the bus driver has been submitted to the Ohio Department of Education, including the name of the Board, name of the bus driver, driver license number, date of birth, date of hire, status of physical evaluation and status of training; and
- B. the most recent criminal records check, including information from the Federal Bureau of Investigation, has been completed and received by the Superintendent.

The Superintendent shall provide for an annual physical examination conforming to Ohio Department of Education standards to determine the driver's physical fitness for employment.

Drivers of school buses or vans employed by entities other than the District who are not subject to Ohio Department of Education rules must receive the certificate described by R.C. 3327.10(B) from the school administrator to contractor prior to being employed. These drivers also must have an annual physical conforming to State Highway Patrol rules performed in accordance with R.C. 3327.10(B). Any bus driver not employed by a school district, who drives a bus or van owned by the District, must give satisfactory and sufficient bond.

## **8630 - STUDENT TRANSPORTATION SAFETY AND WELFARE**

The Board of Education requires that student safety and welfare be ensured during the time students are being bused to school. The Board holds that busing is a privilege, not a right, which may be removed from any student who violates the rules of the District, or who conducts himself/herself in a manner which is considered dangerous to persons or property or a threat to the safe operation of the school bus.

The school bus driver shall be responsible for discipline of students while they are being transported to or from school. When a problem in student conduct requires stringent discipline, the driver shall report it in writing to the principal. A student may be suspended from bus transportation by the building administrator for disciplinary reasons up to a maximum of ten (10) days, in which case the parents are responsible for the student's transportation.

Students suspended from bus transportation shall be given written notice of their suspension and the reasons therefor, and an opportunity to appear at an informal hearing to answer the charges against them. Students whose conduct on the bus is so grievous as to consider expulsion from bus transportation shall be provided with the hearing privileges of R.C. 3313.66(B)(D)(E).

Students whose conduct on the bus is an immediate danger to persons or property or a threat to the safe operation of the school bus may be removed as soon as practicable from the vehicle and shall be given notice as soon as practicable of a hearing which must be held within seventy-two (72) hours of the removal.

The Superintendent shall establish administrative guidelines to ensure proper compliance with all aspects of State law and State Department of Education regulations.

## **8640 - TRANSPORTATION FOR FIELD AND OTHER DISTRICT-SPONSORED TRIPS**

It shall be the policy of the Board of Education to use regular or special-purpose school vehicles for transportation on field and other District-sponsored trips.

The transportation for all field and other District-sponsored trips is to be by vehicles owned or approved by the District and driven by approved drivers. Exceptions must have the approval of the Superintendent.

The Board will provide the vehicles for all other trips including co-curricular, athletic, and other extra-curricular trips, but a mileage charge will be assessed to cover the cost of the driver and fuel. This charge is to be paid by the sponsoring organization.

Transportation may be limited by the availability of vehicles, drivers, and scheduling and will not be available when needed for general school purposes.

All field trips shall be supervised by members of the staff. All other District-sponsored trips shall be supervised by either staff members or adults from the sponsoring organization. Any time students are on the vehicle, at least one (1) sponsor, chaperone, or staff member is expected to ride in the vehicle as well as to supervise students upon return to the District and while they are waiting for rides home.

All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception.

District students not affiliated with the trip activity, nondistrict students, and/or children of preschool age shall not be permitted to ride on the trip vehicle.

No student is allowed to drive on any trip. An exception may be made by the principal on an individual basis provided the student's parent(s) provides written authorization and release from liability using Form 5515 F2 – Parental Authorization and Release From Liability Form and does not transport any other student without the parent(s) of the student to be transported in such vehicle providing written authorization and release from liability using Form 5515 F2 – Parental Authorization and Release From Liability Form. In addition, the parent(s) of the approved student driver must provide written authorization for the student to transport others and release from liability using Form 5515 F2 – Parental Authorization and Release From Liability Form.

The Superintendent shall prepare administrative guidelines consistent with this policy.

## 8650 - **TRANSPORTATION BY SCHOOL VAN**

It is the policy of the Board of Education to provide transportation to students via Board owned and operated school vans, when the use of school buses is not reasonable. School vans shall only be used for the transportation of nine (9) or fewer passengers, not including the driver, in accordance with the original design and construction of the vehicle. Students shall not be transported in larger passenger vans (e.g., non-conforming extended van-type vehicles) carrying ten (10) passengers or more (particularly 12-15 passenger vans).

Similar to school buses, school vans shall be purchased, housed, and maintained by the Board for the transportation of resident students between their home areas and the schools of the District to which the students are assigned or to their nonpublic or community schools. However, such use shall generally be limited to preschool children, special needs children, children inaccessible to school buses, and students placed in alternative schools. School vans may also be used to transport students to and from field trips and/or other Board-approved school-related activities.

Students who are transported by school van are expected to conduct themselves in the same manner required of students transported by school bus and shall be subject to all applicable disciplinary rules.

All school van drivers employed by the Board shall complete the required Ohio School Van Driver training program prior to transporting students, meet all other qualification requirements, and comply with the Ohio Pupil Transportation and Safety Rules and applicable Board policies relative to student transportation. No individual shall be employed as a school van driver if s/he has not received a certificate certifying that the driver is at least eighteen (18) years of age, of good moral character, and is qualified physically and otherwise for the position. Only authorized Board employees may operate and transport students via school van.

## 8651 - **NONROUTINE USE OF SCHOOL BUSES**

The Board of Education will permit the school buses owned or leased by this District to be used for purposes other than regularly scheduled routes to and from school in accordance with law and rules of the State, provided such trips do not interfere with routine school transportation services.

The nonroutine use of buses shall be defined for purposes of this policy as those uses which are specified in R.C. 3327.018 and A.C. 3301-83-16.

### **A. Use of Buses for School Activities**

Buses operated on nonroutine trips involving school activities will be operated by the holder of a valid Ohio school bus driver's license who has been approved by the Board. Drivers shall be selected for nonroutine trips by the Transportation Supervisor on the basis of their knowledge, skill, and experience in operating a bus in the area to be traveled as well as their familiarity with the vehicle selected for use. The Superintendent shall require that nonroutine use of school buses shall include provision for insurance coverage and the requirement that chaperones accompany each school bus trip involving school-age passengers whose responsibility it will be to assist the staff member(s) in maintaining passenger control and in enforcing procedures for the safety of all passengers.

### **B. Use of Buses by Authorized Entities During Emergencies**

The Board may enter into a written agreement with a local, State or Federal government entity or agency, or a public or private nonprofit entity to operate its buses for the purpose of assisting the entity in fulfillment of legitimate activities during times of emergency. The agreement shall not be considered commerce as defined under State and Federal law. All State Board of Education regulations governing the operation of school buses when transporting students shall apply during such use, including the requirement that drivers hold proper certification to drive a bus. The Board will procure liability and property damage insurance to cover all vehicles used and passengers transported under these agreements. The Board may seek reimbursement for the costs of nonroutine transportation, which will not exceed the cost of operation and insurance coverage.

## **8660 - TRANSPORTATION OF STUDENTS BY PRIVATE VEHICLE**

No employee of this Board shall use his/her private vehicle to transport students of the District, except in emergency situations. In such situations, an employee's personal automobile liability insurance shall provide primary coverage in the event of an accident.

Employees are permitted to arrange for volunteer parents to transport students to school events and activities. However, no volunteer parent shall be permitted to transport students unless such parent has signed and submitted the District's Volunteer Driver Consent Form, along with the required driver license and insurance verification, to the District. Employees are not permitted to arrange for students to transport other students.



#### 8740 - **BONDING**

The Board recognizes that prudent trusteeship of the resources of this District dictate that the Superintendent, Treasurer, all District employees responsible for the safekeeping of District monies and property, and the fiscal agent(s) for entities, programs, partnerships, scholarships, coalitions, and the like be bonded or alternatively be covered by an insurance policy issued by a Board-approved and accredited insurance carrier or joint self-insurance pool.

An insurance policy must cover the Board from losses caused by the fraudulent or dishonest actions of and the failure to perform a duty prescribed by law of the employee. Coverage must be equal to or greater than the amount required by the Board for a surety bond.

The District shall be indemnified against loss of money and property by bonding of employees holding the positions and in the amounts determined by the Board or by providing adequate coverage through issuance of an insurance policy.

All other employees handling money shall be covered under a blanket bond or insurance policy to an amount determined by the Board. The Board shall bear the cost of insuring or bonding each employee required to be covered by this policy.



## **8900 - ANTI-FRAUD**

The Board expects all its employees to be honest and ethical in their conduct and to refrain from engaging in activities which may be fraudulent, illegal, or otherwise unethical. The District shall not tolerate such activities and shall investigate claims of suspected fraud or fraudulent activity and implement appropriate disciplinary measures, when necessary.

### **Scope**

This policy applies to any fraud, or suspected fraud, involving employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties having a business relationship with the District.

## **Policy**

Fraud and fraudulent activity are strictly prohibited.

Each employee or agent of the District shall be responsible for reporting any observed or suspected fraud or fraudulent activity to his/her immediate supervisor. If the employee's immediate supervisor is not available, responsive, or is the employee whose behavior is in question, the employee may report such information to the Superintendent. If the reported conduct relates to the Superintendent, the report may then be filed directly with the Board President.

All administrators shall attempt to investigate and verify any conduct that appears to constitute fraud within the areas of their responsibility.

All reporting and investigation shall be done in accordance with the District's Whistleblower's Policies.

In addition to or instead of filing a written report with the supervisor or other District authority, the employee may file a report using the Auditor of State's system for reporting fraud in accordance with Ohio law.

## **Notification**

The District shall provide information about the Ohio fraud-reporting system and the means of reporting fraud to each new employee at the time of his/her employment. Each new employee shall confirm receipt of such information within thirty (30) days of beginning employment.

## **Fraud – Definitions**

"Fraud" is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his/her legal injury. For purposes of this policy, fraud includes the misuse and/or misappropriation of public money by any Board employee member or official, or any office or Department of the District.

The following are examples of prohibited acts:

- A. falsification of any District record (particularly financial records) with the intent to conceal information to the District's detriment or the individual's advantage;
- B. forgery of a check, bank draft, wire transfer, or any other District financial document;

- C. unauthorized alteration of a financial document or account belonging to the District;
- D. misappropriation of funds, supplies, or other assets of the District;
- E. impropriety in handling or reporting money or financial transactions;
- F. disclosing confidential and proprietary information to outside parties for personal gain (either directly or indirectly);
- G. asking for or accepting anything of material value from contractors, vendors, or persons providing services or materials to the District, except as provided in gift policies;
- H. unauthorized destruction, removal, or use of records, furniture, fixtures and/or equipment for personal gain (either directly or indirectly); and
- I. misuse of State or Federal funds for other than their designated purposes.

This list is meant to illustrate the types of activities that are prohibited. It is not comprehensive. Other misconduct of a similar nature is prohibited.

### **Confidentiality**

The District shall maintain confidentiality with regard to the reports of suspected misconduct and the investigation, to the extent consistent with the conduct of an appropriate investigation and its obligations under the Public Records Act. However, absolute confidentiality for reporting witnesses and investigation results cannot be guaranteed.

Except as authorized by the Superintendent or designee, the reporting witness and others interviewed are not to discuss the allegations or investigation with other District employees or officials, vendors or contractors. Such discussions may interfere with the investigation. Further, because of the nature of the alleged misconduct, unsubstantiated allegations that are not privileged may harm an innocent individual's reputation and result in potential civil liability.

### **Non-Retaliation**

Those who, in good faith, report suspected fraudulent activity shall not be subject to any retaliation as a result of bringing the suspected misconduct forward. They shall be subject to protection of the District's Whistleblower's Board Policy 1411 (see also Board Policy 3211 and Board Policy 4211).

# RELATIONS





## **9130 - PUBLIC COMPLAINTS**

Any person or group, having a legitimate interest in the operations of this School District shall have the right to present a request, suggestion, or complaint concerning School District personnel, the program, or the operations of the School District. At the same time, the Board has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

It is the desire of the Board to rectify any misunderstandings between the public and the School District by direct discussions of an informal type among the interested parties. It is only when such informal meetings fail to resolve the differences, shall more formal procedures be employed.

Any requests, suggestions, or complaints reaching the Board, Board members, and the administration shall be referred to the Superintendent for consideration according to the following procedure.

### **Matters Regarding a Professional Staff Member**

#### **A. First Level**

If it is a matter specifically directed toward a professional staff member, the matter shall be addressed, initially, to the concerned staff member who shall discuss it promptly with the complainant and make every effort to provide a reasoned explanation or take appropriate action within his/her authority.

This level does not apply if the matter involves suspected child abuse, substance abuse, or any other serious allegation which may require investigation or inquiry by school officials prior to approaching the professional staff member.

As appropriate, the staff member shall report the matter and whatever action may have been taken to the Director or immediate supervisor.

#### **B. Second Level**

If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's supervisor.

C. Third Level

If a satisfactory solution is not achieved by discussion with the staff member's supervisor, a written request for a conference shall be submitted to the Superintendent or designee. This request should include:

1. the specific nature of the complaint and a brief statement of the facts giving rise to it;
2. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
3. the action which the complainant wishes taken and the reasons why it is felt that such action be taken.

Should the matter be resolved in conference with the Superintendent or designee, the Superintendent shall advise the Board of the resolution.

**Matters Regarding an Administrative Staff Member**

Since administrators are considered members of the School District's professional staff, the general procedure specified in "Matters Regarding a Professional Staff Member" shall be followed. The Superintendent may, if necessary, modify the supervisor assigned to first level or second level.

**Matters Regarding the Superintendent or Treasurer/CFO**

Should the matter be a concern regarding the Superintendent or Treasurer/CFO which cannot be resolved through discussion with the Superintendent or Treasurer/CFO, the complainant may submit a written request to the Board President for a conference with the Board. This request shall include:

- A. the specific nature of the complaint and a brief statement of the facts giving rise to it;
- B. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;
- C. the reason that the matter was not able to be resolved with the Superintendent or Treasurer/CFO;
- D. the action which the complainant wishes taken and the reasons why it is felt that such action should be taken.

The Board, after reviewing the request, may grant a meeting before the Board, or a committee of the Board, or refer the matter, if permitted by applicable laws and regulations, to an executive session.

The complainant shall be advised, in writing, of the Board's decision.

### **Matters Regarding a Classified Staff Member**

In the case of a classified staff member, the same procedure is to be followed as for "Matters Regarding a Professional Staff Member."

### **Matters Regarding School District Services or Operations**

If the request, suggestion, or complaint relates to a matter of School District procedure or operation, it should be addressed, initially, to the person in charge and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member."

### **Matters Regarding the Educational Program**

If the request, suggestion, or complaint relates to a matter of School District program, it should be addressed, initially, to the Superintendent and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member."

### **Matters Regarding Instructional Materials**

The Superintendent shall provide notice addressing students' and parents' rights to be adequately informed each year regarding their ability to inspect instructional materials and the procedure for completing such an inspection.

If the request, suggestion, or complaint relates to instructional materials such as textbooks, library books, reference works, and other instructional aids used in the School District, the following procedure shall be followed:

- A. The criticism is to be addressed to the program manager, in writing, and shall include:
  - 1. author;
  - 2. title;
  - 3. publisher;
  - 4. the complainant's familiarity with the material objected to;

5. sections objected to, by page and item;
  6. reasons for objection.
- B. Upon receipt of the information, the program manager shall, after advising the Superintendent of the complaint, and upon the Superintendent's approval, the Superintendent may appoint a review committee which may consist of one (1) or more professional staff members and one (1) or more lay persons knowledgeable in the area.
- C. The committee, in evaluating the questioned material, shall be guided by the following criteria:
1. the appropriateness of the material for the age and maturity level of the students with whom it is being used
  2. the accuracy of the material
  3. the objectivity of the material
  4. the use being made of the material
- D. The material in question may be withdrawn from use pending the committee's recommendation to the Superintendent.
- E. The committee's recommendation shall be reported to the Superintendent in writing within thirty (30) calendar days following the formation of the committee. The Superintendent shall advise the complainant, in writing, of the committee's recommendation and advise the Board of the action taken or recommended.
- F. The complainant may appeal this decision, within thirty (30) calendar days, to the Board through a written request to the Superintendent, who shall forward the request and all written material relating to the matter to the Board.
- G. The Board shall review the case and advise the complainant, in writing, of its decision within thirty (30) calendar days.

## **9140 - CITIZENS ADVISORY COMMITTEE**

The success of the District depends, to a large extent, on open channels of communication between the District and the community at large. Citizens advisory committees are particularly useful in this respect, both in keeping the Board of Education and administration informed with regard to community opinion and in representing the community in the study of specific school problems.

The Board authorizes that citizen advisory committees be used as appropriate.

Recommendations of all advisory committees shall not reduce the responsibility of the Board, which shall be free to accept or reject the recommendations as it sees fit.

#### 9141 - **BUSINESS ADVISORY COUNCIL**

As the Board has entered into an agreement under R.C. 3313.843 and/or R.C. 3313.845 to receive any services from the Trumbull County Educational Service Center (“ESC”), the Board is not required to appoint a business advisory council pursuant to R.C. 3313.82, R.C. 3313.821, and applicable law since the Board and ESC agree that the ESC’s business advisory council will represent the business of the District consistent with the authority granted by the Ohio General Assembly.

## 9150 - **DISTRICT VISITORS**

The Board welcomes and encourages visits to school by parents, other adult residents of the community and interested educators. But in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons into the schools, it is necessary to invoke visitor controls.

The Superintendent or principal/program manager has the authority to prohibit the entry of any person to a school of this District or to expel any person when there is reason to believe the presence of such person would be detrimental to the good order of the school. If such an individual refuses to leave the school grounds or creates a disturbance, the principal/program manager is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual.

Except as set forth in District policy or in the case of “service animals” required for use by a person with a disability, no other animals may be on school premises at any time.

Rules regarding entry of persons other than students, staff, and faculty upon school grounds or premises shall be posted conspicuously at or near the entrance to such grounds or premises if there are no formal entrances, and at the main entrance to each school building. In addition, the rules shall be posted in a central location in each school and made available to students, upon request.

## 9160 - PUBLIC ATTENDANCE AT SCHOOL EVENTS

The Board welcomes and encourages members of the community to attend athletic and other public events held by the schools in the District. Due to the need to maintain order and preserve the facilities of the District during the conduct of such events, the Board retains the right to bar the attendance of or remove any person whose conduct may constitute a disruption at a school event. School administrators are expected to call law enforcement officials if a person violates posted regulations or does not leave school property when reasonably requested. In accordance with Board Policy 7440, administrators may use metal detectors and other devices to protect the safety and well-being of participants and visitors.

No alcoholic beverage or other controlled substance may be possessed, consumed, or distributed at any function sponsored by the District or at any function occurring on Board property.

Smoking and/or the use of tobacco and/or tobacco substitute products is prohibited at any time within any enclosed facility owned or leased or contracted for by the Board, and in areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. Such prohibition also applies to school grounds, and any school-related event.

The Board is aware of the increasing desire of many parents and other members of an audience to make audio and/or video recordings of school events.

Such recordings can be made by parents or other members of the audience without restriction if the performance is not of copyrighted material. However, if the performance is of copyrighted material, recording can be made if the appropriate license authorizing such recordings has been secured in advance by the District. If the performance is of copyrighted material and the necessary license has not been secured in advance by the District, the audience shall be advised before the performance begins that audio and/or video recordings that shall be re-broadcast or distributed in any way, such as posting on the internet, are prohibited.

The Board authorizes the Superintendent to establish rules and procedures governing the use of non-District audio/visual recording equipment at any District-sponsored event or activity. Such rules are to be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to an activity.

Any person or organization seeking to film students or a school activity which is not a public event, shall obtain prior permission from the Superintendent.

All notices, signs, schedules, and other communications about school events shall contain the following statement:

“In accordance with State and Federal law, the District shall provide reasonable accommodations to persons with disabilities who wish to attend and/or participate in



school events. Such individuals should notify the Human Resources & Operations Director if they require a reasonable accommodation.”

## **9190 – SHOP PROJECT CHARGE**

It is the policy of the Board of Education to approve school sponsorship of functional occupational projects as part of the shop instruction related to the occupations being taught by the District.

Functional projects may be accepted by the teacher with the approval of the program supervisor.

Careful consideration shall be given to each project to ensure that the service rendered is not being exploited and that the project is of educational benefit to the students.

Patrons shall be charged only for the actual cost of materials used in completing instructional projects.



#### 9260 – **RELATIONS WITH BUSINESS AND INDUSTRY**

The Board believes that the District should maintain a strong program of communication between the school and potential employers of the school.

The Board directs the Superintendent to plan and implement activities that will foster effective communication between the District and the business community. Such activities may include, but not be limited to, conferences, open-houses, and visitations.

## **9270 - EQUIVALENT EDUCATION OUTSIDE THE SCHOOLS & PARTICIPATION IN EXTRA- CURRICULAR FOR STUDENTS NOT ENROLLED IN THE DISTRICT**

The Board of Education encourages the enrollment of all school age children resident in this District in public schools or in approved parochial or private schools so that they may enjoy the benefits of a well-planned educational program and the socialization possible in a group environment.

The Board recognizes its responsibility for assuring that every resident school-age child is enrolled in an approved school or is offered an equivalent education elsewhere and designates the Superintendent to act in its behalf.

A parent electing to home educate a child shall provide the Superintendent with annual written notification. The notification must include certain specific information and assurances concerning the home education program as set forth in State law, the State Department of Education Regulations, and AG 9270.

The Superintendent will excuse the child from attendance for home education purposes upon satisfactory showing that the child is being home educated by a person qualified to teach the branches in which instruction is required as referenced in AG 9270, and such additional branches, as the advancement and needs of the child may, in the opinion of the Superintendent, require.

The Superintendent shall develop and implement administrative guidelines that verify, prior to a child being excused from attendance for home education purposes, all requirements specified in the State Department of Education regulations and the conditions established in Policy 5463 - Credits from State-Chartered, Special, and Nonchartered Schools have been met.

A student who is educated at home is permitted to participate in any extracurricular activity offered in the school district to which the student would otherwise be assigned during the school year. If the District operates more than one (1) school that serves the student's grade level (as determined by the student's age and academic performance), the student shall be permitted to participate in the extracurricular activities at the school to which the student would be assigned by the Superintendent pursuant to R.C. 3319.01. If the student elects to participate in an extracurricular activity offered by the District, the student is not allowed to participate in that activity at another school or school district to which the student is not entitled to attend.

Similarly, a student who is enrolled in a nonpublic school is entitled to participate in any extracurricular activity not offered by the nonpublic school in the school district to which the student would otherwise be assigned during the school year. If the District operates more than one (1) school that serves the student's grade level (as determined by the student's age and academic performance), the student shall be permitted to participate in that extracurricular activity at the school to which the student would be assigned by the Superintendent pursuant to R.C. 3319.01.

The Superintendent may allow a student who is educated at home and not entitled to attend school in the District pursuant to R.C. 3313.64 or R.C. 3313.65, to participate in any extra-curricular activity offered by the District if the district to which the student is entitled to attend does not offer that extra-curricular activity.

### **Eligibility Requirements**

In order to participate in any extracurricular activity as detailed above, a student being educated at home or enrolled in a nonpublic school must be the appropriate age and grade level for the school that offers the extracurricular activity and must fulfill the same academic, nonacademic, and financial requirements as any other participant as specified in Board policy, administrative guidelines, the student handbooks and/or the Athletic Handbook. A student educated at home must meet the following academic requirements:

- A. If the student received home schooling in the preceding grade period, the student shall meet any academic requirements established by the State Board of Education for the continuation of home schooling.
- B. If the student did not receive home schooling in the preceding grading period, the student's academic performance during the preceding grading period shall have met any academic standards for eligibility to participate in the program established by the District.
- C. Eligibility for a student who leaves a school district mid-year for home schooling shall be determined based on an interim academic assessment issued by the district in which the student was enrolled based on the student's work while enrolled in the District.
- D. Any student who commences home schooling after the beginning of a school year and who is, at the time home schooling commences, ineligible to participate in an extracurricular activity due to failure to meet academic standards or any other requirements of the District shall not participate in the extracurricular activity until the student meets the academic requirements established by the State Board of Education for continuation of home schooling as verified by the Superintendent. No student shall be eligible to participate in the same semester in which the student as determined ineligible.

No eligible home schooled or nonpublic school student will be charged any fees in excess of those fees charged to other students for participation in the same extracurricular activity. No student will be denied the opportunity to participate in interscholastic athletics offered by a school in the District because the student has or is participating in college credit plus program as long as the student fulfills all academic, nonacademic and financial requirements.

## **9555 - PARTNERSHIPS WITH BUSINESS**

The Board is well aware of the role that education shall play in increasing the nation's productivity and future well-being. To ensure success requires the combining of talent and resources within the region between business and education. It also recognizes that schools of the District need to operate as an integral part of the economic community if students are to receive the type of education and training they shall need to function effectively in the twenty-first century.

The Board shall seek to establish not only partnerships between the District and individual companies but also, if possible, consortia involving several companies and/or Districts. The purpose shall be to seek opportunities for students and staff to share in new strategies and technologies being created in the business world and offer, in exchange, the knowledge and skill of District personnel in creating more effective continuing education for employees and members of the community. Properly planned and implemented, such partnerships or consortia could have significant impact on the nature and content of the curriculum as well as on the manner in which students are taught to learn.

The Superintendent is authorized to actively seek such partnerships.

**9700 - RELATIONS WITH SPECIAL INTEREST GROUPS**

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Any request from civic institutions, charitable organizations, or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fund raising, and free teaching materials shall be carefully reviewed to ensure that such activities promote student interests.

It is the policy of the Board that students, staff members, and District facilities are not to be used for promoting the interests of any non-school agency or organization, public or private, without the approval of the Board or its designee; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board.

**A. Political Interests**

All materials or activities proposed by outside political sources for student or staff use or participation shall be reviewed by the Superintendent on the basis of their (1) educational contribution to part or all of the school program and (2) benefit to students, and no such approval shall have the primary purpose of advancing the special interest of the proposing group.

The Board shall not permit the use of any type of educational material, program, or equipment in its curricular, co-curricular, or extra-curricular activities or at any time during the school day if such materials, programs, or equipment contain partisan political or commercial messages. Professional staff may, however, utilize political materials or those provided by special interest-groups in adopted courses of study with the approval of the principal/program manager.

School facilities or equipment may not be used as a means of producing or disseminating to the community any materials that advertises or promotes a political party, a political cause, or the candidacy of an individual for public office. Students and employees of the Board shall not be used to distribute campaign literature within the schools or on school grounds.

Outside speakers representing commercial organizations shall be welcome only when the commercial aspect is limited to naming the organization represented and the subject matter advances the educational aims of the District.

**B. Contests/Exhibits**

The Board recognizes that contests, exhibits, and the like may benefit individual students or the District as a whole, but participation in such special activities may not:

1. have the primary effect of advancing a special product, group, or company;

2. make unreasonable demands upon the time and energies of staff or students or upon the resources of the District;
3. involve any direct cost to the District; or
4. interrupt the regular school program.

**C. Distribution/Posting of Literature**

No outside organization or staff member or student representing an outside organization may distribute or post literature on that organization's behalf on District property either during or after school hours without the permission and prior review of the Superintendent.

**D. Solicitation of Funds**

Because the District cannot accommodate every organization that desires to solicit funds for worthy purposes, the Board shall not permit any organization not related to the District to solicit funds on District property.

Permission to solicit funds shall be granted only to those organizations, individuals, or staff members who meet the permission criteria established by the District. In accordance with Board Policy 5830, no District student may participate in the solicitation without the Superintendent's approval.

1. The Board disclaims all responsibility for the protection of, or accounting for, such funds.
2. Solicited funds are not to be deposited in any regular or special accounts of the District.
3. A copy of this policy shall be given to any individual granted permission to solicit funds on District property.
4. This policy does not apply to the raising of funds for District sponsored or school-sponsored activities.
5. Use of the name, logo, or any assets of the District, including, but not limited to facilities, technology, or communication networks, is prohibited without the specific permission of the Superintendent.

The Board does not permit or sanction the use of crowdfunding for District or specific school programs or activities, including co-curricular or extracurricular activities.

**E. Prizes/Scholarship**

The Board is appreciative of the generosity of organizations which offer scholarships or prizes to deserving students in this District. But, in accepting the offer of such scholarships or prizes, the Board directs that this policy be observed: No information either academic or personal shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with the Board's policy on student records.

The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the Superintendent.

**F. Sale of School Supplies**

In determining the appropriateness of the sale of school supplies by organizations other than the District, the Board requires that:

1. the organization have a purpose which shall benefit the District and its students;
2. the organization's planned activities are clearly in the best interest of the District and its students; and
3. the organization has submitted the following information and assurances on the form provided by the District: a statement noting the purpose of the organization, financial accountability assurances, and use of facility assurances.

All funds generated by the sale of such school supplies shall be kept separate from other activity funds or other transactions of the Board.

**G. Surveys and Questionnaires**

Neither District-related nor non-District-related organizations shall be allowed to administer a survey or questionnaire to students or staff unless the instrument and the proposed plan is submitted, in advance, to the Superintendent. If approved, a copy of the results and the proposed manner of their communication are to be provided to him/her for review and approval before they are released.

Students shall not be required to complete surveys to provide marketing information to vendors, or distribute to vendors any personal information of students, including but not limited to names, addresses, and telephone numbers, except as may be required by law. In addition, the District shall not enter into any

contract for products or services, including electronic media services, where personal information shall be collected from the students by the providers of the services.

## 9700.01 – ADVERTISING AND COMMERCIAL ACTIVITIES

The purpose of this policy is to provide guidance for the appropriate and inappropriate use of advertising or promoting of commercial products or services to students and parents in the schools.

“Advertising” comes in many different categories and forums and is defined as an oral, written, or graphic statement made by the producer, manufacturer, or seller of products, equipment, or services which calls for the public’s attention to arouse a desire to buy, use or patronize the product, equipment, or services. This includes the visible promotion of product logos for other than identification purposes. Brand names, trademarks, logos or tags for product or service identification purposes are not considered advertising.

The Board may permit advertising in District facilities or on District property in the following categories or forums in accordance with the guidance set forth herein:

### **Product Sales:**

- A. product sales benefiting a District, school, or student activity (e.g., the sale of beverages or food within schools);
- B. exclusive agreements between the District and businesses that provide the businesses with the exclusive right to sell or promote their products or services in the schools (e.g., pouring rights contracts with soda companies); and/or
- C. fundraising activities (e.g., short term sales of gift wrap, cookies, candy, etc.) to benefit a specific student population, club, or activity where the school receives a share of the profits.

### **Direct Advertising/Appropriation of Space:**

- A. signage and billboards in schools and school facilities;
- B. corporate logos or brand names on school equipment (e.g., marquees, message Boards or score Boards);
- C. ads, corporate logos, or brand names on book covers, student assignment books, or posters;
- D. ads in school publications (newspapers and yearbooks and event programs);
- E. media-based electronic advertising (e.g., Channel One or Internet or web-based sponsorship); and/or
- F. free samples (e.g., of food or personal hygiene products).

**Indirect Advertising:**

- A. corporate-sponsored instructional or educational materials, teacher training, contests, incentives, grants, or gifts; and/or
- B. the Board approves the use of instructional materials developed by commercial organizations such as films and videos only if the education value of the materials outweighs their commercial nature.

The films or material shall be carefully evaluated by the program manager for classroom use to determine whether the films or materials contain undesirable propaganda and are in compliance with the guidance as set forth above.

**Market Research:**

- A. surveys or polls related to commercial activities;
- B. internet surveys or polls asking for information related to commercial activities; and/or
- C. tracking students' internet behavior and responses to questions calling for personal identification at one or more websites.

It is further the policy of the Board that its name, students, staff members and District facilities shall not be used for any commercial advertising or otherwise promoting the interests of any commercial, political, nonprofit, or other non-school agency or organization, public or private, without the approval of the Board or its designee.

Any commercial advertising shall be structured in accordance with the General Advertising Guidance set forth below.

**General Advertising Guidance**

The following guidance shall be followed with respect to any form of advertising on school grounds:

- A. When working together, schools and businesses shall protect educational values. All commercial or corporate involvement should be consistent with the District's educational standards and goals.
- B. Any advertising that may become a permanent or semi-permanent part of a school requires prior approval of the Board.
- C. The Board reserves the right to consider requests for advertising in the schools on a case-by-case basis.

- D. No advertisement shall promote or contain references to alcohol, tobacco, drugs, drug paraphernalia, weapons, or lewd, vulgar, obscene, pornographic, or illegal materials or activities, gambling, violence, hatred, sexual conduct or sexually explicit material, X or R rated movies, or gambling aids.
- E. No advertisement shall promote any specific religion or religious, ethnic, or racial group, political candidate or ballot issue and shall be non-proselytizing.
- F. No advertisement may contain libelous material.
- G. No advertisement may be approved which would tend to create a substantial disruption in the school environment or inhibit the functioning of any school.
- H. No advertisement shall be false, misleading, or deceptive.
- I. Each advertisement shall be reviewed in advance for age appropriateness.
- J. Advertisements may be rejected by the District if determined to be inconsistent with the educational objectives of the District, inappropriate, or inconsistent with the guidance set forth in this policy.
- K. All corporate support or activity shall be consistent with the Board's policies prohibiting discrimination on the basis of race, color, national origin, religion, sex, disability, or age, and shall be age appropriate.
- L. Students shall not be required to advertise a product, service, company, or industry.
- M. Advertising shall not be permitted on the outside or the inside of school buses.
- N. The Superintendent or designee is responsible for screening all advertising.
- O. The Superintendent or designee may require that samples of advertising be made available for inspection.
- P. The inclusion of advertisements in District publications, in District facilities, or on District property does not constitute or imply approval and/or endorsement of any product, service, organization, or activity.
- Q. Final discretion regarding whether to advertise and the content and value of the materials shall be with the Board.

## **Accounting**

Advertising revenues shall be properly reported and accounted for.

## **9800 - HIGH SCHOOL DIPLOMAS TO WORLD WAR II, KOREAN CONFLICT AND VIETNAM CONFLICT VETERANS**

The Board of Education recognizes the service provided to the country and the individual sacrifices made by veterans of World War II and the Korean Conflict and the Vietnam Conflict.

Since many of these veterans left high school in order to fight for their country, the Board wishes to recognize their efforts by awarding them a high school diploma.

Similarly, the Board wishes to recognize the efforts of women who left high school during World War II, the Korean Conflict, or the Vietnam Conflict prior to graduation in order to join the workforce to support their family or to join the war effort or left due to family circumstances and subsequently joined the workforce or war effort by awarding them a high school diploma.

To be eligible for a diploma, all of the following criteria must be met:

- A. The individual is a current resident of the State of Ohio or was previously enrolled in any high school in this State.
- B. The individual either left a public or nonpublic school located in any state prior to graduation:
  - 1. in order to serve in the armed forces of the United States;
  - 2. due to family circumstances and subsequently joined the workforce or war effort, or entered the armed forces of the United States.
- C. The veteran received an honorable discharge from the armed forces of the United States.
- D. The individual has not been granted a high school diploma, a diploma of adult education, or a diploma under this provision.

If the individual is deceased, the Board will award a diploma to the veteran posthumously and present that diploma to a surviving relative of the veteran.

The Board may award a high school diploma after receiving the application and appropriate verification of eligibility from the Governor's Office of Veterans' Affairs. The application is available through and the eligibility verification is handled by the County Veterans Services Office.



## 9999 - News Media and News Media Representative Relations, Interactions, and Access

### A. Overview and General Protocols

1. The Mathews Local School District is renowned as a premier school district and has a reputation for providing an excellent system of public education. The Mathews Local School District strong relationships with our students, parents/guardians, community members, and stakeholders. Since we provide an excellent system of public education, the news media is frequently interested in the Mathews Local School District. All Board members and employees shall have the responsibility to be open and responsive to news media information requests within the protocols established and outlined in this Policy because the news media is among the many ways our students, parents/guardians, community members, and stakeholders build their individual perceptions of the Mathews Local School District.
2. **“News Media” Defined:** For the purpose of this Policy, “news media” **shall only** include print news media (newspapers and newsmagazines) and broadcast news media (radio and television) that encompass all of the following three “media integrity” qualities: (a) independence from private and/or political interests, (b) transparency about its own financial interests, and (c) commitment to well-established journalism ethics and standards. Simply having a social media account and/or page, website, hyperlocal platform, online newspaper, online newsmagazine, blog, podcast, and/or other means to disseminate information over the Internet and/or other electronic, wireless, and/or optical networking technologies **shall not** constitute “news media” for the purpose of this Policy. If an organization believes that it should constitute “news media” under this Policy, the organization may submit a formal request to the Superintendent explaining why the organization believes that it should be considered “news media” under this Policy. The determination as to whether an entity constitutes “news media” shall be determined solely by the Superintendent. The decision of the Superintendent shall be final.
3. **“News Media Representative” Defined:** For the purpose of this Policy, a “news media representative” **shall only** include those individuals (e.g., reporters, editors working as reporters, producers, video camera operators, still photographers, etc.) directly employed by the news media organization requesting “Mathews Local School District News Media Credentials” on behalf of the employed individual. For the purpose of this Policy, a “news media representative” **shall not** constitute a freelancer and/or a self-employed person offering services to one or more clients and/or businesses at a time. If any news media organization believes that a specific individual should be considered its “news media representative” under this Policy, the news media organization may submit a formal request to the Superintendent explaining why the specific individual should be considered its “news media representative” under this Policy including, but not limited to, the

steps the news media organization has taken and shall continue to take to ensure that the specific individual meets the “Mathews Local School District News Media Credentials” eligibility requirements and responsibilities as well as the protocols established and outlined in this Policy. The determination as to whether any person constitutes a “news media representative” shall be determined solely by the Superintendent. The decision of the Superintendent shall be final.

4. Positive relationships with the news media are developed and maintained by providing accurate, comprehensive, and complete information to news media representatives in a timely manner. Whenever contacted by news media representatives, the same courtesy and professionalism we extend to all of our students, parents/guardians, community members, and stakeholders shall be extended toward the news media representatives.
5. To ensure that information provided to the news media is accurate, comprehensive, and complete and to ensure that news media representatives have appropriate access to the best sources of information as determined by the Superintendent or designee, protocols for providing information to the news media are established and outlined in this Policy.
6. To assist the news media in obtaining accurate, comprehensive, and complete information, news media representatives are encouraged to make public record requests to the Treasurer/CFO pursuant to R.C. 149.43 and Board Policy 8130 (Public Records) so the Treasurer/CFO may provide appropriate responses to news media representatives.
7. All Board members and employees shall notify the Superintendent or designee whenever they are contacted by any news media representative for any reasons, including public record requests, and shall comply with the protocols established and outlined in this Policy. If any inquiry or request made by a news media representative is sensitive and/or significant, the Board member or employee shall immediately notify the Superintendent directly.
8. If any Board member or employee feels that there has been a misquote and/or misrepresentation made by any news media representative, that Board member or employee shall immediately contact the Superintendent or designee so an attempt can be made to provide the news media representative with (a) accurate, comprehensive, and complete information and (b) the opportunity to retract, clarify, and/or correct any misquotes and/or misrepresentations.
9. No Board member or employee shall ever release information and/or documentation which are private and/or confidential as identified by local, state, and/or federal laws, rules, and regulations, as well as the policies of the Board. If any Board member or employee believes that private and/or confidential

information and/or documentation has been released, that Board member or employee shall immediately contact the Superintendent or designee.

10. The protocols established and outlined in this Policy shall apply to both the Communications & Public Relations Office and Communications & Public Relations Coordinator. The Superintendent has the authority to place greater protocols upon both the Communications & Public Relations Office and Communications & Public Relations Coordinator provided those protocols are consistent with the protocols established and outlined in this Policy.
11. No Board member or employee shall – in any manner – repost, share, redistribute, and/or repurpose any “news media” source as defined in this Policy, “news media representative” source as defined in this Policy, and/or relating to the Mathews Local School District and/or its Board, schools, departments, and/or activities without (a) the prior written approval of the Superintendent or designee; (b) without properly crediting the appropriate news media, new media representative, parent organization, and/or District support organization source; and (c) without violating copyrights under local, state, and/or federal laws, rules, and regulations, as well as the policies of the Board including, but not limited to, Board Policies 2531 (Copyrighted Works) and 7540.02 (District Web Page). The decision of the Superintendent shall be final.
12. No Board member or employee shall ever – in any manner – repost, share, redistribute, and/or repurpose any non-news media, non-news media representative, non-parent organization, and/or non-District support organization source to any social media account owned, operating, and/or relating to the Mathews Local School District and/or its Board, schools, departments, and/or activities. If a Board member or employee believes that a non-news media, non-news media representative, non-parent organization, or non-District support organization source contains a topic of interest to the Mathews Local School District, that Board member or employee shall contact the Superintendent or designee and a determination shall be made by the Superintendent or designee regarding whether to incorporate such a topic in a source created and distributed by the Mathews Local School District itself. This process allows the Mathews Local School District to take steps to avoid violating copyrights under local, state, and/or federal laws, rules, and regulations, as well as the policies of the Board including, but not limited to, Board Policies 2531 (Copyrighted Works) and 7540.02 (District Web Page). This process also allows the Mathews Local School District to take steps to protect its own copyrights under local, state, and/or federal laws, rules, and regulations, as well as the policies of the Board including, but not limited to, Board Policies 1231.01 (Research and Publishing), 2531 (Copyrighted Works), 3231.01 (Research and Publishing), and 7540.02 (District Web Page). The decision of the Superintendent shall be final.

13. No Board member or employee shall ever – in any manner – like or comment upon any source as the Mathews Local School District and/or its Board, schools, departments, and/or activities without the prior written approval of the Superintendent or designee. The decision of the Superintendent shall be final.
14. A news media representative who violates any applicable local, state, and/or federal laws, rules, and regulations, as well as the policies of the Board including, but not limited to, this Policy, shall have their “Mathews Local School District Media Credentials” permanently revoked. The decision to permanently revoke “Mathews Local School District News Media Credentials” rests solely with the Superintendent. The decision of the Superintendent shall be final.
15. Nothing in this Policy is intended as a restraint on the rights of students, parents/guardians, community members, and/or stakeholders to have any interaction with and/or access to schools, events, parents/guardians, students, and Board employees in accordance with local, state, and/or federal laws, rules, and regulations, as well as the policies of the Board including, but not limited to, Board Policies 8105 (Civility Policy), 8310 (Public Records), 9150 (School Visitors), and 9160 (Public Attendance at School Events).

**B. News Media Spokesperson**

1. The Superintendent shall serve as the primary news media spokesperson for the Mathews Local School District and the Board. The Superintendent may designate news media spokesperson duties and responsibilities to administrators with regard to areas relating to their respective administrative positions and assignments. The Superintendent may also designate news media spokesperson duties and responsibilities to the Communications & Public Relations Coordinator. Any designation of news media spokesperson duties and responsibilities may be withdrawn by the Superintendent at any time and without any prior notice. The decision of the Superintendent shall be final.
2. All Board members shall refer all news media matters to the Superintendent or designee in accordance with this Policy. As set forth in Bylaw 0148, the Board President functions as the official spokesperson for the Board for all matters that have been memorialized pursuant to one or more resolutions of the Board. While it is understood that individual Board members may, from time-to-time, make public statements on education matters to local, state, and/or federal news media and/or public officials; all individual Board members shall, when writing or speaking on education matters to news media representatives, make it abundantly clear that the views of the individual Board member do not necessarily reflect the views of the Board or his/her colleagues.

**C. Board Employee Responsibilities**

1. Each program manager is authorized to keep parents/guardians and students informed about a school's programs, events, and activities in accordance with local, state, and/or federal laws, rules, and regulations, as well as the policies of the Board.
2. News media releases that are of concern to only one school, or to an organization of only one school, are the responsibility of the building principal/program manager and may only be released after coordination with the Communications & Public Relations Office and upon prior written approval of the Superintendent or designee.
3. Publicity regarding students shall always be evaluated in terms of the effect on the students and may only be released after coordination with the Communications & Public Relations Office and upon prior written approval of the Superintendent or designee.
4. All Board employees shall direct any and all news media representatives with inquiries and requests to the Office of the Superintendent. No Board employee shall tell any news media representative that he/she is not allowed to talk to the news media or that he/she has to get permission to do so. Instead, all Board employees shall simply tell news media representatives that: "The Mathews Local School District has policy is to refer all news media inquiries to the Office of the Superintendent. You can reach the Office of the Superintendent at (330) 637-3479 and the regular Central office hours are Monday through Friday from 8:00 a.m. to 4:00 p.m." All Board employees must respond quickly, courteously, and professionally to all news media inquiries and requests as news media representatives have deadlines to meet. Responding to news media representatives quickly, courteously, and professionally is important because the way a Board employee responds to new media inquiries and requests may be the news media representative's first impression of the Mathews Local School District and that first impression may end up in the published story and/or broadcasted news segment.
5. After having been given prior approval by the Superintendent or designee, a Board employee may only respond to news media inquiries and/or requests in a manner that is accurate, factual, and on a subject related to the employee's area of knowledge, experience, and expertise.
6. If the Board employee is not able to respond to news media inquiries and/or requests in a manner that is accurate, factual, and on a subject related to the employee's area of knowledge, experience, and expertise; the Board employee shall direct any and all news media representatives to the Office of the

Superintendent consistent with the protocols established and outlined in this Policy.

7. Nothing in this Policy is intended as a restraint on the expression of personal opinion by any Board employee as permitted by local, state, and/or federal laws, rules, and regulations, as well as the policies of the Board. Nonetheless, every Board employee is individually responsible for fully understanding any and all of the laws, rules, regulations, and policies that legally limit the Board employee's expression of personal opinion. To the extent any Board employee may legally express his/her personal opinion, the Board employee shall, when writing or speaking on education matters to news media representatives, make it abundantly clear that the views of the individual Board employee do not necessarily reflect the views of the Board, Mathews Local School District, or his/her colleagues. Any questions regarding the ability of a Board employee to express the Board employee's personal opinion shall be directed to the Superintendent or designee for written clarification.

**D. News Media Representative Interaction and Access**

**1. Mathews Local School District News Media Credentials**

- a. "Mathews Local School District News Media Credentials" shall be issued before any news media representative may have any interaction with and access to students, schools, events, parents/guardians, and Board employees.
- b. The Superintendent or designee shall be responsible for issuing Mathews Local School District News Media Credentials consistent with the protocols established and outlined in this Policy.
- c. All Mathews Local School District News Media Credentials must be requested, in writing, at least seven (7) business days in advance of any public or non-public school event.
- d. In issuing any Mathews Local School District News Media Credentials, the Superintendent or designee shall have the sole discretion to determine the duration upon which any such news media credentials shall expire (e.g., one hour, one day, one week, etc.) provided that no news media credential shall extend beyond June 30 (e.g., a news media credential issued on June 25 shall expire on June 30). Upon expiration of any Mathews Local School District News Media Credentials, the news media representative may request subsequent news media credentials, which the Superintendent or designee shall have the sole discretion to determine the duration upon which any subsequent news media credentials shall expire

provided that no news media credential shall extend beyond June 30. The decision of the Superintendent or designee shall be final.

- e. Mathews Local School District News Media Credentials shall only be available to news media representatives who meet all of the following eligibility requirements:
  - i. Present to the Superintendent or designee valid and current press identification issued by the employing media news organization.
  - ii. Present to the Superintendent or designee written document from the employing news media organization addressed to the Superintendent and (1) requesting that the specific news media representative be issued Mathews Local School District News Media Credentials and (2) verifying that the specific news media representative shall – at all times – be acting on behalf of the employing news media organization only, and (3) verifying that the specific news media representative shall – at all times – fully comply with the protocols established and outlined in this Policy. This written request and verification shall be presented to the Superintendent or designee no later than seven (7) calendar days after the date affixed to the written request and verification.
  - iii. Present to the Superintendent or designee sworn verification by the news media representative that he/she has no prior and/or current criminal convictions (this does not include minor traffic violations) as an adult regardless of whether the conviction has been either sealed or expunged. If the news media representative receives any criminal conviction (this does not include minor traffic violations) after having been issued Mathews Local School District News Media Credentials, that news media representative shall immediately notify the Superintendent or designee of all the details of the same.
  - iv. Present to the Superintendent or designee sworn verification by the news media representative that he/she: (1) has not been non-renewed for good and just cause by any public or news media employer, (2) has not been terminated by any school District pursuant to either R.C. 3319.16 or R.C. 3319.081 or by any public or news media employer for grounds similar to those set forth in either R.C. 3319.16 or R.C. 3319.081, and (3) has not resigned/retired from employment from any public or news media employer to avoid nonrenewal for just cause or termination pursuant to either R.C. 3319.16 or R.C. 3319.081, or for similar grounds.

- v. Present to the Superintendent or designee verification of having successfully passed an annual Federal Bureau of Investigation (FBI) background check which can be processed by the Board upon full payment by the news media representative. Additional periodic FBI background checks may be required by the Superintendent or designee at the sole cost of the news media representative.
- vi. Present to the Superintendent or designee verification of having successfully passed an annual Ohio Bureau of Criminal Investigation (BCI) background check which can be processed by the Board upon full payment by the news media representative. Additional periodic BCI background checks may be required by the Superintendent or designee at the sole cost of the news media representative.
- vii. Present to the Superintendent or designee sworn verification by the news media representative that he/she shall – at all times – comply with any and all applicable local, state, and/or federal laws, rules, and regulations, as well as the policies of the Board including, but not limited to, this Policy.
- viii. Present to the Superintendent or designee sworn verification by the news media representative that he/she shall not profit – in any way – from attendance at any school event beyond payment to the news media representative by the new media employer.
- ix. Present to the Superintendent or designee verification that the news media representative:
  - 1. Has been credentialed for similar events of the Mathews Local School District in the current and prior school years.
  - 2. Can demonstrate having written about the Mathews Local School District or related education issues in the current and prior school years.
  - 3. Where the first two conditions cannot be met, a provisional one-time credential may be provided upon the sole discretion of the Superintendent or designee. The decision of the Superintendent or designee shall be final.
- f. Students of the Mathews Local School District who have been designated “student reporter” status by their building principal/program manager shall



be issued Mathews Local School District News Media Credentials and shall – at all times – comply with any and all applicable local, state, and/or federal laws, rules, and regulations, as well as the policies of the Board including, but not limited to, this Policy.

- g. If there is limited space for news media at any public or non-public school event, the Superintendent or designee, at the sole discretion of the Superintendent or designee, may limit the number of Mathews Local School District News Media Credentials that are issued. The decision of the Superintendent or designee shall be final.
- h. A news media representative who refuses to comply with the directives of the Superintendent or designees shall have his/her Mathews Local School District News Media Credentials permanently revoked. The decision to permanently revoke Mathews Local School District News Media Credentials rests solely with the Superintendent. The decision of the Superintendent shall be final.
- i. Mathews Local School District News Media Credentials shall not be available to any individual engaging in advertising, marketing, public relations, or management departments/firms. Any individual found to have engaged or engaging in such conduct shall have his/her Mathews Local School District News Media Credentials permanently revoked. The decision to permanently revoke any Mathews Local School District News Media Credentials rests solely with the Superintendent. The decision of the Superintendent shall be final.
- j. All news media representatives must prominently display – at all times – both their (1) valid and current press identifications issued by the employing media news organizations and (2) their Mathews Local School District News Media Credentials. Failure to prominently display both the press identification and news media credential – at all times – shall result in the news media representative immediately being ejected from any and all school property. The news media representative shall also have his/her Mathews Local School District News Media Credentials permanently revoked. The decision to permanently revoke any Mathews Local School District Media Credentials rests solely with the Superintendent. The decision of the Superintendent shall be final.
- k. All news media representatives must – at all times – be accompanied by a school official selected by the Superintendent or designee. Failure to accompany the school official – at all times – shall result in the news media representative immediately being ejected from any and all school property. The news media representative shall also have his/her Mathews Local School District News Media Credentials permanently revoked. The

decision to permanently revoke any Mathews Local School District News Media Credentials rests solely with the Superintendent. The decision of the Superintendent shall be final.

2. **Public School Events:** A news media representative who has been properly issued Mathews Local School District News Media Credentials shall have access to all school events to which the public has been invited provided that the news media representative shall remain in the locations designated for news media only. Prior approval from the Superintendent or designee is not required to interview, film, or photograph staff or students at public events such as athletic contests, dramatic productions, music concerts, and graduation ceremonies provided that the news media representative remains in the locations designated for news media only.
3. **Non-Public School Events:** A news media representative who has been properly issued Mathews Local School District News Media Credentials must first obtain prior written approval from the Superintendent or designee before the news media representative may be permitted to enter any school to cover any event other than public events and the following conditions shall be complied with in full:
  - a. Prior written approval from the Superintendent or designee shall be obtained before interviewing, filming, and/or photographing students, parents/guardians, and/or Board employees. The decision of the Superintendent or designee shall be final.
  - b. Prior written approval from the Superintendent or designee shall be obtained before taking group shots that do not identify individual students by name - either still photos or video. The decision of the Superintendent or designee shall be final.
  - c. Prior written approval from both the parents/guardians and the Superintendent or designee shall be obtained before individual students are interviewed, taped, or photographed. The Superintendent or designee shall obtain parental/guardian permissions. A signed form giving parental/guardian permission for use of the student's image in video print and/or broadcast shall be kept on file at the school. Parents/guardians have the right to request that their child not be interviewed and/or photographed individually for video, print, and/or broadcast and the news media representative shall honor – without reservation – that right.
  - d. Classes shall not be interrupted for general interview purposes unless the building principal/program manager and teacher, as well as the Superintendent or designee, feel that the interview will promote classroom discussion and consistent with the protocols established and outlined in this Policy. The decision of the Superintendent or designee shall be final.

- e. News media representatives may sit in on and/or videotape footage in classrooms if it is agreeable to the building principal/program manager and the teacher(s) involved, as well as the Superintendent or designee, and consistent with the protocols established and outlined in this Policy. The decision of the Superintendent or designee shall be final.
  - f. News media representatives may have access to students and teachers for interview purposes during lunch periods and after school hours on school property with permission from the building principal/program manager and the Superintendent or designee consistent with the protocols established and outlined in this Policy. The decision of the Superintendent or designee shall be final.
  - g. News media representatives shall comply with any and all applicable local, state, and/or federal laws, rules, and regulations, as well as the policies of the Board including, but not limited to, Board Policies 8105 (Civility Policy), 9150 (School Visitors), and 9160 (Public Attendance at School Events)
4. **Requests from the Building Level:** When a publicity request is made from the program level to the Superintendent or designee as a result of a school event, the Superintendent or designee shall determine whether the request is appropriate and shall determine the manner in which to issue proper notification to the appropriate news media and issue Mathews Local School District News Media Credentials consistent with the protocols established and outlined in this Policy. The decision of the Superintendent or designee shall be final.
5. **Requests from News Media Representatives:** When a request is initiated by a news media representative to enter the school as a result of an independent school-related story on which the news media representative is working, the news media representative shall supply the following information to the Superintendent or designee: (a) the date and general time of day the news media representative wants to come into the school, (b) to whom the news media representative wants to talk, and (c) for what reason. The Superintendent or designee shall then determine whether to grant the request. If the request is granted, Superintendent or designee, will attempt to work with the news media representative and principal/program manager to coordinate a schedule agreeable to all concerned for a school visit and interview, as well as issue the Mathews Local School District News Media Credentials consistent with the protocols established and outlined in this Policy. The decision of the Superintendent or designee shall be final.

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